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Representative Kent

Cosponsors: Representatives Ashford, Miller, Clyde, Manning, Rezabek, Celebrezze, Rogers, Anielski, Antonio, Arndt, Boccieri, Boggs, Boyd, Brenner, Brown, Carfagna, Craig, Cupp, Edwards, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hagan, Hambley, Holmes, Howse, Hughes, Ingram, Johnson, Kelly, Kick, Landis, Lanese, Lang, LaTourette, Leland, Lepore-Hagan, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Ryan, Schaffer, Scherer, Schuring, Sheehy, Smith, K., Smith, R., Sprague, Stein, Strahorn, Sweeney, Sykes, Thompson, West, Young

A BILL

To amend section 2151.421 of the Revised Code to 1
make peace officers mandatory reporters of child 2
abuse or neglect and to expand the types of 3
peace officers authorized to receive reports of 4
child abuse and neglect. 5

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

Section 1. That section 2151.421 of the Revised Code be 6
amended to read as follows: 7

Sec. 2151.421. (A) (1) (a) No person described in division 8
(A) (1) (b) of this section who is acting in an official or 9
professional capacity and knows, or has reasonable cause to 10
suspect based on facts that would cause a reasonable person in a 11
similar position to suspect, that a child under eighteen years 12
of age, or a person under twenty-one years of age with a 13

developmental disability or physical impairment, has suffered or 14
faces a threat of suffering any physical or mental wound, 15
injury, disability, or condition of a nature that reasonably 16
indicates abuse or neglect of the child shall fail to 17
immediately report that knowledge or reasonable cause to suspect 18
to the entity or persons specified in this division. Except as 19
otherwise provided in this division or section 5120.173 of the 20
Revised Code, the person making the report shall make it to the 21
public children services agency or a ~~municipal or county~~ peace 22
officer in the county in which the child resides or in which the 23
abuse or neglect is occurring or has occurred. If the person 24
making the report is a peace officer, the officer shall make it 25
to the public children services agency in the county in which 26
the child resides or in which the abuse or neglect is occurring 27
or has occurred. In the circumstances described in section 28
5120.173 of the Revised Code, the person making the report shall 29
make it to the entity specified in that section. 30

(b) Division (A)(1)(a) of this section applies to any 31
person who is an attorney; health care professional; 32
practitioner of a limited branch of medicine as specified in 33
section 4731.15 of the Revised Code; licensed school 34
psychologist; independent marriage and family therapist or 35
marriage and family therapist; coroner; administrator or 36
employee of a child day-care center; administrator or employee 37
of a residential camp, child day camp, or private, nonprofit 38
therapeutic wilderness camp; administrator or employee of a 39
certified child care agency or other public or private children 40
services agency; school teacher; school employee; school 41
authority; peace officer; agent of a county humane society; 42
person, other than a cleric, rendering spiritual treatment 43
through prayer in accordance with the tenets of a well- 44

recognized religion; employee of a county department of job and 45
family services who is a professional and who works with 46
children and families; superintendent or regional administrator 47
employed by the department of youth services; superintendent, 48
board member, or employee of a county board of developmental 49
disabilities; investigative agent contracted with by a county 50
board of developmental disabilities; employee of the department 51
of developmental disabilities; employee of a facility or home 52
that provides respite care in accordance with section 5123.171 53
of the Revised Code; employee of an entity that provides 54
homemaker services; a person performing the duties of an 55
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 56
third party employed by a public children services agency to 57
assist in providing child or family related services; court 58
appointed special advocate; or guardian ad litem. 59

(c) If two or more health care professionals, after 60
providing health care services to a child, determine or suspect 61
that the child has been or is being abused or neglected, the 62
health care professionals may designate one of the health care 63
professionals to report the abuse or neglect. A single report 64
made under this division shall meet the reporting requirements 65
of division (A) (1) of this section. 66

(2) Except as provided in division (A) (3) of this section, 67
an attorney or a physician is not required to make a report 68
pursuant to division (A) (1) of this section concerning any 69
communication the attorney or physician receives from a client 70
or patient in an attorney-client or physician-patient 71
relationship, if, in accordance with division (A) or (B) of 72
section 2317.02 of the Revised Code, the attorney or physician 73
could not testify with respect to that communication in a civil 74
or criminal proceeding. 75

(3) The client or patient in an attorney-client or 76
physician-patient relationship described in division (A) (2) of 77
this section is deemed to have waived any testimonial privilege 78
under division (A) or (B) of section 2317.02 of the Revised Code 79
with respect to any communication the attorney or physician 80
receives from the client or patient in that attorney-client or 81
physician-patient relationship, and the attorney or physician 82
shall make a report pursuant to division (A) (1) of this section 83
with respect to that communication, if all of the following 84
apply: 85

(a) The client or patient, at the time of the 86
communication, is a child under eighteen years of age or is a 87
person under twenty-one years of age with a developmental 88
disability or physical impairment. 89

(b) The attorney or physician knows, or has reasonable 90
cause to suspect based on facts that would cause a reasonable 91
person in similar position to suspect that the client or patient 92
has suffered or faces a threat of suffering any physical or 93
mental wound, injury, disability, or condition of a nature that 94
reasonably indicates abuse or neglect of the client or patient. 95

(c) The abuse or neglect does not arise out of the 96
client's or patient's attempt to have an abortion without the 97
notification of her parents, guardian, or custodian in 98
accordance with section 2151.85 of the Revised Code. 99

(4) (a) No cleric and no person, other than a volunteer, 100
designated by any church, religious society, or faith acting as 101
a leader, official, or delegate on behalf of the church, 102
religious society, or faith who is acting in an official or 103
professional capacity, who knows, or has reasonable cause to 104
believe based on facts that would cause a reasonable person in a 105

similar position to believe, that a child under eighteen years 106
of age, or a person under twenty-one years of age with a 107
developmental disability or physical impairment, has suffered or 108
faces a threat of suffering any physical or mental wound, 109
injury, disability, or condition of a nature that reasonably 110
indicates abuse or neglect of the child, and who knows, or has 111
reasonable cause to believe based on facts that would cause a 112
reasonable person in a similar position to believe, that another 113
cleric or another person, other than a volunteer, designated by 114
a church, religious society, or faith acting as a leader, 115
official, or delegate on behalf of the church, religious 116
society, or faith caused, or poses the threat of causing, the 117
wound, injury, disability, or condition that reasonably 118
indicates abuse or neglect shall fail to immediately report that 119
knowledge or reasonable cause to believe to the entity or 120
persons specified in this division. Except as provided in 121
section 5120.173 of the Revised Code, the person making the 122
report shall make it to the public children services agency or a 123
~~municipal or county~~ peace officer in the county in which the 124
child resides or in which the abuse or neglect is occurring or 125
has occurred. In the circumstances described in section 5120.173 126
of the Revised Code, the person making the report shall make it 127
to the entity specified in that section. 128

(b) Except as provided in division (A) (4) (c) of this 129
section, a cleric is not required to make a report pursuant to 130
division (A) (4) (a) of this section concerning any communication 131
the cleric receives from a penitent in a cleric-penitent 132
relationship, if, in accordance with division (C) of section 133
2317.02 of the Revised Code, the cleric could not testify with 134
respect to that communication in a civil or criminal proceeding. 135

(c) The penitent in a cleric-penitent relationship 136

described in division (A) (4) (b) of this section is deemed to 137
have waived any testimonial privilege under division (C) of 138
section 2317.02 of the Revised Code with respect to any 139
communication the cleric receives from the penitent in that 140
cleric-penitent relationship, and the cleric shall make a report 141
pursuant to division (A) (4) (a) of this section with respect to 142
that communication, if all of the following apply: 143

(i) The penitent, at the time of the communication, is a 144
child under eighteen years of age or is a person under twenty- 145
one years of age with a developmental disability or physical 146
impairment. 147

(ii) The cleric knows, or has reasonable cause to believe 148
based on facts that would cause a reasonable person in a similar 149
position to believe, as a result of the communication or any 150
observations made during that communication, the penitent has 151
suffered or faces a threat of suffering any physical or mental 152
wound, injury, disability, or condition of a nature that 153
reasonably indicates abuse or neglect of the penitent. 154

(iii) The abuse or neglect does not arise out of the 155
penitent's attempt to have an abortion performed upon a child 156
under eighteen years of age or upon a person under twenty-one 157
years of age with a developmental disability or physical 158
impairment without the notification of her parents, guardian, or 159
custodian in accordance with section 2151.85 of the Revised 160
Code. 161

(d) Divisions (A) (4) (a) and (c) of this section do not 162
apply in a cleric-penitent relationship when the disclosure of 163
any communication the cleric receives from the penitent is in 164
violation of the sacred trust. 165

(e) As used in divisions (A) (1) and (4) of this section, 166
"cleric" and "sacred trust" have the same meanings as in section 167
2317.02 of the Revised Code. 168

(B) Anyone who knows, or has reasonable cause to suspect 169
based on facts that would cause a reasonable person in similar 170
circumstances to suspect, that a child under eighteen years of 171
age, or a person under twenty-one years of age with a 172
developmental disability or physical impairment, has suffered or 173
faces a threat of suffering any physical or mental wound, 174
injury, disability, or other condition of a nature that 175
reasonably indicates abuse or neglect of the child may report or 176
cause reports to be made of that knowledge or reasonable cause 177
to suspect to the entity or persons specified in this division. 178
Except as provided in section 5120.173 of the Revised Code, a 179
person making a report or causing a report to be made under this 180
division shall make it or cause it to be made to the public 181
children services agency or to a ~~municipal or county~~ peace 182
officer. In the circumstances described in section 5120.173 of 183
the Revised Code, a person making a report or causing a report 184
to be made under this division shall make it or cause it to be 185
made to the entity specified in that section. 186

(C) Any report made pursuant to division (A) or (B) of 187
this section shall be made forthwith either by telephone or in 188
person and shall be followed by a written report, if requested 189
by the receiving agency or officer. The written report shall 190
contain: 191

(1) The names and addresses of the child and the child's 192
parents or the person or persons having custody of the child, if 193
known; 194

(2) The child's age and the nature and extent of the 195

child's injuries, abuse, or neglect that is known or reasonably 196
suspected or believed, as applicable, to have occurred or of the 197
threat of injury, abuse, or neglect that is known or reasonably 198
suspected or believed, as applicable, to exist, including any 199
evidence of previous injuries, abuse, or neglect; 200

(3) Any other information, including, but not limited to, 201
results and reports of any medical examinations, tests, or 202
procedures performed under division (D) of this section, that 203
might be helpful in establishing the cause of the injury, abuse, 204
or neglect that is known or reasonably suspected or believed, as 205
applicable, to have occurred or of the threat of injury, abuse, 206
or neglect that is known or reasonably suspected or believed, as 207
applicable, to exist. 208

(D) (1) Any person, who is required by division (A) of this 209
section to report child abuse or child neglect that is known or 210
reasonably suspected or believed to have occurred, may take or 211
cause to be taken color photographs of areas of trauma visible 212
on a child and, if medically necessary for the purpose of 213
diagnosing or treating injuries that are suspected to have 214
occurred as a result of child abuse or child neglect, perform or 215
cause to be performed radiological examinations and any other 216
medical examinations of, and tests or procedures on, the child. 217

(2) The results and any available reports of examinations, 218
tests, or procedures made under division (D) (1) of this section 219
shall be included in a report made pursuant to division (A) of 220
this section. Any additional reports of examinations, tests, or 221
procedures that become available shall be provided to the public 222
children services agency, upon request. 223

(3) If a health care professional provides health care 224
services in a hospital, children's advocacy center, or emergency 225

medical facility to a child about whom a report has been made 226
under division (A) of this section, the health care professional 227
may take any steps that are reasonably necessary for the release 228
or discharge of the child to an appropriate environment. Before 229
the child's release or discharge, the health care professional 230
may obtain information, or consider information obtained, from 231
other entities or individuals that have knowledge about the 232
child. Nothing in division (D) (3) of this section shall be 233
construed to alter the responsibilities of any person under 234
sections 2151.27 and 2151.31 of the Revised Code. 235

(4) A health care professional may conduct medical 236
examinations, tests, or procedures on the siblings of a child 237
about whom a report has been made under division (A) of this 238
section and on other children who reside in the same home as the 239
child, if the professional determines that the examinations, 240
tests, or procedures are medically necessary to diagnose or 241
treat the siblings or other children in order to determine 242
whether reports under division (A) of this section are warranted 243
with respect to such siblings or other children. The results of 244
the examinations, tests, or procedures on the siblings and other 245
children may be included in a report made pursuant to division 246
(A) of this section. 247

(5) Medical examinations, tests, or procedures conducted 248
under divisions (D) (1) and (4) of this section and decisions 249
regarding the release or discharge of a child under division (D) 250
(3) of this section do not constitute a law enforcement 251
investigation or activity. 252

(E) (1) When a ~~municipal or county~~ peace officer receives a 253
report ~~concerning the possible abuse or neglect of a child or~~ 254
~~the possible threat of abuse or neglect of a child~~ made pursuant 255

to division (A) or (B) of this section, upon receipt of the 256
report, the ~~municipal or county~~ peace officer who receives the 257
report shall refer the report to the appropriate public children 258
services agency. 259

(2) When a public children services agency receives a 260
report pursuant to this division or division (A) or (B) of this 261
section, upon receipt of the report, the public children 262
services agency shall do both of the following: 263

(a) Comply with section 2151.422 of the Revised Code; 264

(b) If the county served by the agency is also served by a 265
children's advocacy center and the report alleges sexual abuse 266
of a child or another type of abuse of a child that is specified 267
in the memorandum of understanding that creates the center as 268
being within the center's jurisdiction, comply regarding the 269
report with the protocol and procedures for referrals and 270
investigations, with the coordinating activities, and with the 271
authority or responsibility for performing or providing 272
functions, activities, and services stipulated in the 273
interagency agreement entered into under section 2151.428 of the 274
Revised Code relative to that center. 275

(F) No ~~township, municipal, or county~~ peace officer shall 276
remove a child about whom a report is made pursuant to this 277
section from the child's parents, stepparents, or guardian or 278
any other persons having custody of the child without 279
consultation with the public children services agency, unless, 280
in the judgment of the officer, and, if the report was made by 281
physician, the physician, immediate removal is considered 282
essential to protect the child from further abuse or neglect. 283
The agency that must be consulted shall be the agency conducting 284
the investigation of the report as determined pursuant to 285

section 2151.422 of the Revised Code. 286

(G) (1) Except as provided in section 2151.422 of the 287
Revised Code or in an interagency agreement entered into under 288
section 2151.428 of the Revised Code that applies to the 289
particular report, the public children services agency shall 290
investigate, within twenty-four hours, each report of child 291
abuse or child neglect that is known or reasonably suspected or 292
believed to have occurred and of a threat of child abuse or 293
child neglect that is known or reasonably suspected or believed 294
to exist that is referred to it under this section to determine 295
the circumstances surrounding the injuries, abuse, or neglect or 296
the threat of injury, abuse, or neglect, the cause of the 297
injuries, abuse, neglect, or threat, and the person or persons 298
responsible. The investigation shall be made in cooperation with 299
the law enforcement agency and in accordance with the memorandum 300
of understanding prepared under division (K) of this section. A 301
representative of the public children services agency shall, at 302
the time of initial contact with the person subject to the 303
investigation, inform the person of the specific complaints or 304
allegations made against the person. The information shall be 305
given in a manner that is consistent with division (I) (1) of 306
this section and protects the rights of the person making the 307
report under this section. 308

A failure to make the investigation in accordance with the 309
memorandum is not grounds for, and shall not result in, the 310
dismissal of any charges or complaint arising from the report or 311
the suppression of any evidence obtained as a result of the 312
report and does not give, and shall not be construed as giving, 313
any rights or any grounds for appeal or post-conviction relief 314
to any person. The public children services agency shall report 315
each case to the uniform statewide automated child welfare 316

information system that the department of job and family 317
services shall maintain in accordance with section 5101.13 of 318
the Revised Code. The public children services agency shall 319
submit a report of its investigation, in writing, to the law 320
enforcement agency. 321

(2) The public children services agency shall make any 322
recommendations to the county prosecuting attorney or city 323
director of law that it considers necessary to protect any 324
children that are brought to its attention. 325

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 326
(I) (3) of this section, any person, health care professional, 327
hospital, institution, school, health department, or agency 328
shall be immune from any civil or criminal liability for injury, 329
death, or loss to person or property that otherwise might be 330
incurred or imposed as a result of any of the following: 331

(i) Participating in the making of reports pursuant to 332
division (A) of this section or in the making of reports in good 333
faith, pursuant to division (B) of this section; 334

(ii) Participating in medical examinations, tests, or 335
procedures under division (D) of this section; 336

(iii) Providing information used in a report made pursuant 337
to division (A) of this section or providing information in good 338
faith used in a report made pursuant to division (B) of this 339
section; 340

(iv) Participating in a judicial proceeding resulting from 341
a report made pursuant to division (A) of this section or 342
participating in good faith in a proceeding resulting from a 343
report made pursuant to division (B) of this section. 344

(b) Immunity under division (H) (1) (a) (ii) of this section 345

shall not apply when a health care provider has deviated from 346
the standard of care applicable to the provider's profession. 347

(c) Notwithstanding section 4731.22 of the Revised Code, 348
the physician-patient privilege shall not be a ground for 349
excluding evidence regarding a child's injuries, abuse, or 350
neglect, or the cause of the injuries, abuse, or neglect in any 351
judicial proceeding resulting from a report submitted pursuant 352
to this section. 353

(2) In any civil or criminal action or proceeding in which 354
it is alleged and proved that participation in the making of a 355
report under this section was not in good faith or participation 356
in a judicial proceeding resulting from a report made under this 357
section was not in good faith, the court shall award the 358
prevailing party reasonable attorney's fees and costs and, if a 359
civil action or proceeding is voluntarily dismissed, may award 360
reasonable attorney's fees and costs to the party against whom 361
the civil action or proceeding is brought. 362

(I) (1) Except as provided in divisions (I) (4) and (O) of 363
this section, a report made under this section is confidential. 364
The information provided in a report made pursuant to this 365
section and the name of the person who made the report shall not 366
be released for use, and shall not be used, as evidence in any 367
civil action or proceeding brought against the person who made 368
the report. Nothing in this division shall preclude the use of 369
reports of other incidents of known or suspected abuse or 370
neglect in a civil action or proceeding brought pursuant to 371
division (N) of this section against a person who is alleged to 372
have violated division (A) (1) of this section, provided that any 373
information in a report that would identify the child who is the 374
subject of the report or the maker of the report, if the maker 375

of the report is not the defendant or an agent or employee of 376
the defendant, has been redacted. In a criminal proceeding, the 377
report is admissible in evidence in accordance with the Rules of 378
Evidence and is subject to discovery in accordance with the 379
Rules of Criminal Procedure. 380

(2) (a) Except as provided in division (I) (2) (b) of this 381
section, no person shall permit or encourage the unauthorized 382
dissemination of the contents of any report made under this 383
section. 384

(b) A health care professional that obtains the same 385
information contained in a report made under this section from a 386
source other than the report may disseminate the information, if 387
its dissemination is otherwise permitted by law. 388

(3) A person who knowingly makes or causes another person 389
to make a false report under division (B) of this section that 390
alleges that any person has committed an act or omission that 391
resulted in a child being an abused child or a neglected child 392
is guilty of a violation of section 2921.14 of the Revised Code. 393

(4) If a report is made pursuant to division (A) or (B) of 394
this section and the child who is the subject of the report dies 395
for any reason at any time after the report is made, but before 396
the child attains eighteen years of age, the public children 397
services agency or ~~municipal or county~~ peace officer to which 398
the report was made or referred, on the request of the child 399
fatality review board or the director of health pursuant to 400
guidelines established under section 3701.70 of the Revised 401
Code, shall submit a summary sheet of information providing a 402
summary of the report to the review board of the county in which 403
the deceased child resided at the time of death or to the 404
director. On the request of the review board or director, the 405

agency or peace officer may, at its discretion, make the report 406
available to the review board or director. If the county served 407
by the public children services agency is also served by a 408
children's advocacy center and the report of alleged sexual 409
abuse of a child or another type of abuse of a child is 410
specified in the memorandum of understanding that creates the 411
center as being within the center's jurisdiction, the agency or 412
center shall perform the duties and functions specified in this 413
division in accordance with the interagency agreement entered 414
into under section 2151.428 of the Revised Code relative to that 415
advocacy center. 416

(5) A public children services agency shall advise a 417
person alleged to have inflicted abuse or neglect on a child who 418
is the subject of a report made pursuant to this section, 419
including a report alleging sexual abuse of a child or another 420
type of abuse of a child referred to a children's advocacy 421
center pursuant to an interagency agreement entered into under 422
section 2151.428 of the Revised Code, in writing of the 423
disposition of the investigation. The agency shall not provide 424
to the person any information that identifies the person who 425
made the report, statements of witnesses, or police or other 426
investigative reports. 427

(J) Any report that is required by this section, other 428
than a report that is made to the state highway patrol as 429
described in section 5120.173 of the Revised Code, shall result 430
in protective services and emergency supportive services being 431
made available by the public children services agency on behalf 432
of the children about whom the report is made, in an effort to 433
prevent further neglect or abuse, to enhance their welfare, and, 434
whenever possible, to preserve the family unit intact. The 435
agency required to provide the services shall be the agency 436

conducting the investigation of the report pursuant to section 437
2151.422 of the Revised Code. 438

(K) (1) Each public children services agency shall prepare 439
a memorandum of understanding that is signed by all of the 440
following: 441

(a) If there is only one juvenile judge in the county, the 442
juvenile judge of the county or the juvenile judge's 443
representative; 444

(b) If there is more than one juvenile judge in the 445
county, a juvenile judge or the juvenile judges' representative 446
selected by the juvenile judges or, if they are unable to do so 447
for any reason, the juvenile judge who is senior in point of 448
service or the senior juvenile judge's representative; 449

(c) The county peace officer; 450

(d) All chief municipal peace officers within the county; 451

(e) Other law enforcement officers handling child abuse 452
and neglect cases in the county; 453

(f) The prosecuting attorney of the county; 454

(g) If the public children services agency is not the 455
county department of job and family services, the county 456
department of job and family services; 457

(h) The county humane society; 458

(i) If the public children services agency participated in 459
the execution of a memorandum of understanding under section 460
2151.426 of the Revised Code establishing a children's advocacy 461
center, each participating member of the children's advocacy 462
center established by the memorandum. 463

(2) A memorandum of understanding shall set forth the 464
normal operating procedure to be employed by all concerned 465
officials in the execution of their respective responsibilities 466
under this section and division (C) of section 2919.21, division 467
(B)(1) of section 2919.22, division (B) of section 2919.23, and 468
section 2919.24 of the Revised Code and shall have as two of its 469
primary goals the elimination of all unnecessary interviews of 470
children who are the subject of reports made pursuant to 471
division (A) or (B) of this section and, when feasible, 472
providing for only one interview of a child who is the subject 473
of any report made pursuant to division (A) or (B) of this 474
section. A failure to follow the procedure set forth in the 475
memorandum by the concerned officials is not grounds for, and 476
shall not result in, the dismissal of any charges or complaint 477
arising from any reported case of abuse or neglect or the 478
suppression of any evidence obtained as a result of any reported 479
child abuse or child neglect and does not give, and shall not be 480
construed as giving, any rights or any grounds for appeal or 481
post-conviction relief to any person. 482

(3) A memorandum of understanding shall include all of the 483
following: 484

(a) The roles and responsibilities for handling emergency 485
and nonemergency cases of abuse and neglect; 486

(b) Standards and procedures to be used in handling and 487
coordinating investigations of reported cases of child abuse and 488
reported cases of child neglect, methods to be used in 489
interviewing the child who is the subject of the report and who 490
allegedly was abused or neglected, and standards and procedures 491
addressing the categories of persons who may interview the child 492
who is the subject of the report and who allegedly was abused or 493

neglected. 494

(4) If a public children services agency participated in 495
the execution of a memorandum of understanding under section 496
2151.426 of the Revised Code establishing a children's advocacy 497
center, the agency shall incorporate the contents of that 498
memorandum in the memorandum prepared pursuant to this section. 499

(5) The clerk of the court of common pleas in the county 500
may sign the memorandum of understanding prepared under division 501
(K)(1) of this section. If the clerk signs the memorandum of 502
understanding, the clerk shall execute all relevant 503
responsibilities as required of officials specified in the 504
memorandum. 505

(L)(1) Except as provided in division (L)(4) or (5) of 506
this section, a person who is required to make a report pursuant 507
to division (A) of this section may make a reasonable number of 508
requests of the public children services agency that receives or 509
is referred the report, or of the children's advocacy center 510
that is referred the report if the report is referred to a 511
children's advocacy center pursuant to an interagency agreement 512
entered into under section 2151.428 of the Revised Code, to be 513
provided with the following information: 514

(a) Whether the agency or center has initiated an 515
investigation of the report; 516

(b) Whether the agency or center is continuing to 517
investigate the report; 518

(c) Whether the agency or center is otherwise involved 519
with the child who is the subject of the report; 520

(d) The general status of the health and safety of the 521
child who is the subject of the report; 522

(e) Whether the report has resulted in the filing of a 523
complaint in juvenile court or of criminal charges in another 524
court. 525

(2) A person may request the information specified in 526
division (L)(1) of this section only if, at the time the report 527
is made, the person's name, address, and telephone number are 528
provided to the person who receives the report. 529

When a ~~municipal or county~~ peace officer or employee of a 530
public children services agency receives a report pursuant to 531
division (A) or (B) of this section the recipient of the report 532
shall inform the person of the right to request the information 533
described in division (L)(1) of this section. The recipient of 534
the report shall include in the initial child abuse or child 535
neglect report that the person making the report was so informed 536
and, if provided at the time of the making of the report, shall 537
include the person's name, address, and telephone number in the 538
report. 539

Each request is subject to verification of the identity of 540
the person making the report. If that person's identity is 541
verified, the agency shall provide the person with the 542
information described in division (L)(1) of this section a 543
reasonable number of times, except that the agency shall not 544
disclose any confidential information regarding the child who is 545
the subject of the report other than the information described 546
in those divisions. 547

(3) A request made pursuant to division (L)(1) of this 548
section is not a substitute for any report required to be made 549
pursuant to division (A) of this section. 550

(4) If an agency other than the agency that received or 551

was referred the report is conducting the investigation of the 552
report pursuant to section 2151.422 of the Revised Code, the 553
agency conducting the investigation shall comply with the 554
requirements of division (L) of this section. 555

(5) A health care professional who made a report under 556
division (A) of this section, or on whose behalf such a report 557
was made as provided in division (A)(1)(c) of this section, may 558
authorize a person to obtain the information described in 559
division (L)(1) of this section if the person requesting the 560
information is associated with or acting on behalf of the health 561
care professional who provided health care services to the child 562
about whom the report was made. 563

(M) The director of job and family services shall adopt 564
rules in accordance with Chapter 119. of the Revised Code to 565
implement this section. The department of job and family 566
services may enter into a plan of cooperation with any other 567
governmental entity to aid in ensuring that children are 568
protected from abuse and neglect. The department shall make 569
recommendations to the attorney general that the department 570
determines are necessary to protect children from child abuse 571
and child neglect. 572

(N) Whoever violates division (A) of this section is 573
liable for compensatory and exemplary damages to the child who 574
would have been the subject of the report that was not made. A 575
person who brings a civil action or proceeding pursuant to this 576
division against a person who is alleged to have violated 577
division (A)(1) of this section may use in the action or 578
proceeding reports of other incidents of known or suspected 579
abuse or neglect, provided that any information in a report that 580
would identify the child who is the subject of the report or the 581

maker of the report, if the maker is not the defendant or an 582
agent or employee of the defendant, has been redacted. 583

(0) (1) As used in this division: 584

(a) "Out-of-home care" includes a nonchartered nonpublic 585
school if the alleged child abuse or child neglect, or alleged 586
threat of child abuse or child neglect, described in a report 587
received by a public children services agency allegedly occurred 588
in or involved the nonchartered nonpublic school and the alleged 589
perpetrator named in the report holds a certificate, permit, or 590
license issued by the state board of education under section 591
3301.071 or Chapter 3319. of the Revised Code. 592

(b) "Administrator, director, or other chief 593
administrative officer" means the superintendent of the school 594
district if the out-of-home care entity subject to a report made 595
pursuant to this section is a school operated by the district. 596

(2) No later than the end of the day following the day on 597
which a public children services agency receives a report of 598
alleged child abuse or child neglect, or a report of an alleged 599
threat of child abuse or child neglect, that allegedly occurred 600
in or involved an out-of-home care entity, the agency shall 601
provide written notice of the allegations contained in and the 602
person named as the alleged perpetrator in the report to the 603
administrator, director, or other chief administrative officer 604
of the out-of-home care entity that is the subject of the report 605
unless the administrator, director, or other chief 606
administrative officer is named as an alleged perpetrator in the 607
report. If the administrator, director, or other chief 608
administrative officer of an out-of-home care entity is named as 609
an alleged perpetrator in a report of alleged child abuse or 610
child neglect, or a report of an alleged threat of child abuse 611

or child neglect, that allegedly occurred in or involved the 612
out-of-home care entity, the agency shall provide the written 613
notice to the owner or governing board of the out-of-home care 614
entity that is the subject of the report. The agency shall not 615
provide witness statements or police or other investigative 616
reports. 617

(3) No later than three days after the day on which a 618
public children services agency that conducted the investigation 619
as determined pursuant to section 2151.422 of the Revised Code 620
makes a disposition of an investigation involving a report of 621
alleged child abuse or child neglect, or a report of an alleged 622
threat of child abuse or child neglect, that allegedly occurred 623
in or involved an out-of-home care entity, the agency shall send 624
written notice of the disposition of the investigation to the 625
administrator, director, or other chief administrative officer 626
and the owner or governing board of the out-of-home care entity. 627
The agency shall not provide witness statements or police or 628
other investigative reports. 629

(P) As used in this section: 630

(1) "Children's advocacy center" and "sexual abuse of a 631
child" have the same meanings as in section 2151.425 of the 632
Revised Code. 633

(2) "Health care professional" means an individual who 634
provides health-related services including a physician, hospital 635
intern or resident, dentist, podiatrist, registered nurse, 636
licensed practical nurse, visiting nurse, licensed psychologist, 637
speech pathologist, audiologist, person engaged in social work 638
or the practice of professional counseling, and employee of a 639
home health agency. "Health care professional" does not include 640
a practitioner of a limited branch of medicine as specified in 641

section 4731.15 of the Revised Code, licensed school 642
psychologist, independent marriage and family therapist or 643
marriage and family therapist, or coroner. 644

(3) "Investigation" means the public children services 645
agency's response to an accepted report of child abuse or 646
neglect through either an alternative response or a traditional 647
response. 648

(4) "Peace officer" means a sheriff, deputy sheriff, 649
constable, police officer of a township or joint police 650
district, marshal, deputy marshal, municipal police officer, or 651
a state highway patrol trooper. 652

Section 2. That existing section 2151.421 of the Revised 653
Code is hereby repealed. 654

Section 3. Section 2151.421 of the Revised Code is 655
presented in this act as a composite of the section as amended 656
by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 132nd General 657
Assembly. The General Assembly, applying the principle stated in 658
division (B) of section 1.52 of the Revised Code that amendments 659
are to be harmonized if reasonably capable of simultaneous 660
operation, finds that the composite is the resulting version of 661
the section in effect prior to the effective date of the section 662
as presented in this act. 663