

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 137

Representative Kent

Cosponsors: Representatives Ashford, Miller, Clyde

A BILL

To amend section 2151.421 of the Revised Code to 1
make municipal and county peace officers 2
mandatory reporters of child abuse or neglect. 3

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

Section 1. That section 2151.421 of the Revised Code be 4
amended to read as follows: 5

Sec. 2151.421. (A) (1) (a) No person described in division 6
(A) (1) (b) of this section who is acting in an official or 7
professional capacity and knows, or has reasonable cause to 8
suspect based on facts that would cause a reasonable person in a 9
similar position to suspect, that a child under eighteen years 10
of age, or a person under twenty-one years of age with a 11
developmental disability or physical impairment, has suffered or 12
faces a threat of suffering any physical or mental wound, 13
injury, disability, or condition of a nature that reasonably 14
indicates abuse or neglect of the child shall fail to 15
immediately report that knowledge or reasonable cause to suspect 16
to the entity or persons specified in this division. Except as 17
provided in section 5120.173 of the Revised Code, the person 18

making the report shall make it to the public children services 19
agency or a municipal or county peace officer in the county in 20
which the child resides or in which the abuse or neglect is 21
occurring or has occurred. In the circumstances described in 22
section 5120.173 of the Revised Code, the person making the 23
report shall make it to the entity specified in that section. 24

(b) Division (A) (1) (a) of this section applies to any 25
person who is an attorney; health care professional; 26
practitioner of a limited branch of medicine as specified in 27
section 4731.15 of the Revised Code; licensed school 28
psychologist; independent marriage and family therapist or 29
marriage and family therapist; coroner; administrator or 30
employee of a child day-care center; administrator or employee 31
of a residential camp, child day camp, or private, nonprofit 32
therapeutic wilderness camp; administrator or employee of a 33
certified child care agency or other public or private children 34
services agency; school teacher; school employee; school 35
authority; municipal or county peace officer; agent of a county 36
humane society; person, other than a cleric, rendering spiritual 37
treatment through prayer in accordance with the tenets of a 38
well-recognized religion; employee of a county department of job 39
and family services who is a professional and who works with 40
children and families; superintendent or regional administrator 41
employed by the department of youth services; superintendent, 42
board member, or employee of a county board of developmental 43
disabilities; investigative agent contracted with by a county 44
board of developmental disabilities; employee of the department 45
of developmental disabilities; employee of a facility or home 46
that provides respite care in accordance with section 5123.171 47
of the Revised Code; employee of an entity that provides 48
homemaker services; a person performing the duties of an 49

assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 50
third party employed by a public children services agency to 51
assist in providing child or family related services; court 52
appointed special advocate; or guardian ad litem. 53

(c) If two or more health care professionals, after 54
providing health care services to a child, determine or suspect 55
that the child has been or is being abused or neglected, the 56
health care professionals may designate one of the health care 57
professionals to report the abuse or neglect. A single report 58
made under this division shall meet the reporting requirements 59
of division (A) (1) of this section. 60

(2) Except as provided in division (A) (3) of this section, 61
an attorney or a physician is not required to make a report 62
pursuant to division (A) (1) of this section concerning any 63
communication the attorney or physician receives from a client 64
or patient in an attorney-client or physician-patient 65
relationship, if, in accordance with division (A) or (B) of 66
section 2317.02 of the Revised Code, the attorney or physician 67
could not testify with respect to that communication in a civil 68
or criminal proceeding. 69

(3) The client or patient in an attorney-client or 70
physician-patient relationship described in division (A) (2) of 71
this section is deemed to have waived any testimonial privilege 72
under division (A) or (B) of section 2317.02 of the Revised Code 73
with respect to any communication the attorney or physician 74
receives from the client or patient in that attorney-client or 75
physician-patient relationship, and the attorney or physician 76
shall make a report pursuant to division (A) (1) of this section 77
with respect to that communication, if all of the following 78
apply: 79

(a) The client or patient, at the time of the 80
communication, is a child under eighteen years of age or is a 81
person under twenty-one years of age with a developmental 82
disability or physical impairment. 83

(b) The attorney or physician knows, or has reasonable 84
cause to suspect based on facts that would cause a reasonable 85
person in similar position to suspect that the client or patient 86
has suffered or faces a threat of suffering any physical or 87
mental wound, injury, disability, or condition of a nature that 88
reasonably indicates abuse or neglect of the client or patient. 89

(c) The abuse or neglect does not arise out of the 90
client's or patient's attempt to have an abortion without the 91
notification of her parents, guardian, or custodian in 92
accordance with section 2151.85 of the Revised Code. 93

(4) (a) No cleric and no person, other than a volunteer, 94
designated by any church, religious society, or faith acting as 95
a leader, official, or delegate on behalf of the church, 96
religious society, or faith who is acting in an official or 97
professional capacity, who knows, or has reasonable cause to 98
believe based on facts that would cause a reasonable person in a 99
similar position to believe, that a child under eighteen years 100
of age, or a person under twenty-one years of age with a 101
developmental disability or physical impairment, has suffered or 102
faces a threat of suffering any physical or mental wound, 103
injury, disability, or condition of a nature that reasonably 104
indicates abuse or neglect of the child, and who knows, or has 105
reasonable cause to believe based on facts that would cause a 106
reasonable person in a similar position to believe, that another 107
cleric or another person, other than a volunteer, designated by 108
a church, religious society, or faith acting as a leader, 109

official, or delegate on behalf of the church, religious 110
society, or faith caused, or poses the threat of causing, the 111
wound, injury, disability, or condition that reasonably 112
indicates abuse or neglect shall fail to immediately report that 113
knowledge or reasonable cause to believe to the entity or 114
persons specified in this division. Except as provided in 115
section 5120.173 of the Revised Code, the person making the 116
report shall make it to the public children services agency or a 117
municipal or county peace officer in the county in which the 118
child resides or in which the abuse or neglect is occurring or 119
has occurred. In the circumstances described in section 5120.173 120
of the Revised Code, the person making the report shall make it 121
to the entity specified in that section. 122

(b) Except as provided in division (A) (4) (c) of this 123
section, a cleric is not required to make a report pursuant to 124
division (A) (4) (a) of this section concerning any communication 125
the cleric receives from a penitent in a cleric-penitent 126
relationship, if, in accordance with division (C) of section 127
2317.02 of the Revised Code, the cleric could not testify with 128
respect to that communication in a civil or criminal proceeding. 129

(c) The penitent in a cleric-penitent relationship 130
described in division (A) (4) (b) of this section is deemed to 131
have waived any testimonial privilege under division (C) of 132
section 2317.02 of the Revised Code with respect to any 133
communication the cleric receives from the penitent in that 134
cleric-penitent relationship, and the cleric shall make a report 135
pursuant to division (A) (4) (a) of this section with respect to 136
that communication, if all of the following apply: 137

(i) The penitent, at the time of the communication, is a 138
child under eighteen years of age or is a person under twenty- 139

one years of age with a developmental disability or physical	140
impairment.	141
(ii) The cleric knows, or has reasonable cause to believe	142
based on facts that would cause a reasonable person in a similar	143
position to believe, as a result of the communication or any	144
observations made during that communication, the penitent has	145
suffered or faces a threat of suffering any physical or mental	146
wound, injury, disability, or condition of a nature that	147
reasonably indicates abuse or neglect of the penitent.	148
(iii) The abuse or neglect does not arise out of the	149
penitent's attempt to have an abortion performed upon a child	150
under eighteen years of age or upon a person under twenty-one	151
years of age with a developmental disability or physical	152
impairment without the notification of her parents, guardian, or	153
custodian in accordance with section 2151.85 of the Revised	154
Code.	155
(d) Divisions (A) (4) (a) and (c) of this section do not	156
apply in a cleric-penitent relationship when the disclosure of	157
any communication the cleric receives from the penitent is in	158
violation of the sacred trust.	159
(e) As used in divisions (A) (1) and (4) of this section,	160
"cleric" and "sacred trust" have the same meanings as in section	161
2317.02 of the Revised Code.	162
(B) Anyone who knows, or has reasonable cause to suspect	163
based on facts that would cause a reasonable person in similar	164
circumstances to suspect, that a child under eighteen years of	165
age, or a person under twenty-one years of age with a	166
developmental disability or physical impairment, has suffered or	167
faces a threat of suffering any physical or mental wound,	168

injury, disability, or other condition of a nature that 169
reasonably indicates abuse or neglect of the child may report or 170
cause reports to be made of that knowledge or reasonable cause 171
to suspect to the entity or persons specified in this division. 172
Except as provided in section 5120.173 of the Revised Code, a 173
person making a report or causing a report to be made under this 174
division shall make it or cause it to be made to the public 175
children services agency or to a municipal or county peace 176
officer. In the circumstances described in section 5120.173 of 177
the Revised Code, a person making a report or causing a report 178
to be made under this division shall make it or cause it to be 179
made to the entity specified in that section. 180

(C) Any report made pursuant to division (A) or (B) of 181
this section shall be made forthwith either by telephone or in 182
person and shall be followed by a written report, if requested 183
by the receiving agency or officer. The written report shall 184
contain: 185

(1) The names and addresses of the child and the child's 186
parents or the person or persons having custody of the child, if 187
known; 188

(2) The child's age and the nature and extent of the 189
child's injuries, abuse, or neglect that is known or reasonably 190
suspected or believed, as applicable, to have occurred or of the 191
threat of injury, abuse, or neglect that is known or reasonably 192
suspected or believed, as applicable, to exist, including any 193
evidence of previous injuries, abuse, or neglect; 194

(3) Any other information, including, but not limited to, 195
results and reports of any medical examinations, tests, or 196
procedures performed under division (D) of this section, that 197
might be helpful in establishing the cause of the injury, abuse, 198

or neglect that is known or reasonably suspected or believed, as 199
applicable, to have occurred or of the threat of injury, abuse, 200
or neglect that is known or reasonably suspected or believed, as 201
applicable, to exist. 202

(D) (1) Any person, who is required by division (A) of this 203
section to report child abuse or child neglect that is known or 204
reasonably suspected or believed to have occurred, may take or 205
cause to be taken color photographs of areas of trauma visible 206
on a child and, if medically necessary for the purpose of 207
diagnosing or treating injuries that are suspected to have 208
occurred as a result of child abuse or child neglect, perform or 209
cause to be performed radiological examinations and any other 210
medical examinations of, and tests or procedures on, the child. 211

(2) The results and any available reports of examinations, 212
tests, or procedures made under division (D) (1) of this section 213
shall be included in a report made pursuant to division (A) of 214
this section. Any additional reports of examinations, tests, or 215
procedures that become available shall be provided to the public 216
children services agency, upon request. 217

(3) If a health care professional provides health care 218
services in a hospital, children's advocacy center, or emergency 219
medical facility to a child about whom a report has been made 220
under division (A) of this section, the health care professional 221
may take any steps that are reasonably necessary for the release 222
or discharge of the child to an appropriate environment. Before 223
the child's release or discharge, the health care professional 224
may obtain information, or consider information obtained, from 225
other entities or individuals that have knowledge about the 226
child. Nothing in division (D) (3) of this section shall be 227
construed to alter the responsibilities of any person under 228

sections 2151.27 and 2151.31 of the Revised Code.	229
(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.	230 231 232 233 234 235 236 237 238 239 240 241
(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.	242 243 244 245 246
(E) (1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.	247 248 249 250 251 252
(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:	253 254 255 256
(a) Comply with section 2151.422 of the Revised Code;	257

(b) If the county served by the agency is also served by a 258
children's advocacy center and the report alleges sexual abuse 259
of a child or another type of abuse of a child that is specified 260
in the memorandum of understanding that creates the center as 261
being within the center's jurisdiction, comply regarding the 262
report with the protocol and procedures for referrals and 263
investigations, with the coordinating activities, and with the 264
authority or responsibility for performing or providing 265
functions, activities, and services stipulated in the 266
interagency agreement entered into under section 2151.428 of the 267
Revised Code relative to that center. 268

(F) No township, municipal, or county peace officer shall 269
remove a child about whom a report is made pursuant to this 270
section from the child's parents, stepparents, or guardian or 271
any other persons having custody of the child without 272
consultation with the public children services agency, unless, 273
in the judgment of the officer, and, if the report was made by 274
physician, the physician, immediate removal is considered 275
essential to protect the child from further abuse or neglect. 276
The agency that must be consulted shall be the agency conducting 277
the investigation of the report as determined pursuant to 278
section 2151.422 of the Revised Code. 279

(G) (1) Except as provided in section 2151.422 of the 280
Revised Code or in an interagency agreement entered into under 281
section 2151.428 of the Revised Code that applies to the 282
particular report, the public children services agency shall 283
investigate, within twenty-four hours, each report of child 284
abuse or child neglect that is known or reasonably suspected or 285
believed to have occurred and of a threat of child abuse or 286
child neglect that is known or reasonably suspected or believed 287
to exist that is referred to it under this section to determine 288

the circumstances surrounding the injuries, abuse, or neglect or 289
the threat of injury, abuse, or neglect, the cause of the 290
injuries, abuse, neglect, or threat, and the person or persons 291
responsible. The investigation shall be made in cooperation with 292
the law enforcement agency and in accordance with the memorandum 293
of understanding prepared under division (K) of this section. A 294
representative of the public children services agency shall, at 295
the time of initial contact with the person subject to the 296
investigation, inform the person of the specific complaints or 297
allegations made against the person. The information shall be 298
given in a manner that is consistent with division (I)(1) of 299
this section and protects the rights of the person making the 300
report under this section. 301

A failure to make the investigation in accordance with the 302
memorandum is not grounds for, and shall not result in, the 303
dismissal of any charges or complaint arising from the report or 304
the suppression of any evidence obtained as a result of the 305
report and does not give, and shall not be construed as giving, 306
any rights or any grounds for appeal or post-conviction relief 307
to any person. The public children services agency shall report 308
each case to the uniform statewide automated child welfare 309
information system that the department of job and family 310
services shall maintain in accordance with section 5101.13 of 311
the Revised Code. The public children services agency shall 312
submit a report of its investigation, in writing, to the law 313
enforcement agency. 314

(2) The public children services agency shall make any 315
recommendations to the county prosecuting attorney or city 316
director of law that it considers necessary to protect any 317
children that are brought to its attention. 318

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 319
(I) (3) of this section, any person, health care professional, 320
hospital, institution, school, health department, or agency 321
shall be immune from any civil or criminal liability for injury, 322
death, or loss to person or property that otherwise might be 323
incurred or imposed as a result of any of the following: 324

(i) Participating in the making of reports pursuant to 325
division (A) of this section or in the making of reports in good 326
faith, pursuant to division (B) of this section; 327

(ii) Participating in medical examinations, tests, or 328
procedures under division (D) of this section; 329

(iii) Providing information used in a report made pursuant 330
to division (A) of this section or providing information in good 331
faith used in a report made pursuant to division (B) of this 332
section; 333

(iv) Participating in a judicial proceeding resulting from 334
a report made pursuant to division (A) of this section or 335
participating in good faith in a proceeding resulting from a 336
report made pursuant to division (B) of this section. 337

(b) Immunity under division (H) (1) (a) (ii) of this section 338
shall not apply when a health care provider has deviated from 339
the standard of care applicable to the provider's profession. 340

(c) Notwithstanding section 4731.22 of the Revised Code, 341
the physician-patient privilege shall not be a ground for 342
excluding evidence regarding a child's injuries, abuse, or 343
neglect, or the cause of the injuries, abuse, or neglect in any 344
judicial proceeding resulting from a report submitted pursuant 345
to this section. 346

(2) In any civil or criminal action or proceeding in which 347

it is alleged and proved that participation in the making of a 348
report under this section was not in good faith or participation 349
in a judicial proceeding resulting from a report made under this 350
section was not in good faith, the court shall award the 351
prevailing party reasonable attorney's fees and costs and, if a 352
civil action or proceeding is voluntarily dismissed, may award 353
reasonable attorney's fees and costs to the party against whom 354
the civil action or proceeding is brought. 355

(I) (1) Except as provided in divisions (I) (4) and (O) of 356
this section, a report made under this section is confidential. 357
The information provided in a report made pursuant to this 358
section and the name of the person who made the report shall not 359
be released for use, and shall not be used, as evidence in any 360
civil action or proceeding brought against the person who made 361
the report. Nothing in this division shall preclude the use of 362
reports of other incidents of known or suspected abuse or 363
neglect in a civil action or proceeding brought pursuant to 364
division (N) of this section against a person who is alleged to 365
have violated division (A) (1) of this section, provided that any 366
information in a report that would identify the child who is the 367
subject of the report or the maker of the report, if the maker 368
of the report is not the defendant or an agent or employee of 369
the defendant, has been redacted. In a criminal proceeding, the 370
report is admissible in evidence in accordance with the Rules of 371
Evidence and is subject to discovery in accordance with the 372
Rules of Criminal Procedure. 373

(2) (a) Except as provided in division (I) (2) (b) of this 374
section, no person shall permit or encourage the unauthorized 375
dissemination of the contents of any report made under this 376
section. 377

(b) A health care professional that obtains the same 378
information contained in a report made under this section from a 379
source other than the report may disseminate the information, if 380
its dissemination is otherwise permitted by law. 381

(3) A person who knowingly makes or causes another person 382
to make a false report under division (B) of this section that 383
alleges that any person has committed an act or omission that 384
resulted in a child being an abused child or a neglected child 385
is guilty of a violation of section 2921.14 of the Revised Code. 386

(4) If a report is made pursuant to division (A) or (B) of 387
this section and the child who is the subject of the report dies 388
for any reason at any time after the report is made, but before 389
the child attains eighteen years of age, the public children 390
services agency or municipal or county peace officer to which 391
the report was made or referred, on the request of the child 392
fatality review board or the director of health pursuant to 393
guidelines established under section 3701.70 of the Revised 394
Code, shall submit a summary sheet of information providing a 395
summary of the report to the review board of the county in which 396
the deceased child resided at the time of death or to the 397
director. On the request of the review board or director, the 398
agency or peace officer may, at its discretion, make the report 399
available to the review board or director. If the county served 400
by the public children services agency is also served by a 401
children's advocacy center and the report of alleged sexual 402
abuse of a child or another type of abuse of a child is 403
specified in the memorandum of understanding that creates the 404
center as being within the center's jurisdiction, the agency or 405
center shall perform the duties and functions specified in this 406
division in accordance with the interagency agreement entered 407
into under section 2151.428 of the Revised Code relative to that 408

advocacy center. 409

(5) A public children services agency shall advise a 410
person alleged to have inflicted abuse or neglect on a child who 411
is the subject of a report made pursuant to this section, 412
including a report alleging sexual abuse of a child or another 413
type of abuse of a child referred to a children's advocacy 414
center pursuant to an interagency agreement entered into under 415
section 2151.428 of the Revised Code, in writing of the 416
disposition of the investigation. The agency shall not provide 417
to the person any information that identifies the person who 418
made the report, statements of witnesses, or police or other 419
investigative reports. 420

(J) Any report that is required by this section, other 421
than a report that is made to the state highway patrol as 422
described in section 5120.173 of the Revised Code, shall result 423
in protective services and emergency supportive services being 424
made available by the public children services agency on behalf 425
of the children about whom the report is made, in an effort to 426
prevent further neglect or abuse, to enhance their welfare, and, 427
whenever possible, to preserve the family unit intact. The 428
agency required to provide the services shall be the agency 429
conducting the investigation of the report pursuant to section 430
2151.422 of the Revised Code. 431

(K) (1) Each public children services agency shall prepare 432
a memorandum of understanding that is signed by all of the 433
following: 434

(a) If there is only one juvenile judge in the county, the 435
juvenile judge of the county or the juvenile judge's 436
representative; 437

(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 466
of any report made pursuant to division (A) or (B) of this 467
section. A failure to follow the procedure set forth in the 468
memorandum by the concerned officials is not grounds for, and 469
shall not result in, the dismissal of any charges or complaint 470
arising from any reported case of abuse or neglect or the 471
suppression of any evidence obtained as a result of any reported 472
child abuse or child neglect and does not give, and shall not be 473
construed as giving, any rights or any grounds for appeal or 474
post-conviction relief to any person. 475

(3) A memorandum of understanding shall include all of the 476
following: 477

(a) The roles and responsibilities for handling emergency 478
and nonemergency cases of abuse and neglect; 479

(b) Standards and procedures to be used in handling and 480
coordinating investigations of reported cases of child abuse and 481
reported cases of child neglect, methods to be used in 482
interviewing the child who is the subject of the report and who 483
allegedly was abused or neglected, and standards and procedures 484
addressing the categories of persons who may interview the child 485
who is the subject of the report and who allegedly was abused or 486
neglected. 487

(4) If a public children services agency participated in 488
the execution of a memorandum of understanding under section 489
2151.426 of the Revised Code establishing a children's advocacy 490
center, the agency shall incorporate the contents of that 491
memorandum in the memorandum prepared pursuant to this section. 492

(5) The clerk of the court of common pleas in the county 493
may sign the memorandum of understanding prepared under division 494

(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 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 (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 553
information is associated with or acting on behalf of the health 554
care professional who provided health care services to the child 555
about whom the report was made. 556

(M) The director of job and family services shall adopt 557
rules in accordance with Chapter 119. of the Revised Code to 558
implement this section. The department of job and family 559
services may enter into a plan of cooperation with any other 560
governmental entity to aid in ensuring that children are 561
protected from abuse and neglect. The department shall make 562
recommendations to the attorney general that the department 563
determines are necessary to protect children from child abuse 564
and child neglect. 565

(N) Whoever violates division (A) of this section is 566
liable for compensatory and exemplary damages to the child who 567
would have been the subject of the report that was not made. A 568
person who brings a civil action or proceeding pursuant to this 569
division against a person who is alleged to have violated 570
division (A) (1) of this section may use in the action or 571
proceeding reports of other incidents of known or suspected 572
abuse or neglect, provided that any information in a report that 573
would identify the child who is the subject of the report or the 574
maker of the report, if the maker is not the defendant or an 575
agent or employee of the defendant, has been redacted. 576

(O) (1) As used in this division: 577

(a) "Out-of-home care" includes a nonchartered nonpublic 578
school if the alleged child abuse or child neglect, or alleged 579
threat of child abuse or child neglect, described in a report 580
received by a public children services agency allegedly occurred 581
in or involved the nonchartered nonpublic school and the alleged 582

perpetrator named in the report holds a certificate, permit, or 583
license issued by the state board of education under section 584
3301.071 or Chapter 3319. of the Revised Code. 585

(b) "Administrator, director, or other chief 586
administrative officer" means the superintendent of the school 587
district if the out-of-home care entity subject to a report made 588
pursuant to this section is a school operated by the district. 589

(2) No later than the end of the day following the day on 590
which a public children services agency receives a report of 591
alleged child abuse or child neglect, or a report of an alleged 592
threat of child abuse or child neglect, that allegedly occurred 593
in or involved an out-of-home care entity, the agency shall 594
provide written notice of the allegations contained in and the 595
person named as the alleged perpetrator in the report to the 596
administrator, director, or other chief administrative officer 597
of the out-of-home care entity that is the subject of the report 598
unless the administrator, director, or other chief 599
administrative officer is named as an alleged perpetrator in the 600
report. If the administrator, director, or other chief 601
administrative officer of an out-of-home care entity is named as 602
an alleged perpetrator in a report of alleged child abuse or 603
child neglect, or a report of an alleged threat of child abuse 604
or child neglect, that allegedly occurred in or involved the 605
out-of-home care entity, the agency shall provide the written 606
notice to the owner or governing board of the out-of-home care 607
entity that is the subject of the report. The agency shall not 608
provide witness statements or police or other investigative 609
reports. 610

(3) No later than three days after the day on which a 611
public children services agency that conducted the investigation 612

as determined pursuant to section 2151.422 of the Revised Code 613
makes a disposition of an investigation involving a report of 614
alleged child abuse or child neglect, or a report of an alleged 615
threat of child abuse or child neglect, that allegedly occurred 616
in or involved an out-of-home care entity, the agency shall send 617
written notice of the disposition of the investigation to the 618
administrator, director, or other chief administrative officer 619
and the owner or governing board of the out-of-home care entity. 620
The agency shall not provide witness statements or police or 621
other investigative reports. 622

(P) As used in this section: 623

(1) "Children's advocacy center" and "sexual abuse of a 624
child" have the same meanings as in section 2151.425 of the 625
Revised Code. 626

(2) "Health care professional" means an individual who 627
provides health-related services including a physician, hospital 628
intern or resident, dentist, podiatrist, registered nurse, 629
licensed practical nurse, visiting nurse, licensed psychologist, 630
speech pathologist, audiologist, person engaged in social work 631
or the practice of professional counseling, and employee of a 632
home health agency. "Health care professional" does not include 633
a practitioner of a limited branch of medicine as specified in 634
section 4731.15 of the Revised Code, licensed school 635
psychologist, independent marriage and family therapist or 636
marriage and family therapist, or coroner. 637

(3) "Investigation" means the public children services 638
agency's response to an accepted report of child abuse or 639
neglect through either an alternative response or a traditional 640
response. 641

Section 2. That existing section 2151.421 of the Revised Code is hereby repealed. 642
643

Section 3. Section 2151.421 of the Revised Code is 644
presented in this act as a composite of the section as amended 645
by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 132nd General 646
Assembly. The General Assembly, applying the principle stated in 647
division (B) of section 1.52 of the Revised Code that amendments 648
are to be harmonized if reasonably capable of simultaneous 649
operation, finds that the composite is the resulting version of 650
the section in effect prior to the effective date of the section 651
as presented in this act. 652