

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 137**

**Representative Kent**

**Cosponsors: Representatives Ashford, Miller, Clyde**

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**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 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 township, municipal, or county 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 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