

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 63**

**Representatives Pelanda, Grossman**

**Cosponsors: Representatives Slaby, Boose, Maag, Becker, Buchy, Leland, Sears,  
Dever, Hill, Barnes, Fedor, Blessing, Boyd, Sheehy, Driehaus**

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**A BILL**

To amend sections 2151.421, 2151.99, and 3109.51 1  
and to enact section 3109.81 of the Revised Code 2  
to require mandatory reporters of child abuse or 3  
neglect to notify the county public children 4  
services agency when an attorney in fact under a 5  
document that purports to grant parental rights 6  
requests services from them, to require the 7  
agency to investigate the child's placement with 8  
the attorney in fact, and to require the agency 9  
to file a dependency complaint if it determines 10  
that the placement is unsafe for the child. 11

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

**Section 1.** That sections 2151.421, 2151.99, and 3109.51 be 12  
amended and section 3109.81 of the Revised Code be enacted to 13  
read as follows: 14

**Sec. 2151.421.** (A) (1) (a) No person described in division 15  
(A) (1) (b) of this section who is acting in an official or 16  
professional capacity and knows, or has reasonable cause to 17  
suspect based on facts that would cause a reasonable person in a 18

similar position to suspect, that a child under eighteen years 19  
of age or a mentally retarded, developmentally disabled, or 20  
physically impaired child under twenty-one years of age has 21  
suffered or faces a threat of suffering any physical or mental 22  
wound, injury, disability, or condition of a nature that 23  
reasonably indicates abuse or neglect of the child shall fail to 24  
immediately report that knowledge or reasonable cause to suspect 25  
to the entity or persons specified in this division. Except as 26  
provided in section 5120.173 of the Revised Code, the person 27  
making the report shall make it to the public children services 28  
agency or a municipal or county peace officer in the county in 29  
which the child resides or in which the abuse or neglect is 30  
occurring or has occurred. In the circumstances described in 31  
section 5120.173 of the Revised Code, the person making the 32  
report shall make it to the entity specified in that section. 33

(b) Division (A) (1) (a) of this section applies to any 34  
person who is an attorney; physician, including a hospital 35  
intern or resident; dentist; podiatrist; practitioner of a 36  
limited branch of medicine as specified in section 4731.15 of 37  
the Revised Code; registered nurse; licensed practical nurse; 38  
visiting nurse; other health care professional; licensed 39  
psychologist; licensed school psychologist; independent marriage 40  
and family therapist or marriage and family therapist; speech 41  
pathologist or audiologist; coroner; administrator or employee 42  
of a child day-care center; administrator or employee of a 43  
residential camp or child day camp; administrator or employee of 44  
a certified child care agency or other public or private 45  
children services agency; school teacher; school employee; 46  
school authority; person engaged in social work or the practice 47  
of professional counseling; agent of a county humane society; 48  
person, other than a cleric, rendering spiritual treatment 49

through prayer in accordance with the tenets of a well- 50  
recognized religion; employee of a county department of job and 51  
family services who is a professional and who works with 52  
children and families; superintendent or regional administrator 53  
employed by the department of youth services; superintendent, 54  
board member, or employee of a county board of developmental 55  
disabilities; investigative agent contracted with by a county 56  
board of developmental disabilities; employee of the department 57  
of developmental disabilities; employee of a facility or home 58  
that provides respite care in accordance with section 5123.171 59  
of the Revised Code; employee of a home health agency; employee 60  
of an entity that provides homemaker services; a person 61  
performing the duties of an assessor pursuant to Chapter 3107. 62  
or 5103. of the Revised Code; third party employed by a public 63  
children services agency to assist in providing child or family 64  
related services; court appointed special advocate; or guardian 65  
ad litem. 66

(c) A person listed in division (A) (1) (b) of this section, 67  
on being presented with a document, other than a court order, 68  
power of attorney given to a grandparent under section 3109.52 69  
of the Revised Code, or caretaker authorization affidavit 70  
executed under section 3109.65 of the Revised Code, as authority 71  
for requesting services for the child, shall comply with section 72  
3109.81 of the Revised Code. 73

(2) Except as provided in division (A) (3) of this section, 74  
an attorney or a physician is not required to make a report 75  
pursuant to division (A) (1) of this section concerning any 76  
communication the attorney or physician receives from a client 77  
or patient in an attorney-client or physician-patient 78  
relationship, if, in accordance with division (A) or (B) of 79  
section 2317.02 of the Revised Code, the attorney or physician 80

could not testify with respect to that communication in a civil 81  
or criminal proceeding. 82

(3) The client or patient in an attorney-client or 83  
physician-patient relationship described in division (A)(2) of 84  
this section is deemed to have waived any testimonial privilege 85  
under division (A) or (B) of section 2317.02 of the Revised Code 86  
with respect to any communication the attorney or physician 87  
receives from the client or patient in that attorney-client or 88  
physician-patient relationship, and the attorney or physician 89  
shall make a report pursuant to division (A)(1) of this section 90  
with respect to that communication, if all of the following 91  
apply: 92

(a) The client or patient, at the time of the 93  
communication, is either a child under eighteen years of age or 94  
a mentally retarded, developmentally disabled, or physically 95  
impaired person under twenty-one years of age. 96

(b) The attorney or physician knows, or has reasonable 97  
cause to suspect based on facts that would cause a reasonable 98  
person in similar position to suspect, as a result of the 99  
communication or any observations made during that 100  
communication, that the client or patient has suffered or faces 101  
a threat of suffering any physical or mental wound, injury, 102  
disability, or condition of a nature that reasonably indicates 103  
abuse or neglect of the client or patient. 104

(c) The abuse or neglect does not arise out of the 105  
client's or patient's attempt to have an abortion without the 106  
notification of her parents, guardian, or custodian in 107  
accordance with section 2151.85 of the Revised Code. 108

(4) (a) No cleric and no person, other than a volunteer, 109

designated by any church, religious society, or faith acting as 110  
a leader, official, or delegate on behalf of the church, 111  
religious society, or faith who is acting in an official or 112  
professional capacity, who knows, or has reasonable cause to 113  
believe based on facts that would cause a reasonable person in a 114  
similar position to believe, that a child under eighteen years 115  
of age or a mentally retarded, developmentally disabled, or 116  
physically impaired child under twenty-one years of age has 117  
suffered or faces a threat of suffering any physical or mental 118  
wound, injury, disability, or condition of a nature that 119  
reasonably indicates abuse or neglect of the child, and who 120  
knows, or has reasonable cause to believe based on facts that 121  
would cause a reasonable person in a similar position to 122  
believe, that another cleric or another person, other than a 123  
volunteer, designated by a church, religious society, or faith 124  
acting as a leader, official, or delegate on behalf of the 125  
church, religious society, or faith caused, or poses the threat 126  
of causing, the wound, injury, disability, or condition that 127  
reasonably indicates abuse or neglect shall fail to immediately 128  
report that knowledge or reasonable cause to believe to the 129  
entity or persons specified in this division. Except as provided 130  
in section 5120.173 of the Revised Code, the person making the 131  
report shall make it to the public children services agency or a 132  
municipal or county peace officer in the county in which the 133  
child resides or in which the abuse or neglect is occurring or 134  
has occurred. In the circumstances described in section 5120.173 135  
of the Revised Code, the person making the report shall make it 136  
to the entity specified in that section. 137

(b) Except as provided in division (A) (4) (c) of this 138  
section, a cleric is not required to make a report pursuant to 139  
division (A) (4) (a) of this section concerning any communication 140

the cleric receives from a penitent in a cleric-penitent 141  
relationship, if, in accordance with division (C) of section 142  
2317.02 of the Revised Code, the cleric could not testify with 143  
respect to that communication in a civil or criminal proceeding. 144

(c) The penitent in a cleric-penitent relationship 145  
described in division (A) (4) (b) of this section is deemed to 146  
have waived any testimonial privilege under division (C) of 147  
section 2317.02 of the Revised Code with respect to any 148  
communication the cleric receives from the penitent in that 149  
cleric-penitent relationship, and the cleric shall make a report 150  
pursuant to division (A) (4) (a) of this section with respect to 151  
that communication, if all of the following apply: 152

(i) The penitent, at the time of the communication, is 153  
either a child under eighteen years of age or a mentally 154  
retarded, developmentally disabled, or physically impaired 155  
person under twenty-one years of age. 156

(ii) The cleric knows, or has reasonable cause to believe 157  
based on facts that would cause a reasonable person in a similar 158  
position to believe, as a result of the communication or any 159  
observations made during that communication, the penitent has 160  
suffered or faces a threat of suffering any physical or mental 161  
wound, injury, disability, or condition of a nature that 162  
reasonably indicates abuse or neglect of the penitent. 163

(iii) The abuse or neglect does not arise out of the 164  
penitent's attempt to have an abortion performed upon a child 165  
under eighteen years of age or upon a mentally retarded, 166  
developmentally disabled, or physically impaired person under 167  
twenty-one years of age without the notification of her parents, 168  
guardian, or custodian in accordance with section 2151.85 of the 169  
Revised Code. 170

(d) Divisions (A) (4) (a) and (c) of this section do not 171  
apply in a cleric-penitent relationship when the disclosure of 172  
any communication the cleric receives from the penitent is in 173  
violation of the sacred trust. 174

(e) As used in divisions (A) (1) and (4) of this section, 175  
"cleric" and "sacred trust" have the same meanings as in section 176  
2317.02 of the Revised Code. 177

(B) Anyone who knows, or has reasonable cause to suspect 178  
based on facts that would cause a reasonable person in similar 179  
circumstances to suspect, that a child under eighteen years of 180  
age or a mentally retarded, developmentally disabled, or 181  
physically impaired person under twenty-one years of age has 182  
suffered or faces a threat of suffering any physical or mental 183  
wound, injury, disability, or other condition of a nature that 184  
reasonably indicates abuse or neglect of the child may report or 185  
cause reports to be made of that knowledge or reasonable cause 186  
to suspect to the entity or persons specified in this division. 187  
Except as provided in section 5120.173 of the Revised Code, a 188  
person making a report or causing a report to be made under this 189  
division shall make it or cause it to be made to the public 190  
children services agency or to a municipal or county peace 191  
officer. In the circumstances described in section 5120.173 of 192  
the Revised Code, a person making a report or causing a report 193  
to be made under this division shall make it or cause it to be 194  
made to the entity specified in that section. 195

(C) Any report made pursuant to division (A) or (B) of 196  
this section shall be made forthwith either by telephone or in 197  
person and shall be followed by a written report, if requested 198  
by the receiving agency or officer. The written report shall 199  
contain: 200

(1) The names and addresses of the child and the child's 201  
parents or the person or persons having custody of the child, if 202  
known; 203

(2) The child's age and the nature and extent of the 204  
child's injuries, abuse, or neglect that is known or reasonably 205  
suspected or believed, as applicable, to have occurred or of the 206  
threat of injury, abuse, or neglect that is known or reasonably 207  
suspected or believed, as applicable, to exist, including any 208  
evidence of previous injuries, abuse, or neglect; 209

(3) Any other information that might be helpful in 210  
establishing the cause of the injury, abuse, or neglect that is 211  
known or reasonably suspected or believed, as applicable, to 212  
have occurred or of the threat of injury, abuse, or neglect that 213  
is known or reasonably suspected or believed, as applicable, to 214  
exist. 215

Any person, who is required by division (A) of this 216  
section to report child abuse or child neglect that is known or 217  
reasonably suspected or believed to have occurred, may take or 218  
cause to be taken color photographs of areas of trauma visible 219  
on a child and, if medically indicated, cause to be performed 220  
radiological examinations of the child. 221

(D) As used in this division, "children's advocacy center" 222  
and "sexual abuse of a child" have the same meanings as in 223  
section 2151.425 of the Revised Code. 224

(1) When a municipal or county peace officer receives a 225  
report concerning the possible abuse or neglect of a child or 226  
the possible threat of abuse or neglect of a child, upon receipt 227  
of the report, the municipal or county peace officer who 228  
receives the report shall refer the report to the appropriate 229

public children services agency. 230

(2) When a public children services agency receives a 231  
report pursuant to this division or division (A) or (B) of this 232  
section, upon receipt of the report, the public children 233  
services agency shall do both of the following: 234

(a) Comply with section 2151.422 of the Revised Code; 235

(b) If the county served by the agency is also served by a 236  
children's advocacy center and the report alleges sexual abuse 237  
of a child or another type of abuse of a child that is specified 238  
in the memorandum of understanding that creates the center as 239  
being within the center's jurisdiction, comply regarding the 240  
report with the protocol and procedures for referrals and 241  
investigations, with the coordinating activities, and with the 242  
authority or responsibility for performing or providing 243  
functions, activities, and services stipulated in the 244  
interagency agreement entered into under section 2151.428 of the 245  
Revised Code relative to that center. 246

(E) No township, municipal, or county peace officer shall 247  
remove a child about whom a report is made pursuant to this 248  
section from the child's parents, stepparents, or guardian or 249  
any other persons having custody of the child without 250  
consultation with the public children services agency, unless, 251  
in the judgment of the officer, and, if the report was made by 252  
physician, the physician, immediate removal is considered 253  
essential to protect the child from further abuse or neglect. 254  
The agency that must be consulted shall be the agency conducting 255  
the investigation of the report as determined pursuant to 256  
section 2151.422 of the Revised Code. 257

(F) (1) Except as provided in section 2151.422 of the 258

Revised Code or in an interagency agreement entered into under 259  
section 2151.428 of the Revised Code that applies to the 260  
particular report, the public children services agency shall 261  
investigate, within twenty-four hours, each report of child 262  
abuse or child neglect that is known or reasonably suspected or 263  
believed to have occurred and of a threat of child abuse or 264  
child neglect that is known or reasonably suspected or believed 265  
to exist that is referred to it under this section to determine 266  
the circumstances surrounding the injuries, abuse, or neglect or 267  
the threat of injury, abuse, or neglect, the cause of the 268  
injuries, abuse, neglect, or threat, and the person or persons 269  
responsible. The investigation shall be made in cooperation with 270  
the law enforcement agency and in accordance with the memorandum 271  
of understanding prepared under division (J) of this section. A 272  
representative of the public children services agency shall, at 273  
the time of initial contact with the person subject to the 274  
investigation, inform the person of the specific complaints or 275  
allegations made against the person. The information shall be 276  
given in a manner that is consistent with division (H)(1) of 277  
this section and protects the rights of the person making the 278  
report under this section. 279

A failure to make the investigation in accordance with the 280  
memorandum is not grounds for, and shall not result in, the 281  
dismissal of any charges or complaint arising from the report or 282  
the suppression of any evidence obtained as a result of the 283  
report and does not give, and shall not be construed as giving, 284  
any rights or any grounds for appeal or post-conviction relief 285  
to any person. The public children services agency shall report 286  
each case to the uniform statewide automated child welfare 287  
information system that the department of job and family 288  
services shall maintain in accordance with section 5101.13 of 289

the Revised Code. The public children services agency shall 290  
submit a report of its investigation, in writing, to the law 291  
enforcement agency. 292

(2) The public children services agency shall make any 293  
recommendations to the county prosecuting attorney or city 294  
director of law that it considers necessary to protect any 295  
children that are brought to its attention. 296

(G) (1) (a) Except as provided in division (H) (3) of this 297  
section, anyone or any hospital, institution, school, health 298  
department, or agency participating in the making of reports 299  
under division (A) of this section, anyone or any hospital, 300  
institution, school, health department, or agency participating 301  
in good faith in the making of reports under division (B) of 302  
this section, and anyone participating in good faith in a 303  
judicial proceeding resulting from the reports, shall be immune 304  
from any civil or criminal liability for injury, death, or loss 305  
to person or property that otherwise might be incurred or 306  
imposed as a result of the making of the reports or the 307  
participation in the judicial proceeding. 308

(b) Notwithstanding section 4731.22 of the Revised Code, 309  
the physician-patient privilege shall not be a ground for 310  
excluding evidence regarding a child's injuries, abuse, or 311  
neglect, or the cause of the injuries, abuse, or neglect in any 312  
judicial proceeding resulting from a report submitted pursuant 313  
to this section. 314

(2) In any civil or criminal action or proceeding in which 315  
it is alleged and proved that participation in the making of a 316  
report under this section was not in good faith or participation 317  
in a judicial proceeding resulting from a report made under this 318  
section was not in good faith, the court shall award the 319

prevailing party reasonable attorney's fees and costs and, if a 320  
civil action or proceeding is voluntarily dismissed, may award 321  
reasonable attorney's fees and costs to the party against whom 322  
the civil action or proceeding is brought. 323

(H) (1) Except as provided in divisions (H) (4) and (N) of 324  
this section, a report made under this section is confidential. 325  
The information provided in a report made pursuant to this 326  
section and the name of the person who made the report shall not 327  
be released for use, and shall not be used, as evidence in any 328  
civil action or proceeding brought against the person who made 329  
the report. Nothing in this division shall preclude the use of 330  
reports of other incidents of known or suspected abuse or 331  
neglect in a civil action or proceeding brought pursuant to 332  
division (M) of this section against a person who is alleged to 333  
have violated division (A) (1) of this section, provided that any 334  
information in a report that would identify the child who is the 335  
subject of the report or the maker of the report, if the maker 336  
of the report is not the defendant or an agent or employee of 337  
the defendant, has been redacted. In a criminal proceeding, the 338  
report is admissible in evidence in accordance with the Rules of 339  
Evidence and is subject to discovery in accordance with the 340  
Rules of Criminal Procedure. 341

(2) No person shall permit or encourage the unauthorized 342  
dissemination of the contents of any report made under this 343  
section. 344

(3) A person who knowingly makes or causes another person 345  
to make a false report under division (B) of this section that 346  
alleges that any person has committed an act or omission that 347  
resulted in a child being an abused child or a neglected child 348  
is guilty of a violation of section 2921.14 of the Revised Code. 349

(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 municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, 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. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. 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.

(I) 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.

(J) (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 409  
department of job and family services; 410

(h) The county humane society; 411

(i) If the public children services agency participated in 412  
the execution of a memorandum of understanding under section 413  
2151.426 of the Revised Code establishing a children's advocacy 414  
center, each participating member of the children's advocacy 415  
center established by the memorandum. 416

(2) A memorandum of understanding shall set forth the 417  
normal operating procedure to be employed by all concerned 418  
officials in the execution of their respective responsibilities 419  
under this section and division (C) of section 2919.21, division 420  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 421  
section 2919.24 of the Revised Code and shall have as two of its 422  
primary goals the elimination of all unnecessary interviews of 423  
children who are the subject of reports made pursuant to 424  
division (A) or (B) of this section and, when feasible, 425  
providing for only one interview of a child who is the subject 426  
of any report made pursuant to division (A) or (B) of this 427  
section. A failure to follow the procedure set forth in the 428  
memorandum by the concerned officials is not grounds for, and 429  
shall not result in, the dismissal of any charges or complaint 430  
arising from any reported case of abuse or neglect or the 431  
suppression of any evidence obtained as a result of any reported 432  
child abuse or child neglect and does not give, and shall not be 433  
construed as giving, any rights or any grounds for appeal or 434  
post-conviction relief to any person. 435

(3) A memorandum of understanding shall include all of the 436  
following: 437

(a) The roles and responsibilities for handling emergency 438  
and nonemergency cases of abuse and neglect; 439

(b) Standards and procedures to be used in handling and 440  
coordinating investigations of reported cases of child abuse and 441  
reported cases of child neglect, methods to be used in 442  
interviewing the child who is the subject of the report and who 443  
allegedly was abused or neglected, and standards and procedures 444  
addressing the categories of persons who may interview the child 445  
who is the subject of the report and who allegedly was abused or 446  
neglected. 447

(4) If a public children services agency participated in 448  
the execution of a memorandum of understanding under section 449  
2151.426 of the Revised Code establishing a children's advocacy 450  
center, the agency shall incorporate the contents of that 451  
memorandum in the memorandum prepared pursuant to this section. 452

(5) The clerk of the court of common pleas in the county 453  
may sign the memorandum of understanding prepared under division 454  
(J)(1) of this section. If the clerk signs the memorandum of 455  
understanding, the clerk shall execute all relevant 456  
responsibilities as required of officials specified in the 457  
memorandum. 458

(K)(1) Except as provided in division (K)(4) of this 459  
section, a person who is required to make a report pursuant to 460  
division (A) of this section may make a reasonable number of 461  
requests of the public children services agency that receives or 462  
is referred the report, or of the children's advocacy center 463  
that is referred the report if the report is referred to a 464  
children's advocacy center pursuant to an interagency agreement 465  
entered into under section 2151.428 of the Revised Code, to be 466  
provided with the following information: 467

(a) Whether the agency or center has initiated an investigation of the report; 468  
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(b) Whether the agency or center is continuing to investigate the report; 470  
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 472  
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(d) The general status of the health and safety of the child who is the subject of the report; 474  
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 476  
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(2) A person may request the information specified in division (K)(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. 479  
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When a municipal or county 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 (K)(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. 483  
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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 (K)(1) of this section a 493  
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reasonable number of times, except that the agency shall not 497  
disclose any confidential information regarding the child who is 498  
the subject of the report other than the information described 499  
in those divisions. 500

(3) A request made pursuant to division (K)(1) of this 501  
section is not a substitute for any report required to be made 502  
pursuant to division (A) of this section. 503

(4) If an agency other than the agency that received or 504  
was referred the report is conducting the investigation of the 505  
report pursuant to section 2151.422 of the Revised Code, the 506  
agency conducting the investigation shall comply with the 507  
requirements of division (K) of this section. 508

(L) The director of job and family services shall adopt 509  
rules in accordance with Chapter 119. of the Revised Code to 510  
implement this section. The department of job and family 511  
services may enter into a plan of cooperation with any other 512  
governmental entity to aid in ensuring that children are 513  
protected from abuse and neglect. The department shall make 514  
recommendations to the attorney general that the department 515  
determines are necessary to protect children from child abuse 516  
and child neglect. 517

(M) Whoever violates division (A) of this section is 518  
liable for compensatory and exemplary damages to the child who 519  
would have been the subject of the report that was not made. A 520  
person who brings a civil action or proceeding pursuant to this 521  
division against a person who is alleged to have violated 522  
division (A)(1) of this section may use in the action or 523  
proceeding reports of other incidents of known or suspected 524  
abuse or neglect, provided that any information in a report that 525  
would identify the child who is the subject of the report or the 526

maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N) (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 557  
out-of-home care entity, the agency shall provide the written 558  
notice to the owner or governing board of the out-of-home care 559  
entity that is the subject of the report. The agency shall not 560  
provide witness statements or police or other investigative 561  
reports. 562

(3) No later than three days after the day on which a 563  
public children services agency that conducted the investigation 564  
as determined pursuant to section 2151.422 of the Revised Code 565  
makes a disposition of an investigation involving a report of 566  
alleged child abuse or child neglect, or a report of an alleged 567  
threat of child abuse or child neglect, that allegedly occurred 568  
in or involved an out-of-home care entity, the agency shall send 569  
written notice of the disposition of the investigation to the 570  
administrator, director, or other chief administrative officer 571  
and the owner or governing board of the out-of-home care entity. 572  
The agency shall not provide witness statements or police or 573  
other investigative reports. 574

(O) As used in this section, "investigation" means the 575  
public children services agency's response to an accepted report 576  
of child abuse or neglect through either an alternative response 577  
or a traditional response. 578

**Sec. 2151.99.** (A) (1) Except as otherwise provided in 579  
division (A) (2) of this section, whoever violates division (D) 580  
(2) or (3) of section 2151.313 or division ~~(A) (4)~~ or (H) (2) 581  
of section 2151.421 of the Revised Code is guilty of a 582  
misdemeanor of the fourth degree. 583

(2) Whoever violates division (A) (4) of section 2151.421 584  
of the Revised Code knowing that a child has been abused or 585  
neglected and knowing that the person who committed the abuse or 586

neglect was a cleric or another person, other than a volunteer, 587  
designated by a church, religious society, or faith acting as a 588  
leader, official, or delegate on behalf of the church, religious 589  
society, or faith, is guilty of a misdemeanor of the first 590  
degree if the person who violates division (A) (4) of this 591  
section and the person who committed the abuse or neglect belong 592  
to the same church, religious society, or faith. 593

(B) Whoever violates division (D) (1) of section 2151.313 594  
of the Revised Code is guilty of a minor misdemeanor. 595

(C) Whoever violates division (A) (1) (a) of section 596  
2151.421 of the Revised Code shall be punished as follows: 597

(1) Except as otherwise provided in division (C) (2) of 598  
this section, the offender is guilty of a misdemeanor of the 599  
fourth degree. 600

(2) The offender is guilty of a misdemeanor of the first 601  
degree if the child who is the subject of the required report 602  
that the offender fails to make suffers or faces the threat of 603  
suffering the physical or mental wound, injury, disability, or 604  
condition that would be the basis of the required report when 605  
the child is under the direct care or supervision of the 606  
offender who is then acting in the offender's official or 607  
professional capacity or when the child is under the direct care 608  
or supervision of another person over whom the offender while 609  
acting in the offender's official or professional capacity has 610  
supervisory control. 611

**Sec. 3109.51.** As used in sections 3109.52 to ~~3109.80~~ 612  
3109.81 of the Revised Code: 613

(A) "Child" means a person under eighteen years of age. 614

(B) "Custodian" means an individual with legal custody of 615

a child. 616

(C) "Guardian" means an individual granted authority by a 617  
probate court pursuant to Chapter 2111. of the Revised Code to 618  
exercise parental rights over a child to the extent provided in 619  
the court's order and subject to the residual parental rights, 620  
privileges, and responsibilities of the child's parents. 621

(D) "Legal custody" and "residual parental rights, 622  
privileges, and responsibilities" have the same meanings as in 623  
section 2151.011 of the Revised Code. 624

Sec. 3109.81. (A) As used in this section, "service 625  
provider" means any person listed in division (A) (1) (b) of 626  
section 2151.421 of the Revised Code. 627

(B) (1) Except as provided in division (B) (2) of this 628  
section, when an attorney in fact under a document that purports 629  
to grant to a person with whom a child is residing any of the 630  
parent's, guardian's, or custodian's rights and responsibilities 631  
regarding the care, physical control, and custody of the child 632  
requests registration in a school, medical treatment, or other 633  
services for a child and presents the document as authority for 634  
requesting the services, the service provider shall promptly 635  
report the request, in writing, to the public children services 636  
agency of the county in which the child resides. The report 637  
shall include the name and address of the attorney in fact and 638  
of the child, the child's age, and the nature of the services 639  
requested. 640

(2) A service provider is not required to make a report 641  
under division (B) (1) of this section if the document presented 642  
appears to be a valid court order, power of attorney given to a 643  
grandparent under section 3109.52 of the Revised Code, or 644

caretaker authorization affidavit executed under section 3109.65 645  
of the Revised Code. 646

(C) On receiving a report made under division (B) of this 647  
section, a public children services agency shall treat the 648  
report as an allegation that the child is a dependent child and 649  
shall investigate the child's temporary placement with the 650  
attorney in fact in accordance with section 5153.16 of the 651  
Revised Code and rules adopted under section 5153.166 of the 652  
Revised Code. The investigation shall include a criminal records 653  
check, a check of court records for any child-related civil 654  
proceedings, and a home safety study. 655

(D) If a public children services agency, after an 656  
investigation conducted under division (C) of this section, 657  
determines that the temporary placement of the child with the 658  
attorney in fact is unsafe for the child, the agency shall file 659  
a dependency complaint with the juvenile court pursuant to 660  
section 2151.27 of the Revised Code. 661

**Section 2.** That existing sections 2151.421, 2151.99, and 662  
3109.51 of the Revised Code are hereby repealed. 663

**Section 3.** Section 2151.421 of the Revised Code is 664  
presented in this act as a composite of the section as amended 665  
by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th 666  
General Assembly. The General Assembly, applying the principle 667  
stated in division (B) of section 1.52 of the Revised Code that 668  
amendments are to be harmonized if reasonably capable of 669  
simultaneous operation, finds that the composite is the 670  
resulting version of the section in effect prior to the 671  
effective date of the section as presented in this act. 672

Section 2151.99 of the Revised Code is presented in this 673

act as a composite of the section as amended by both Am. Sub. 674  
S.B. 17 and Sub. S.B. 137 of the 126th General Assembly. The 675  
General Assembly, applying the principle stated in division (B) 676  
of section 1.52 of the Revised Code that amendments are to be 677  
harmonized if reasonably capable of simultaneous operation, 678  
finds that the composite is the resulting version of the section 679  
in effect prior to the effective date of the section as 680  
presented in this act. 681