

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 291**

**Senator Coley**

**Cosponsors: Senators Lehner, Terhar**

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**A BILL**

To amend section 2151.421 and to enact sections 1  
2151.90, 2151.901, 2151.902, and 2151.903 of the 2  
Revised Code regarding regulation of host family 3  
agreements. 4

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

**Section 1.** That section 2151.421 be amended and sections 5  
2151.90, 2151.901, 2151.902, and 2151.903 of the Revised Code be 6  
enacted 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  
provided in section 5120.173 of the Revised Code, the person 20  
making the report shall make it to the public children services 21  
agency or a municipal or county peace officer in the county in 22  
which the child resides or in which the abuse or neglect is 23  
occurring or has occurred. In the circumstances described in 24  
section 5120.173 of the Revised Code, the person making the 25  
report shall make it to the entity specified in that section. 26

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

Revised Code; employee of an entity that provides homemaker 50  
services; employee of a qualified organization as defined in 51  
section 2151.90 of the Revised Code; a person performing the 52  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 53  
Revised Code; third party employed by a public children services 54  
agency to assist in providing child or family related services; 55  
court appointed special advocate; or guardian ad litem. 56

(c) If two or more health care professionals, after 57  
providing health care services to a child, determine or suspect 58  
that the child has been or is being abused or neglected, the 59  
health care professionals may designate one of the health care 60  
professionals to report the abuse or neglect. A single report 61  
made under this division shall meet the reporting requirements 62  
of division (A)(1) of this section. 63

(2) Except as provided in division (A)(3) of this section, 64  
an attorney or a physician is not required to make a report 65  
pursuant to division (A)(1) of this section concerning any 66  
communication the attorney or physician receives from a client 67  
or patient in an attorney-client or physician-patient 68  
relationship, if, in accordance with division (A) or (B) of 69  
section 2317.02 of the Revised Code, the attorney or physician 70  
could not testify with respect to that communication in a civil 71  
or criminal proceeding. 72

(3) The client or patient in an attorney-client or 73  
physician-patient relationship described in division (A)(2) of 74  
this section is deemed to have waived any testimonial privilege 75  
under division (A) or (B) of section 2317.02 of the Revised Code 76  
with respect to any communication the attorney or physician 77  
receives from the client or patient in that attorney-client or 78  
physician-patient relationship, and the attorney or physician 79

shall make a report pursuant to division (A)(1) of this section 80  
with respect to that communication, if all of the following 81  
apply: 82

(a) The client or patient, at the time of the 83  
communication, is a child under eighteen years of age or is a 84  
person under twenty-one years of age with a developmental 85  
disability or physical impairment. 86

(b) The attorney or physician knows, or has reasonable 87  
cause to suspect based on facts that would cause a reasonable 88  
person in similar position to suspect that the client or patient 89  
has suffered or faces a threat of suffering any physical or 90  
mental wound, injury, disability, or condition of a nature that 91  
reasonably indicates abuse or neglect of the client or patient. 92

(c) The abuse or neglect does not arise out of the 93  
client's or patient's attempt to have an abortion without the 94  
notification of her parents, guardian, or custodian in 95  
accordance with section 2151.85 of the Revised Code. 96

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

reasonable person in a similar position to believe, that another 110  
cleric or another person, other than a volunteer, designated by 111  
a church, religious society, or faith acting as a leader, 112  
official, or delegate on behalf of the church, religious 113  
society, or faith caused, or poses the threat of causing, the 114  
wound, injury, disability, or condition that reasonably 115  
indicates abuse or neglect shall fail to immediately report that 116  
knowledge or reasonable cause to believe to the entity or 117  
persons specified in this division. Except as provided in 118  
section 5120.173 of the Revised Code, the person making the 119  
report shall make it to the public children services agency or a 120  
municipal or county peace officer in the county in which the 121  
child resides or in which the abuse or neglect is occurring or 122  
has occurred. In the circumstances described in section 5120.173 123  
of the Revised Code, the person making the report shall make it 124  
to the entity specified in that section. 125

(b) Except as provided in division (A) (4) (c) of this 126  
section, a cleric is not required to make a report pursuant to 127  
division (A) (4) (a) of this section concerning any communication 128  
the cleric receives from a penitent in a cleric-penitent 129  
relationship, if, in accordance with division (C) of section 130  
2317.02 of the Revised Code, the cleric could not testify with 131  
respect to that communication in a civil or criminal proceeding. 132

(c) The penitent in a cleric-penitent relationship 133  
described in division (A) (4) (b) of this section is deemed to 134  
have waived any testimonial privilege under division (C) of 135  
section 2317.02 of the Revised Code with respect to any 136  
communication the cleric receives from the penitent in that 137  
cleric-penitent relationship, and the cleric shall make a report 138  
pursuant to division (A) (4) (a) of this section with respect to 139  
that communication, if all of the following apply: 140

(i) The penitent, at the time of the communication, is a 141  
child under eighteen years of age or is a person under twenty- 142  
one years of age with a developmental disability or physical 143  
impairment. 144

(ii) The cleric knows, or has reasonable cause to believe 145  
based on facts that would cause a reasonable person in a similar 146  
position to believe, as a result of the communication or any 147  
observations made during that communication, the penitent has 148  
suffered or faces a threat of suffering any physical or mental 149  
wound, injury, disability, or condition of a nature that 150  
reasonably indicates abuse or neglect of the penitent. 151

(iii) The abuse or neglect does not arise out of the 152  
penitent's attempt to have an abortion performed upon a child 153  
under eighteen years of age or upon a person under twenty-one 154  
years of age with a developmental disability or physical 155  
impairment without the notification of her parents, guardian, or 156  
custodian in accordance with section 2151.85 of the Revised 157  
Code. 158

(d) Divisions (A) (4) (a) and (c) of this section do not 159  
apply in a cleric-penitent relationship when the disclosure of 160  
any communication the cleric receives from the penitent is in 161  
violation of the sacred trust. 162

(e) As used in divisions (A) (1) and (4) of this section, 163  
"cleric" and "sacred trust" have the same meanings as in section 164  
2317.02 of the Revised Code. 165

(B) Anyone who knows, or has reasonable cause to suspect 166  
based on facts that would cause a reasonable person in similar 167  
circumstances to suspect, that a child under eighteen years of 168  
age, or a person under twenty-one years of age with a 169

developmental disability or physical impairment, has suffered or 170  
faces a threat of suffering any physical or mental wound, 171  
injury, disability, or other condition of a nature that 172  
reasonably indicates abuse or neglect of the child may report or 173  
cause reports to be made of that knowledge or reasonable cause 174  
to suspect to the entity or persons specified in this division. 175  
Except as provided in section 5120.173 of the Revised Code, a 176  
person making a report or causing a report to be made under this 177  
division shall make it or cause it to be made to the public 178  
children services agency or to a municipal or county peace 179  
officer. In the circumstances described in section 5120.173 of 180  
the Revised Code, a person making a report or causing a report 181  
to be made under this division shall make it or cause it to be 182  
made to the entity specified in that section. 183

(C) Any report made pursuant to division (A) or (B) of 184  
this section shall be made forthwith either by telephone or in 185  
person and shall be followed by a written report, if requested 186  
by the receiving agency or officer. The written report shall 187  
contain: 188

(1) The names and addresses of the child and the child's 189  
parents or the person or persons having custody of the child, if 190  
known; 191

(2) The child's age and the nature and extent of the 192  
child's injuries, abuse, or neglect that is known or reasonably 193  
suspected or believed, as applicable, to have occurred or of the 194  
threat of injury, abuse, or neglect that is known or reasonably 195  
suspected or believed, as applicable, to exist, including any 196  
evidence of previous injuries, abuse, or neglect; 197

(3) Any other information, including, but not limited to, 198  
results and reports of any medical examinations, tests, or 199

procedures performed under division (D) of this section, that 200  
might be helpful in establishing the cause of the injury, abuse, 201  
or neglect that is known or reasonably suspected or believed, as 202  
applicable, to have occurred or of the threat of injury, abuse, 203  
or neglect that is known or reasonably suspected or believed, as 204  
applicable, to exist. 205

(D) (1) Any person, who is required by division (A) of this 206  
section to report child abuse or child neglect that is known or 207  
reasonably suspected or believed to have occurred, may take or 208  
cause to be taken color photographs of areas of trauma visible 209  
on a child and, if medically necessary for the purpose of 210  
diagnosing or treating injuries that are suspected to have 211  
occurred as a result of child abuse or child neglect, perform or 212  
cause to be performed radiological examinations and any other 213  
medical examinations of, and tests or procedures on, the child. 214

(2) The results and any available reports of examinations, 215  
tests, or procedures made under division (D) (1) of this section 216  
shall be included in a report made pursuant to division (A) of 217  
this section. Any additional reports of examinations, tests, or 218  
procedures that become available shall be provided to the public 219  
children services agency, upon request. 220

(3) If a health care professional provides health care 221  
services in a hospital, children's advocacy center, or emergency 222  
medical facility to a child about whom a report has been made 223  
under division (A) of this section, the health care professional 224  
may take any steps that are reasonably necessary for the release 225  
or discharge of the child to an appropriate environment. Before 226  
the child's release or discharge, the health care professional 227  
may obtain information, or consider information obtained, from 228  
other entities or individuals that have knowledge about the 229

child. Nothing in division (D) (3) of this section shall be 230  
construed to alter the responsibilities of any person under 231  
sections 2151.27 and 2151.31 of the Revised Code. 232

(4) A health care professional may conduct medical 233  
examinations, tests, or procedures on the siblings of a child 234  
about whom a report has been made under division (A) of this 235  
section and on other children who reside in the same home as the 236  
child, if the professional determines that the examinations, 237  
tests, or procedures are medically necessary to diagnose or 238  
treat the siblings or other children in order to determine 239  
whether reports under division (A) of this section are warranted 240  
with respect to such siblings or other children. The results of 241  
the examinations, tests, or procedures on the siblings and other 242  
children may be included in a report made pursuant to division 243  
(A) of this section. 244

(5) Medical examinations, tests, or procedures conducted 245  
under divisions (D) (1) and (4) of this section and decisions 246  
regarding the release or discharge of a child under division (D) 247  
(3) of this section do not constitute a law enforcement 248  
investigation or activity. 249

(E) (1) When a municipal or county peace officer receives a 250  
report concerning the possible abuse or neglect of a child or 251  
the possible threat of abuse or neglect of a child, upon receipt 252  
of the report, the municipal or county peace officer who 253  
receives the report shall refer the report to the appropriate 254  
public children services agency. 255

(2) When a public children services agency receives a 256  
report pursuant to this division or division (A) or (B) of this 257  
section, upon receipt of the report, the public children 258  
services agency shall do both of the following: 259

(a) Comply with section 2151.422 of the Revised Code;	260
(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.	261 262 263 264 265 266 267 268 269 270 271
(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.	272 273 274 275 276 277 278 279 280 281 282
(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	283 284 285 286 287 288 289

child neglect that is known or reasonably suspected or believed 290  
to exist that is referred to it under this section to determine 291  
the circumstances surrounding the injuries, abuse, or neglect or 292  
the threat of injury, abuse, or neglect, the cause of the 293  
injuries, abuse, neglect, or threat, and the person or persons 294  
responsible. The investigation shall be made in cooperation with 295  
the law enforcement agency and in accordance with the memorandum 296  
of understanding prepared under division (K) of this section. A 297  
representative of the public children services agency shall, at 298  
the time of initial contact with the person subject to the 299  
investigation, inform the person of the specific complaints or 300  
allegations made against the person. The information shall be 301  
given in a manner that is consistent with division (I) (1) of 302  
this section and protects the rights of the person making the 303  
report under this section. 304

A failure to make the investigation in accordance with the 305  
memorandum is not grounds for, and shall not result in, the 306  
dismissal of any charges or complaint arising from the report or 307  
the suppression of any evidence obtained as a result of the 308  
report and does not give, and shall not be construed as giving, 309  
any rights or any grounds for appeal or post-conviction relief 310  
to any person. The public children services agency shall report 311  
each case to the uniform statewide automated child welfare 312  
information system that the department of job and family 313  
services shall maintain in accordance with section 5101.13 of 314  
the Revised Code. The public children services agency shall 315  
submit a report of its investigation, in writing, to the law 316  
enforcement agency. 317

(2) The public children services agency shall make any 318  
recommendations to the county prosecuting attorney or city 319  
director of law that it considers necessary to protect any 320

children that are brought to its attention. 321

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 322  
(I) (3) of this section, any person, health care professional, 323  
hospital, institution, school, health department, or agency 324  
shall be immune from any civil or criminal liability for injury, 325  
death, or loss to person or property that otherwise might be 326  
incurred or imposed as a result of any of the following: 327

(i) Participating in the making of reports pursuant to 328  
division (A) of this section or in the making of reports in good 329  
faith, pursuant to division (B) of this section; 330

(ii) Participating in medical examinations, tests, or 331  
procedures under division (D) of this section; 332

(iii) Providing information used in a report made pursuant 333  
to division (A) of this section or providing information in good 334  
faith used in a report made pursuant to division (B) of this 335  
section; 336

(iv) Participating in a judicial proceeding resulting from 337  
a report made pursuant to division (A) of this section or 338  
participating in good faith in a proceeding resulting from a 339  
report made pursuant to division (B) of this section. 340

(b) Immunity under division (H) (1) (a) (ii) of this section 341  
shall not apply when a health care provider has deviated from 342  
the standard of care applicable to the provider's profession. 343

(c) Notwithstanding section 4731.22 of the Revised Code, 344  
the physician-patient privilege shall not be a ground for 345  
excluding evidence regarding a child's injuries, abuse, or 346  
neglect, or the cause of the injuries, abuse, or neglect in any 347  
judicial proceeding resulting from a report submitted pursuant 348  
to this section. 349

(2) In any civil or criminal action or proceeding in which 350  
it is alleged and proved that participation in the making of a 351  
report under this section was not in good faith or participation 352  
in a judicial proceeding resulting from a report made under this 353  
section was not in good faith, the court shall award the 354  
prevailing party reasonable attorney's fees and costs and, if a 355  
civil action or proceeding is voluntarily dismissed, may award 356  
reasonable attorney's fees and costs to the party against whom 357  
the civil action or proceeding is brought. 358

(I) (1) Except as provided in divisions (I) (4) and (O) of 359  
this section, a report made under this section is confidential. 360  
The information provided in a report made pursuant to this 361  
section and the name of the person who made the report shall not 362  
be released for use, and shall not be used, as evidence in any 363  
civil action or proceeding brought against the person who made 364  
the report. Nothing in this division shall preclude the use of 365  
reports of other incidents of known or suspected abuse or 366  
neglect in a civil action or proceeding brought pursuant to 367  
division (N) of this section against a person who is alleged to 368  
have violated division (A) (1) of this section, provided that any 369  
information in a report that would identify the child who is the 370  
subject of the report or the maker of the report, if the maker 371  
of the report is not the defendant or an agent or employee of 372  
the defendant, has been redacted. In a criminal proceeding, the 373  
report is admissible in evidence in accordance with the Rules of 374  
Evidence and is subject to discovery in accordance with the 375  
Rules of Criminal Procedure. 376

(2) (a) Except as provided in division (I) (2) (b) of this 377  
section, no person shall permit or encourage the unauthorized 378  
dissemination of the contents of any report made under this 379  
section. 380

(b) A health care professional that obtains the same 381  
information contained in a report made under this section from a 382  
source other than the report may disseminate the information, if 383  
its dissemination is otherwise permitted by law. 384

(3) A person who knowingly makes or causes another person 385  
to make a false report under division (B) of this section that 386  
alleges that any person has committed an act or omission that 387  
resulted in a child being an abused child or a neglected child 388  
is guilty of a violation of section 2921.14 of the Revised Code. 389

(4) If a report is made pursuant to division (A) or (B) of 390  
this section and the child who is the subject of the report dies 391  
for any reason at any time after the report is made, but before 392  
the child attains eighteen years of age, the public children 393  
services agency or municipal or county peace officer to which 394  
the report was made or referred, on the request of the child 395  
fatality review board or the director of health pursuant to 396  
guidelines established under section 3701.70 of the Revised 397  
Code, shall submit a summary sheet of information providing a 398  
summary of the report to the review board of the county in which 399  
the deceased child resided at the time of death or to the 400  
director. On the request of the review board or director, the 401  
agency or peace officer may, at its discretion, make the report 402  
available to the review board or director. If the county served 403  
by the public children services agency is also served by a 404  
children's advocacy center and the report of alleged sexual 405  
abuse of a child or another type of abuse of a child is 406  
specified in the memorandum of understanding that creates the 407  
center as being within the center's jurisdiction, the agency or 408  
center shall perform the duties and functions specified in this 409  
division in accordance with the interagency agreement entered 410  
into under section 2151.428 of the Revised Code relative to that 411

advocacy center. 412

(5) A public children services agency shall advise a 413  
person alleged to have inflicted abuse or neglect on a child who 414  
is the subject of a report made pursuant to this section, 415  
including a report alleging sexual abuse of a child or another 416  
type of abuse of a child referred to a children's advocacy 417  
center pursuant to an interagency agreement entered into under 418  
section 2151.428 of the Revised Code, in writing of the 419  
disposition of the investigation. The agency shall not provide 420  
to the person any information that identifies the person who 421  
made the report, statements of witnesses, or police or other 422  
investigative reports. 423

(J) Any report that is required by this section, other 424  
than a report that is made to the state highway patrol as 425  
described in section 5120.173 of the Revised Code, shall result 426  
in protective services and emergency supportive services being 427  
made available by the public children services agency on behalf 428  
of the children about whom the report is made, in an effort to 429  
prevent further neglect or abuse, to enhance their welfare, and, 430  
whenever possible, to preserve the family unit intact. The 431  
agency required to provide the services shall be the agency 432  
conducting the investigation of the report pursuant to section 433  
2151.422 of the Revised Code. 434

(K) (1) Each public children services agency shall prepare 435  
a memorandum of understanding that is signed by all of the 436  
following: 437

(a) If there is only one juvenile judge in the county, the 438  
juvenile judge of the county or the juvenile judge's 439  
representative; 440

(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 469  
of any report made pursuant to division (A) or (B) of this 470  
section. A failure to follow the procedure set forth in the 471  
memorandum by the concerned officials is not grounds for, and 472  
shall not result in, the dismissal of any charges or complaint 473  
arising from any reported case of abuse or neglect or the 474  
suppression of any evidence obtained as a result of any reported 475  
child abuse or child neglect and does not give, and shall not be 476  
construed as giving, any rights or any grounds for appeal or 477  
post-conviction relief to any person. 478

(3) A memorandum of understanding shall include all of the 479  
following: 480

(a) The roles and responsibilities for handling emergency 481  
and nonemergency cases of abuse and neglect; 482

(b) Standards and procedures to be used in handling and 483  
coordinating investigations of reported cases of child abuse and 484  
reported cases of child neglect, methods to be used in 485  
interviewing the child who is the subject of the report and who 486  
allegedly was abused or neglected, and standards and procedures 487  
addressing the categories of persons who may interview the child 488  
who is the subject of the report and who allegedly was abused or 489  
neglected. 490

(4) If a public children services agency participated in 491  
the execution of a memorandum of understanding under section 492  
2151.426 of the Revised Code establishing a children's advocacy 493  
center, the agency shall incorporate the contents of that 494  
memorandum in the memorandum prepared pursuant to this section. 495

(5) The clerk of the court of common pleas in the county 496  
may sign the memorandum of understanding prepared under division 497

(K) (1) of this section. If the clerk signs the memorandum of 498  
understanding, the clerk shall execute all relevant 499  
responsibilities as required of officials specified in the 500  
memorandum. 501

(L) (1) Except as provided in division (L) (4) or (5) of 502  
this section, a person who is required to make a report pursuant 503  
to division (A) of this section may make a reasonable number of 504  
requests of the public children services agency that receives or 505  
is referred the report, or of the children's advocacy center 506  
that is referred the report if the report is referred to a 507  
children's advocacy center pursuant to an interagency agreement 508  
entered into under section 2151.428 of the Revised Code, to be 509  
provided with the following information: 510

(a) Whether the agency or center has initiated an 511  
investigation of the report; 512

(b) Whether the agency or center is continuing to 513  
investigate the report; 514

(c) Whether the agency or center is otherwise involved 515  
with the child who is the subject of the report; 516

(d) The general status of the health and safety of the 517  
child who is the subject of the report; 518

(e) Whether the report has resulted in the filing of a 519  
complaint in juvenile court or of criminal charges in another 520  
court. 521

(2) A person may request the information specified in 522  
division (L) (1) of this section only if, at the time the report 523  
is made, the person's name, address, and telephone number are 524  
provided to the person who receives the report. 525

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 556  
information is associated with or acting on behalf of the health 557  
care professional who provided health care services to the child 558  
about whom the report was made. 559

(M) The director of job and family services shall adopt 560  
rules in accordance with Chapter 119. of the Revised Code to 561  
implement this section. The department of job and family 562  
services may enter into a plan of cooperation with any other 563  
governmental entity to aid in ensuring that children are 564  
protected from abuse and neglect. The department shall make 565  
recommendations to the attorney general that the department 566  
determines are necessary to protect children from child abuse 567  
and child neglect. 568

(N) Whoever violates division (A) of this section is 569  
liable for compensatory and exemplary damages to the child who 570  
would have been the subject of the report that was not made. A 571  
person who brings a civil action or proceeding pursuant to this 572  
division against a person who is alleged to have violated 573  
division (A) (1) of this section may use in the action or 574  
proceeding reports of other incidents of known or suspected 575  
abuse or neglect, provided that any information in a report that 576  
would identify the child who is the subject of the report or the 577  
maker of the report, if the maker is not the defendant or an 578  
agent or employee of the defendant, has been redacted. 579

(O) (1) As used in this division: 580

(a) "Out-of-home care" includes a nonchartered nonpublic 581  
school if the alleged child abuse or child neglect, or alleged 582  
threat of child abuse or child neglect, described in a report 583  
received by a public children services agency allegedly occurred 584  
in or involved the nonchartered nonpublic school and the alleged 585

perpetrator named in the report holds a certificate, permit, or 586  
license issued by the state board of education under section 587  
3301.071 or Chapter 3319. of the Revised Code. 588

(b) "Administrator, director, or other chief 589  
administrative officer" means the superintendent of the school 590  
district if the out-of-home care entity subject to a report made 591  
pursuant to this section is a school operated by the district. 592

(2) No later than the end of the day following the day on 593  
which a public children services agency receives a report of 594  
alleged child abuse or child neglect, or a report of an alleged 595  
threat of child abuse or child neglect, that allegedly occurred 596  
in or involved an out-of-home care entity, the agency shall 597  
provide written notice of the allegations contained in and the 598  
person named as the alleged perpetrator in the report to the 599  
administrator, director, or other chief administrative officer 600  
of the out-of-home care entity that is the subject of the report 601  
unless the administrator, director, or other chief 602  
administrative officer is named as an alleged perpetrator in the 603  
report. If the administrator, director, or other chief 604  
administrative officer of an out-of-home care entity is named as 605  
an alleged perpetrator in a report of alleged child abuse or 606  
child neglect, or a report of an alleged threat of child abuse 607  
or child neglect, that allegedly occurred in or involved the 608  
out-of-home care entity, the agency shall provide the written 609  
notice to the owner or governing board of the out-of-home care 610  
entity that is the subject of the report. The agency shall not 611  
provide witness statements or police or other investigative 612  
reports. 613

(3) No later than three days after the day on which a 614  
public children services agency that conducted the investigation 615

as determined pursuant to section 2151.422 of the Revised Code 616  
makes a disposition of an investigation involving a report of 617  
alleged child abuse or child neglect, or a report of an alleged 618  
threat of child abuse or child neglect, that allegedly occurred 619  
in or involved an out-of-home care entity, the agency shall send 620  
written notice of the disposition of the investigation to the 621  
administrator, director, or other chief administrative officer 622  
and the owner or governing board of the out-of-home care entity. 623  
The agency shall not provide witness statements or police or 624  
other investigative reports. 625

(P) As used in this section: 626

(1) "Children's advocacy center" and "sexual abuse of a 627  
child" have the same meanings as in section 2151.425 of the 628  
Revised Code. 629

(2) "Health care professional" means an individual who 630  
provides health-related services including a physician, hospital 631  
intern or resident, dentist, podiatrist, registered nurse, 632  
licensed practical nurse, visiting nurse, licensed psychologist, 633  
speech pathologist, audiologist, person engaged in social work 634  
or the practice of professional counseling, and employee of a 635  
home health agency. "Health care professional" does not include 636  
a practitioner of a limited branch of medicine as specified in 637  
section 4731.15 of the Revised Code, licensed school 638  
psychologist, independent marriage and family therapist or 639  
marriage and family therapist, or coroner. 640

(3) "Investigation" means the public children services 641  
agency's response to an accepted report of child abuse or 642  
neglect through either an alternative response or a traditional 643  
response. 644

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.903 645  
of the Revised Code: 646

(1) "Qualified organization" means a private association, 647  
organization, corporation, nonprofit, or other entity that has 648  
established a program that does all of the following: 649

(a) Provides resources and services to assist, support, 650  
and educate parents, host families, children, or any person 651  
hosting a child under a host family agreement on a temporary 652  
basis; 653

(b) Conducts a criminal background check on the intended 654  
host family and all adults residing in the host family's 655  
household; 656

(c) Requires a background check in the central registry of 657  
abuse and neglect of this state from the department of job and 658  
family services for the intended host family and all adults 659  
residing in the host family's household; 660

(d) Ensures that the host family is trained on the rights, 661  
duties, responsibilities, and limitations as outlined in the 662  
host family agreement; 663

(e) Conducts regular supervision of a child who is the 664  
subject of the host family agreement while the agreement is in 665  
force; 666

(f) Plans for the return of the child who is the subject 667  
of the host family agreement to the child's parents. 668

(2) "Temporary basis" means a period of time not to exceed 669  
one year, except as provided in section 2151.901 of the Revised 670  
Code. 671

(B) A child may be placed with a host family only under 672

<u>the following conditions:</u>	673
<u>(1) The placement is made as follows:</u>	674
<u>(a) On a temporary basis;</u>	675
<u>(b) Under a host family agreement entered into with a</u> <u>qualified organization's assistance.</u>	676 677
<u>(2) Either one or both parents are:</u>	678
<u>(a) Incarcerated;</u>	679
<u>(b) Incapacitated;</u>	680
<u>(c) Receiving medical, psychiatric, or psychological</u> <u>treatment;</u>	681 682
<u>(d) On active military service; or</u>	683
<u>(e) Subject to other circumstances under which the host</u> <u>family placement is appropriate.</u>	684 685
<u>Sec. 2151.901. A juvenile court may alter the period</u> <u>during which a host family agreement is in effect if the court</u> <u>determines there are extenuating circumstances.</u>	686 687 688
<u>Sec. 2151.902. A public children services agency shall not</u> <u>file a complaint under section 2151.27 of the Revised Code</u> <u>because a child is placed with a host family in compliance with</u> <u>section 2151.90 of the Revised Code, unless the agency</u> <u>determines that factors other than the placement warrant filing</u> <u>the complaint.</u>	689 690 691 692 693 694
<u>Sec. 2151.903. The presumption that a child placed with a</u> <u>host family is abandoned under section 2151.011 of the Revised</u> <u>Code may be rebutted if the placement complied with section</u> <u>2151.90 of the Revised Code.</u>	695 696 697 698

<b>Section 2.</b> That existing section 2151.421 of the Revised	699
Code is hereby repealed.	700
<b>Section 3.</b> Section 2151.421 of the Revised Code is	701
presented in this act as a composite of the section as amended	702
by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General	703
Assembly. The General Assembly, applying the principle stated in	704
division (B) of section 1.52 of the Revised Code that amendments	705
are to be harmonized if reasonably capable of simultaneous	706
operation, finds that the composite is the resulting version of	707
the section in effect prior to the effective date of the section	708
as presented in this act.	709