

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 33

Representatives Lanese, Carruthers

Cosponsors: Representatives Riedel, LaTourette, Carfagna

A BILL

To amend sections 109.46, 959.99, and 2151.421 and 1
to enact sections 959.07, 959.08, 959.09, and 2
959.10 of the Revised Code to establish animal 3
abuse reporting requirements. 4

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

Section 1. That sections 109.46, 959.99, and 2151.421 be 5
amended and sections 959.07, 959.08, 959.09, and 959.10 of the 6
Revised Code be enacted to read as follows: 7

Sec. 109.46. (A) As used in this section, "domestic 8
violence program" means any of the following: 9

(1) The nonprofit state domestic violence coalition 10
designated by the family and youth services bureau of the United 11
States department of health and human services; 12

(2) A program operated by a nonprofit entity the primary 13
purpose of which is to provide a broad range of services to 14
victims of domestic violence that may include, but are not 15
limited to, hotlines, emergency shelters, victim advocacy and 16
support, justice systems advocacy, individual and group 17
counseling for adults and children, or transitional service and 18

education to prevent domestic violence. The program may provide 19
some or all of the services described in this division. 20

(B) (1) There is hereby created in the state treasury the 21
domestic violence program fund consisting of money appropriated 22
to the fund by the general assembly ~~or~~, money donated to the 23
fund, and money collected from civil penalties assessed under 24
section 959.10 of the Revised Code. The attorney general shall 25
administer the domestic violence program fund. ~~The Both of the~~ 26
following apply to the use of money in the fund: 27

(a) Subject to division (B) (1) (b) of this section, the 28
attorney general may not use more than five per cent of the 29
moneys appropriated or deposited into the fund to pay costs 30
associated with administering the fund, and shall use at least 31
ninety-five per cent of the moneys appropriated or deposited 32
into the fund for the purpose of providing funding to domestic 33
violence programs under this section. 34

(b) The attorney general shall use all money collected 35
from civil penalties assessed under section 959.10 of the 36
Revised Code to provide funding to domestic violence programs 37
that assist victims of domestic violence by arranging temporary 38
shelter or other support for such victims' companion animals. 39

(2) The attorney general shall adopt rules pursuant to 40
Chapter 119. of the Revised Code that shall establish procedures 41
for domestic violence programs to apply to the attorney general 42
for funding from the domestic violence program fund and 43
procedures for the attorney general to distribute money out of 44
the fund to domestic violence programs. 45

(C) (1) Priority of funding from the domestic violence 46
program fund shall be given to the domestic violence programs in 47

existence on and after July 1, 2017. 48

(2) A domestic violence program that receives funds from 49
the domestic violence program fund shall use the funds received 50
for the following purposes: 51

(a) To provide training and technical assistance to 52
service providers, if the program that receives the funds is the 53
nonprofit state domestic violence coalition specified in 54
division (A) (1) of this section; 55

(b) To provide services to victims of domestic violence, 56
including, but not limited to, education to prevent domestic 57
violence, if the program that receives the funds is a nonprofit 58
entity described in division (A) (2) of this section. Funds 59
received under this division may also be used for general 60
operating support, including capital improvements and primary 61
prevention and risk reduction programs for the general 62
population. 63

(D) As used in this section, "companion animal" has the 64
same meaning as in section 959.131 of the Revised Code. 65

Sec. 959.07. (A) As used in sections 959.07 to 959.09 of 66
the Revised Code: 67

(1) "Companion animal" has the same meaning as in section 68
959.131 of the Revised Code. 69

(2) "Licensed veterinarian" has the same meaning as in 70
section 4741.01 of the Revised Code. 71

(3) "Public children services agency" has the same meaning 72
as in section 5153.01 of the Revised Code. 73

(4) "Protective services" has the same meaning as in 74
section 5101.60 of the Revised Code. 75

(5) "Officer" has the same meaning as in section 959.132 76
of the Revised Code and includes a dog warden or deputy dog 77
warden appointed or employed under section 955.12 of the Revised 78
Code. 79

(6) "Social service professional" means an employee of a 80
private or public children services agency or an employee of a 81
county department of job and family services with responsibility 82
for protective services. 83

(7) "Adult" has the same meaning as in section 5101.60 of 84
the Revised Code. 85

(B) (1) No person listed in division (B) (2) of this section 86
shall fail to immediately report a violation of this chapter 87
that involves a companion animal to an officer when that person 88
has knowledge or reasonable cause to suspect that such a 89
violation has occurred or is occurring. 90

(2) Division (B) (1) of this section applies to all of the 91
following operating in an official or professional capacity: 92

(a) A licensed veterinarian; 93

(b) A social service professional; 94

(c) A person licensed under Chapter 4757. of the Revised 95
Code. 96

Sec. 959.08. No officer, operating in an official or 97
professional capacity, shall fail to immediately report a 98
violation of this chapter involving a companion animal to an 99
appropriate social service professional when both of the 100
following apply: 101

(A) The officer has knowledge or reasonable cause to 102
suspect that such a violation has occurred or is occurring. 103

(B) The officer has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator. 104
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Sec. 959.09. (A) A person required to make a report under section 959.07 or 959.08 of the Revised Code may do so orally or in writing and shall include all of the following in the report: 107
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(1) The name, if known, and description of the animal involved; 110
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(2) The address and telephone number of the owner or other person responsible for care of the animal, if known; 112
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(3) The nature and extent of the suspected abuse; 114

(4) Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation. 115
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(B) A person required to make a report under section 959.07 or 959.08 of the Revised Code is immune from civil or criminal liability in connection with making that report if the person acted in good faith when making the report. 119
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(C) No person required to make a report under section 959.07 or 959.08 of the Revised Code shall knowingly make a false report. 123
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(D) (1) A court shall award reasonable attorney's fees and costs to the prevailing party in any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under section 959.07 or 959.08 of the Revised Code was not in good faith. 126
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(2) A court may award reasonable attorney's fees and costs 131

to the party against whom a civil action or proceeding is 132
brought in which it is alleged that participation in the making 133
of a report under section 959.07 or 959.08 of the Revised Code 134
was not in good faith if the action or proceeding is voluntarily 135
dismissed. 136

Sec. 959.10. (A) Whoever violates section 959.07 or 959.08 137
of the Revised Code shall pay a civil penalty of one hundred 138
dollars for a first violation and five hundred dollars for each 139
subsequent violation. 140

(B) The attorney general may bring a civil action to 141
enforce this section in the court of common pleas of the county 142
in which the violation occurred. An action under this section is 143
a civil action, governed by the Rules of Civil Procedure and 144
other rules of practice and procedure applicable to civil 145
actions. 146

(C) The attorney general shall deposit money collected 147
from the penalties assessed under this section in the domestic 148
violence program fund established in section 109.46 of the 149
Revised Code. 150

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 151
of the Revised Code is guilty of a minor misdemeanor. 152

(B) Except as otherwise provided in this division, whoever 153
violates section 959.02 of the Revised Code is guilty of a 154
misdemeanor of the second degree. If the value of the animal 155
killed or the injury done amounts to three hundred dollars or 156
more, whoever violates section 959.02 of the Revised Code is 157
guilty of a misdemeanor of the first degree. 158

(C) Whoever violates section 959.03, 959.06, division (C) 159
of section 959.09, 959.12, or 959.17 or division (A) of section 160

959.15 of the Revised Code is guilty of a misdemeanor of the 161
fourth degree. 162

(D) Whoever violates division (A) of section 959.13 or 163
section 959.21 of the Revised Code is guilty of a misdemeanor of 164
the second degree. In addition, the court may order the offender 165
to forfeit the animal or livestock and may provide for its 166
disposition, including, but not limited to, the sale of the 167
animal or livestock. If an animal or livestock is forfeited and 168
sold pursuant to this division, the proceeds from the sale first 169
shall be applied to pay the expenses incurred with regard to the 170
care of the animal from the time it was taken from the custody 171
of the former owner. The balance of the proceeds from the sale, 172
if any, shall be paid to the former owner of the animal. 173

(E) (1) Whoever violates division (B) of section 959.131 of 174
the Revised Code is guilty of a misdemeanor of the first degree 175
on a first offense and a felony of the fifth degree on each 176
subsequent offense. 177

(2) Whoever violates division (C) of section 959.131 of 178
the Revised Code is guilty of a felony of the fifth degree. 179

(3) Whoever violates section 959.01 of the Revised Code or 180
division (D) of section 959.131 of the Revised Code is guilty of 181
a misdemeanor of the second degree on a first offense and a 182
misdemeanor of the first degree on each subsequent offense. 183

(4) Whoever violates division (E) of section 959.131 of 184
the Revised Code is guilty of a felony of the fifth degree. 185

(5) Whoever violates division (F) of section 959.131 of 186
the Revised Code is guilty of a misdemeanor of the first degree. 187

(6) (a) A court may order a person who is convicted of or 188
pleads guilty to a violation of section 959.131 of the Revised 189

Code to forfeit to an impounding agency, as defined in section 190
959.132 of the Revised Code, any or all of the companion animals 191
in that person's ownership or care. The court also may prohibit 192
or place limitations on the person's ability to own or care for 193
any companion animals for a specified or indefinite period of 194
time. 195

(b) A court may order a person who is convicted of or 196
pleads guilty to a violation of section 959.131 of the Revised 197
Code to reimburse an impounding agency for the reasonably 198
necessary costs incurred by the agency for the care of a 199
companion animal that the agency impounded as a result of the 200
investigation or prosecution of the violation, provided that the 201
costs were not otherwise paid under section 959.132 of the 202
Revised Code. 203

(7) If a court has reason to believe that a person who is 204
convicted of or pleads guilty to a violation of section 959.131 205
or 959.21 of the Revised Code suffers from a mental or emotional 206
disorder that contributed to the violation, the court may impose 207
as a community control sanction or as a condition of probation a 208
requirement that the offender undergo psychological evaluation 209
or counseling. The court shall order the offender to pay the 210
costs of the evaluation or counseling. 211

(F) Whoever violates section 959.14 of the Revised Code is 212
guilty of a misdemeanor of the second degree on a first offense 213
and a misdemeanor of the first degree on each subsequent 214
offense. 215

(G) Whoever violates section 959.05 or 959.20 of the 216
Revised Code is guilty of a misdemeanor of the first degree. 217

(H) Whoever violates section 959.16 of the Revised Code is 218

guilty of a felony of the fourth degree for a first offense and 219
a felony of the third degree on each subsequent offense. 220

(I) Whoever violates division (B) or (C) of section 959.15 221
of the Revised Code is guilty of a felony and shall be fined not 222
more than ten thousand dollars. 223

Sec. 2151.421. (A) (1) (a) No person described in division 224
(A) (1) (b) of this section who is acting in an official or 225
professional capacity and knows, or has reasonable cause to 226
suspect based on facts that would cause a reasonable person in a 227
similar position to suspect, that a child under eighteen years 228
of age, or a person under twenty-one years of age with a 229
developmental disability or physical impairment, has suffered or 230
faces a threat of suffering any physical or mental wound, 231
injury, disability, or condition of a nature that reasonably 232
indicates abuse or neglect of the child shall fail to 233
immediately report that knowledge or reasonable cause to suspect 234
to the entity or persons specified in this division. Except as 235
otherwise provided in this division or section 5120.173 of the 236
Revised Code, the person making the report shall make it to the 237
public children services agency or a peace officer in the county 238
in which the child resides or in which the abuse or neglect is 239
occurring or has occurred. If the person making the report is a 240
peace officer, the officer shall make it to the public children 241
services agency in the county in which the child resides or in 242
which the abuse or neglect is occurring or has occurred. In the 243
circumstances described in section 5120.173 of the Revised Code, 244
the person making the report shall make it to the entity 245
specified in that section. 246

(b) Division (A) (1) (a) of this section applies to any 247
person who is an attorney; health care professional; 248

practitioner of a limited branch of medicine as specified in	249
section 4731.15 of the Revised Code; licensed school	250
psychologist; independent marriage and family therapist or	251
marriage and family therapist; coroner; administrator or	252
employee of a child day-care center; administrator or employee	253
of a residential camp, child day camp, or private, nonprofit	254
therapeutic wilderness camp; administrator or employee of a	255
certified child care agency or other public or private children	256
services agency; school teacher; school employee; school	257
authority; peace officer; agent of a county humane society; <u>dog</u>	258
<u>warden, deputy dog warden, or other person appointed to act as</u>	259
<u>an animal control officer for a municipal corporation or</u>	260
<u>township in accordance with state law, an ordinance, or a</u>	261
<u>resolution</u> ; person, other than a cleric, rendering spiritual	262
treatment through prayer in accordance with the tenets of a	263
well-recognized religion; employee of a county department of job	264
and family services who is a professional and who works with	265
children and families; superintendent or regional administrator	266
employed by the department of youth services; superintendent,	267
board member, or employee of a county board of developmental	268
disabilities; investigative agent contracted with by a county	269
board of developmental disabilities; employee of the department	270
of developmental disabilities; employee of a facility or home	271
that provides respite care in accordance with section 5123.171	272
of the Revised Code; employee of an entity that provides	273
homemaker services; a person performing the duties of an	274
assessor pursuant to Chapter 3107. or 5103. of the Revised Code;	275
third party employed by a public children services agency to	276
assist in providing child or family related services; court	277
appointed special advocate; or guardian ad litem.	278
(c) If two or more health care professionals, after	279

providing health care services to a child, determine or suspect 280
that the child has been or is being abused or neglected, the 281
health care professionals may designate one of the health care 282
professionals to report the abuse or neglect. A single report 283
made under this division shall meet the reporting requirements 284
of division (A)(1) of this section. 285

(2) Except as provided in division (A)(3) of this section, 286
an attorney or a physician is not required to make a report 287
pursuant to division (A)(1) of this section concerning any 288
communication the attorney or physician receives from a client 289
or patient in an attorney-client or physician-patient 290
relationship, if, in accordance with division (A) or (B) of 291
section 2317.02 of the Revised Code, the attorney or physician 292
could not testify with respect to that communication in a civil 293
or criminal proceeding. 294

(3) The client or patient in an attorney-client or 295
physician-patient relationship described in division (A)(2) of 296
this section is deemed to have waived any testimonial privilege 297
under division (A) or (B) of section 2317.02 of the Revised Code 298
with respect to any communication the attorney or physician 299
receives from the client or patient in that attorney-client or 300
physician-patient relationship, and the attorney or physician 301
shall make a report pursuant to division (A)(1) of this section 302
with respect to that communication, if all of the following 303
apply: 304

(a) The client or patient, at the time of the 305
communication, is a child under eighteen years of age or is a 306
person under twenty-one years of age with a developmental 307
disability or physical impairment. 308

(b) The attorney or physician knows, or has reasonable 309

cause to suspect based on facts that would cause a reasonable 310
person in similar position to suspect that the client or patient 311
has suffered or faces a threat of suffering any physical or 312
mental wound, injury, disability, or condition of a nature that 313
reasonably indicates abuse or neglect of the client or patient. 314

(c) The abuse or neglect does not arise out of the 315
client's or patient's attempt to have an abortion without the 316
notification of her parents, guardian, or custodian in 317
accordance with section 2151.85 of the Revised Code. 318

(4) (a) No cleric and no person, other than a volunteer, 319
designated by any church, religious society, or faith acting as 320
a leader, official, or delegate on behalf of the church, 321
religious society, or faith who is acting in an official or 322
professional capacity, who knows, or has reasonable cause to 323
believe based on facts that would cause a reasonable person in a 324
similar position to believe, that a child under eighteen years 325
of age, or a person under twenty-one years of age with a 326
developmental disability or physical impairment, has suffered or 327
faces a threat of suffering any physical or mental wound, 328
injury, disability, or condition of a nature that reasonably 329
indicates abuse or neglect of the child, and who knows, or has 330
reasonable cause to believe based on facts that would cause a 331
reasonable person in a similar position to believe, that another 332
cleric or another person, other than a volunteer, designated by 333
a church, religious society, or faith acting as a leader, 334
official, or delegate on behalf of the church, religious 335
society, or faith caused, or poses the threat of causing, the 336
wound, injury, disability, or condition that reasonably 337
indicates abuse or neglect shall fail to immediately report that 338
knowledge or reasonable cause to believe to the entity or 339
persons specified in this division. Except as provided in 340

section 5120.173 of the Revised Code, the person making the 341
report shall make it to the public children services agency or a 342
peace officer in the county in which the child resides or in 343
which the abuse or neglect is occurring or has occurred. In the 344
circumstances described in section 5120.173 of the Revised Code, 345
the person making the report shall make it to the entity 346
specified in that section. 347

(b) Except as provided in division (A) (4) (c) of this 348
section, a cleric is not required to make a report pursuant to 349
division (A) (4) (a) of this section concerning any communication 350
the cleric receives from a penitent in a cleric-penitent 351
relationship, if, in accordance with division (C) of section 352
2317.02 of the Revised Code, the cleric could not testify with 353
respect to that communication in a civil or criminal proceeding. 354

(c) The penitent in a cleric-penitent relationship 355
described in division (A) (4) (b) of this section is deemed to 356
have waived any testimonial privilege under division (C) of 357
section 2317.02 of the Revised Code with respect to any 358
communication the cleric receives from the penitent in that 359
cleric-penitent relationship, and the cleric shall make a report 360
pursuant to division (A) (4) (a) of this section with respect to 361
that communication, if all of the following apply: 362

(i) The penitent, at the time of the communication, is a 363
child under eighteen years of age or is a person under twenty- 364
one years of age with a developmental disability or physical 365
impairment. 366

(ii) The cleric knows, or has reasonable cause to believe 367
based on facts that would cause a reasonable person in a similar 368
position to believe, as a result of the communication or any 369
observations made during that communication, the penitent has 370

suffered or faces a threat of suffering any physical or mental 371
wound, injury, disability, or condition of a nature that 372
reasonably indicates abuse or neglect of the penitent. 373

(iii) The abuse or neglect does not arise out of the 374
penitent's attempt to have an abortion performed upon a child 375
under eighteen years of age or upon a person under twenty-one 376
years of age with a developmental disability or physical 377
impairment without the notification of her parents, guardian, or 378
custodian in accordance with section 2151.85 of the Revised 379
Code. 380

(d) Divisions (A) (4) (a) and (c) of this section do not 381
apply in a cleric-penitent relationship when the disclosure of 382
any communication the cleric receives from the penitent is in 383
violation of the sacred trust. 384

(e) As used in divisions (A) (1) and (4) of this section, 385
"cleric" and "sacred trust" have the same meanings as in section 386
2317.02 of the Revised Code. 387

(B) Anyone who knows, or has reasonable cause to suspect 388
based on facts that would cause a reasonable person in similar 389
circumstances to suspect, that a child under eighteen years of 390
age, or a person under twenty-one years of age with a 391
developmental disability or physical impairment, has suffered or 392
faces a threat of suffering any physical or mental wound, 393
injury, disability, or other condition of a nature that 394
reasonably indicates abuse or neglect of the child may report or 395
cause reports to be made of that knowledge or reasonable cause 396
to suspect to the entity or persons specified in this division. 397
Except as provided in section 5120.173 of the Revised Code, a 398
person making a report or causing a report to be made under this 399
division shall make it or cause it to be made to the public 400

children services agency or to a peace officer. In the 401
circumstances described in section 5120.173 of the Revised Code, 402
a person making a report or causing a report to be made under 403
this division shall make it or cause it to be made to the entity 404
specified in that section. 405

(C) Any report made pursuant to division (A) or (B) of 406
this section shall be made forthwith either by telephone or in 407
person and shall be followed by a written report, if requested 408
by the receiving agency or officer. The written report shall 409
contain: 410

(1) The names and addresses of the child and the child's 411
parents or the person or persons having custody of the child, if 412
known; 413

(2) The child's age and the nature and extent of the 414
child's injuries, abuse, or neglect that is known or reasonably 415
suspected or believed, as applicable, to have occurred or of the 416
threat of injury, abuse, or neglect that is known or reasonably 417
suspected or believed, as applicable, to exist, including any 418
evidence of previous injuries, abuse, or neglect; 419

(3) Any other information, including, but not limited to, 420
results and reports of any medical examinations, tests, or 421
procedures performed under division (D) of this section, that 422
might be helpful in establishing the cause of the injury, abuse, 423
or neglect that is known or reasonably suspected or believed, as 424
applicable, to have occurred or of the threat of injury, abuse, 425
or neglect that is known or reasonably suspected or believed, as 426
applicable, to exist. 427

(D) (1) Any person, who is required by division (A) of this 428
section to report child abuse or child neglect that is known or 429

reasonably suspected or believed to have occurred, may take or 430
cause to be taken color photographs of areas of trauma visible 431
on a child and, if medically necessary for the purpose of 432
diagnosing or treating injuries that are suspected to have 433
occurred as a result of child abuse or child neglect, perform or 434
cause to be performed radiological examinations and any other 435
medical examinations of, and tests or procedures on, the child. 436

(2) The results and any available reports of examinations, 437
tests, or procedures made under division (D) (1) of this section 438
shall be included in a report made pursuant to division (A) of 439
this section. Any additional reports of examinations, tests, or 440
procedures that become available shall be provided to the public 441
children services agency, upon request. 442

(3) If a health care professional provides health care 443
services in a hospital, children's advocacy center, or emergency 444
medical facility to a child about whom a report has been made 445
under division (A) of this section, the health care professional 446
may take any steps that are reasonably necessary for the release 447
or discharge of the child to an appropriate environment. Before 448
the child's release or discharge, the health care professional 449
may obtain information, or consider information obtained, from 450
other entities or individuals that have knowledge about the 451
child. Nothing in division (D) (3) of this section shall be 452
construed to alter the responsibilities of any person under 453
sections 2151.27 and 2151.31 of the Revised Code. 454

(4) A health care professional may conduct medical 455
examinations, tests, or procedures on the siblings of a child 456
about whom a report has been made under division (A) of this 457
section and on other children who reside in the same home as the 458
child, if the professional determines that the examinations, 459

tests, or procedures are medically necessary to diagnose or 460
treat the siblings or other children in order to determine 461
whether reports under division (A) of this section are warranted 462
with respect to such siblings or other children. The results of 463
the examinations, tests, or procedures on the siblings and other 464
children may be included in a report made pursuant to division 465
(A) of this section. 466

(5) Medical examinations, tests, or procedures conducted 467
under divisions (D) (1) and (4) of this section and decisions 468
regarding the release or discharge of a child under division (D) 469
(3) of this section do not constitute a law enforcement 470
investigation or activity. 471

(E) (1) When a peace officer receives a report made 472
pursuant to division (A) or (B) of this section, upon receipt of 473
the report, the peace officer who receives the report shall 474
refer the report to the appropriate public children services 475
agency, unless an arrest is made at the time of the report that 476
results in the appropriate public children services agency being 477
contacted concerning the possible abuse or neglect of a child or 478
the possible threat of abuse or neglect of a child. 479

(2) When a public children services agency receives a 480
report pursuant to this division or division (A) or (B) of this 481
section, upon receipt of the report, the public children 482
services agency shall do both of the following: 483

(a) Comply with section 2151.422 of the Revised Code; 484

(b) If the county served by the agency is also served by a 485
children's advocacy center and the report alleges sexual abuse 486
of a child or another type of abuse of a child that is specified 487
in the memorandum of understanding that creates the center as 488

being within the center's jurisdiction, comply regarding the 489
report with the protocol and procedures for referrals and 490
investigations, with the coordinating activities, and with the 491
authority or responsibility for performing or providing 492
functions, activities, and services stipulated in the 493
interagency agreement entered into under section 2151.428 of the 494
Revised Code relative to that center. 495

(F) No peace officer shall remove a child about whom a 496
report is made pursuant to this section from the child's 497
parents, stepparents, or guardian or any other persons having 498
custody of the child without consultation with the public 499
children services agency, unless, in the judgment of the 500
officer, and, if the report was made by physician, the 501
physician, immediate removal is considered essential to protect 502
the child from further abuse or neglect. The agency that must be 503
consulted shall be the agency conducting the investigation of 504
the report as determined pursuant to section 2151.422 of the 505
Revised Code. 506

(G) (1) Except as provided in section 2151.422 of the 507
Revised Code or in an interagency agreement entered into under 508
section 2151.428 of the Revised Code that applies to the 509
particular report, the public children services agency shall 510
investigate, within twenty-four hours, each report of child 511
abuse or child neglect that is known or reasonably suspected or 512
believed to have occurred and of a threat of child abuse or 513
child neglect that is known or reasonably suspected or believed 514
to exist that is referred to it under this section to determine 515
the circumstances surrounding the injuries, abuse, or neglect or 516
the threat of injury, abuse, or neglect, the cause of the 517
injuries, abuse, neglect, or threat, and the person or persons 518
responsible. The investigation shall be made in cooperation with 519

the law enforcement agency and in accordance with the memorandum 520
of understanding prepared under division (K) of this section. A 521
representative of the public children services agency shall, at 522
the time of initial contact with the person subject to the 523
investigation, inform the person of the specific complaints or 524
allegations made against the person. The information shall be 525
given in a manner that is consistent with division (I)(1) of 526
this section and protects the rights of the person making the 527
report under this section. 528

A failure to make the investigation in accordance with the 529
memorandum is not grounds for, and shall not result in, the 530
dismissal of any charges or complaint arising from the report or 531
the suppression of any evidence obtained as a result of the 532
report and does not give, and shall not be construed as giving, 533
any rights or any grounds for appeal or post-conviction relief 534
to any person. The public children services agency shall report 535
each case to the uniform statewide automated child welfare 536
information system that the department of job and family 537
services shall maintain in accordance with section 5101.13 of 538
the Revised Code. The public children services agency shall 539
submit a report of its investigation, in writing, to the law 540
enforcement agency. 541

(2) The public children services agency shall make any 542
recommendations to the county prosecuting attorney or city 543
director of law that it considers necessary to protect any 544
children that are brought to its attention. 545

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 546
(I) (3) of this section, any person, health care professional, 547
hospital, institution, school, health department, or agency 548
shall be immune from any civil or criminal liability for injury, 549

death, or loss to person or property that otherwise might be	550
incurred or imposed as a result of any of the following:	551
(i) Participating in the making of reports pursuant to	552
division (A) of this section or in the making of reports in good	553
faith, pursuant to division (B) of this section;	554
(ii) Participating in medical examinations, tests, or	555
procedures under division (D) of this section;	556
(iii) Providing information used in a report made pursuant	557
to division (A) of this section or providing information in good	558
faith used in a report made pursuant to division (B) of this	559
section;	560
(iv) Participating in a judicial proceeding resulting from	561
a report made pursuant to division (A) of this section or	562
participating in good faith in a proceeding resulting from a	563
report made pursuant to division (B) of this section.	564
(b) Immunity under division (H) (1) (a) (ii) of this section	565
shall not apply when a health care provider has deviated from	566
the standard of care applicable to the provider's profession.	567
(c) Notwithstanding section 4731.22 of the Revised Code,	568
the physician-patient privilege shall not be a ground for	569
excluding evidence regarding a child's injuries, abuse, or	570
neglect, or the cause of the injuries, abuse, or neglect in any	571
judicial proceeding resulting from a report submitted pursuant	572
to this section.	573
(2) In any civil or criminal action or proceeding in which	574
it is alleged and proved that participation in the making of a	575
report under this section was not in good faith or participation	576
in a judicial proceeding resulting from a report made under this	577
section was not in good faith, the court shall award the	578

prevailing party reasonable attorney's fees and costs and, if a 579
civil action or proceeding is voluntarily dismissed, may award 580
reasonable attorney's fees and costs to the party against whom 581
the civil action or proceeding is brought. 582

(I) (1) Except as provided in divisions (I) (4) and (O) of 583
this section, a report made under this section is confidential. 584
The information provided in a report made pursuant to this 585
section and the name of the person who made the report shall not 586
be released for use, and shall not be used, as evidence in any 587
civil action or proceeding brought against the person who made 588
the report. Nothing in this division shall preclude the use of 589
reports of other incidents of known or suspected abuse or 590
neglect in a civil action or proceeding brought pursuant to 591
division (N) of this section against a person who is alleged to 592
have violated division (A) (1) of this section, provided that any 593
information in a report that would identify the child who is the 594
subject of the report or the maker of the report, if the maker 595
of the report is not the defendant or an agent or employee of 596
the defendant, has been redacted. In a criminal proceeding, the 597
report is admissible in evidence in accordance with the Rules of 598
Evidence and is subject to discovery in accordance with the 599
Rules of Criminal Procedure. 600

(2) (a) Except as provided in division (I) (2) (b) of this 601
section, no person shall permit or encourage the unauthorized 602
dissemination of the contents of any report made under this 603
section. 604

(b) A health care professional that obtains the same 605
information contained in a report made under this section from a 606
source other than the report may disseminate the information, if 607
its dissemination is otherwise permitted by law. 608

(3) A person who knowingly makes or causes another person 609
to make a false report under division (B) of this section that 610
alleges that any person has committed an act or omission that 611
resulted in a child being an abused child or a neglected child 612
is guilty of a violation of section 2921.14 of the Revised Code. 613

(4) If a report is made pursuant to division (A) or (B) of 614
this section and the child who is the subject of the report dies 615
for any reason at any time after the report is made, but before 616
the child attains eighteen years of age, the public children 617
services agency or peace officer to which the report was made or 618
referred, on the request of the child fatality review board or 619
the director of health pursuant to guidelines established under 620
section 3701.70 of the Revised Code, shall submit a summary 621
sheet of information providing a summary of the report to the 622
review board of the county in which the deceased child resided 623
at the time of death or to the director. On the request of the 624
review board or director, the agency or peace officer may, at 625
its discretion, make the report available to the review board or 626
director. If the county served by the public children services 627
agency is also served by a children's advocacy center and the 628
report of alleged sexual abuse of a child or another type of 629
abuse of a child is specified in the memorandum of understanding 630
that creates the center as being within the center's 631
jurisdiction, the agency or center shall perform the duties and 632
functions specified in this division in accordance with the 633
interagency agreement entered into under section 2151.428 of the 634
Revised Code relative to that advocacy center. 635

(5) A public children services agency shall advise a 636
person alleged to have inflicted abuse or neglect on a child who 637
is the subject of a report made pursuant to this section, 638
including a report alleging sexual abuse of a child or another 639

type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

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

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

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

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

(c) The county peace officer;	669
(d) All chief municipal peace officers within the county;	670
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	671 672
(f) The prosecuting attorney of the county;	673
(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;	674 675 676
(h) The county humane society;	677
(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.	678 679 680 681 682
(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 of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the	683 684 685 686 687 688 689 690 691 692 693 694 695 696 697

suppression of any evidence obtained as a result of any reported 698
child abuse or child neglect and does not give, and shall not be 699
construed as giving, any rights or any grounds for appeal or 700
post-conviction relief to any person. 701

(3) A memorandum of understanding shall include all of the 702
following: 703

(a) The roles and responsibilities for handling emergency 704
and nonemergency cases of abuse and neglect; 705

(b) Standards and procedures to be used in handling and 706
coordinating investigations of reported cases of child abuse and 707
reported cases of child neglect, methods to be used in 708
interviewing the child who is the subject of the report and who 709
allegedly was abused or neglected, and standards and procedures 710
addressing the categories of persons who may interview the child 711
who is the subject of the report and who allegedly was abused or 712
neglected. 713

(4) If a public children services agency participated in 714
the execution of a memorandum of understanding under section 715
2151.426 of the Revised Code establishing a children's advocacy 716
center, the agency shall incorporate the contents of that 717
memorandum in the memorandum prepared pursuant to this section. 718

(5) The clerk of the court of common pleas in the county 719
may sign the memorandum of understanding prepared under division 720
(K)(1) of this section. If the clerk signs the memorandum of 721
understanding, the clerk shall execute all relevant 722
responsibilities as required of officials specified in the 723
memorandum. 724

(L)(1) Except as provided in division (L)(4) or (5) of 725
this section, a person who is required to make a report pursuant 726

to division (A) of this section may make a reasonable number of 727
requests of the public children services agency that receives or 728
is referred the report, or of the children's advocacy center 729
that is referred the report if the report is referred to a 730
children's advocacy center pursuant to an interagency agreement 731
entered into under section 2151.428 of the Revised Code, to be 732
provided with the following information: 733

(a) Whether the agency or center has initiated an 734
investigation of the report; 735

(b) Whether the agency or center is continuing to 736
investigate the report; 737

(c) Whether the agency or center is otherwise involved 738
with the child who is the subject of the report; 739

(d) The general status of the health and safety of the 740
child who is the subject of the report; 741

(e) Whether the report has resulted in the filing of a 742
complaint in juvenile court or of criminal charges in another 743
court. 744

(2) A person may request the information specified in 745
division (L)(1) of this section only if, at the time the report 746
is made, the person's name, address, and telephone number are 747
provided to the person who receives the report. 748

When a peace officer or employee of a public children 749
services agency receives a report pursuant to division (A) or 750
(B) of this section the recipient of the report shall inform the 751
person of the right to request the information described in 752
division (L)(1) of this section. The recipient of the report 753
shall include in the initial child abuse or child neglect report 754
that the person making the report was so informed and, if 755

provided at the time of the making of the report, shall include 756
the person's name, address, and telephone number in the report. 757

Each request is subject to verification of the identity of 758
the person making the report. If that person's identity is 759
verified, the agency shall provide the person with the 760
information described in division (L)(1) of this section a 761
reasonable number of times, except that the agency shall not 762
disclose any confidential information regarding the child who is 763
the subject of the report other than the information described 764
in those divisions. 765

(3) A request made pursuant to division (L)(1) of this 766
section is not a substitute for any report required to be made 767
pursuant to division (A) of this section. 768

(4) If an agency other than the agency that received or 769
was referred the report is conducting the investigation of the 770
report pursuant to section 2151.422 of the Revised Code, the 771
agency conducting the investigation shall comply with the 772
requirements of division (L) of this section. 773

(5) A health care professional who made a report under 774
division (A) of this section, or on whose behalf such a report 775
was made as provided in division (A)(1)(c) of this section, may 776
authorize a person to obtain the information described in 777
division (L)(1) of this section if the person requesting the 778
information is associated with or acting on behalf of the health 779
care professional who provided health care services to the child 780
about whom the report was made. 781

(M) The director of job and family services shall adopt 782
rules in accordance with Chapter 119. of the Revised Code to 783
implement this section. The department of job and family 784

services may enter into a plan of cooperation with any other 785
governmental entity to aid in ensuring that children are 786
protected from abuse and neglect. The department shall make 787
recommendations to the attorney general that the department 788
determines are necessary to protect children from child abuse 789
and child neglect. 790

(N) Whoever violates division (A) of this section is 791
liable for compensatory and exemplary damages to the child who 792
would have been the subject of the report that was not made. A 793
person who brings a civil action or proceeding pursuant to this 794
division against a person who is alleged to have violated 795
division (A) (1) of this section may use in the action or 796
proceeding reports of other incidents of known or suspected 797
abuse or neglect, provided that any information in a report that 798
would identify the child who is the subject of the report or the 799
maker of the report, if the maker is not the defendant or an 800
agent or employee of the defendant, has been redacted. 801

(O) (1) As used in this division: 802

(a) "Out-of-home care" includes a nonchartered nonpublic 803
school if the alleged child abuse or child neglect, or alleged 804
threat of child abuse or child neglect, described in a report 805
received by a public children services agency allegedly occurred 806
in or involved the nonchartered nonpublic school and the alleged 807
perpetrator named in the report holds a certificate, permit, or 808
license issued by the state board of education under section 809
3301.071 or Chapter 3319. of the Revised Code. 810

(b) "Administrator, director, or other chief 811
administrative officer" means the superintendent of the school 812
district if the out-of-home care entity subject to a report made 813
pursuant to this section is a school operated by the district. 814

(2) No later than the end of the day following the day on 815
which a public children services agency receives a report of 816
alleged child abuse or child neglect, or a report of an alleged 817
threat of child abuse or child neglect, that allegedly occurred 818
in or involved an out-of-home care entity, the agency shall 819
provide written notice of the allegations contained in and the 820
person named as the alleged perpetrator in the report to the 821
administrator, director, or other chief administrative officer 822
of the out-of-home care entity that is the subject of the report 823
unless the administrator, director, or other chief 824
administrative officer is named as an alleged perpetrator in the 825
report. If the administrator, director, or other chief 826
administrative officer of an out-of-home care entity is named as 827
an alleged perpetrator in a report of alleged child abuse or 828
child neglect, or a report of an alleged threat of child abuse 829
or child neglect, that allegedly occurred in or involved the 830
out-of-home care entity, the agency shall provide the written 831
notice to the owner or governing board of the out-of-home care 832
entity that is the subject of the report. The agency shall not 833
provide witness statements or police or other investigative 834
reports. 835

(3) No later than three days after the day on which a 836
public children services agency that conducted the investigation 837
as determined pursuant to section 2151.422 of the Revised Code 838
makes a disposition of an investigation involving a report of 839
alleged child abuse or child neglect, or a report of an alleged 840
threat of child abuse or child neglect, that allegedly occurred 841
in or involved an out-of-home care entity, the agency shall send 842
written notice of the disposition of the investigation to the 843
administrator, director, or other chief administrative officer 844
and the owner or governing board of the out-of-home care entity. 845

The agency shall not provide witness statements or police or 846
other investigative reports. 847

(P) As used in this section: 848

(1) "Children's advocacy center" and "sexual abuse of a 849
child" have the same meanings as in section 2151.425 of the 850
Revised Code. 851

(2) "Health care professional" means an individual who 852
provides health-related services including a physician, hospital 853
intern or resident, dentist, podiatrist, registered nurse, 854
licensed practical nurse, visiting nurse, licensed psychologist, 855
speech pathologist, audiologist, person engaged in social work 856
or the practice of professional counseling, and employee of a 857
home health agency. "Health care professional" does not include 858
a practitioner of a limited branch of medicine as specified in 859
section 4731.15 of the Revised Code, licensed school 860
psychologist, independent marriage and family therapist or 861
marriage and family therapist, or coroner. 862

(3) "Investigation" means the public children services 863
agency's response to an accepted report of child abuse or 864
neglect through either an alternative response or a traditional 865
response. 866

(4) "Peace officer" means a sheriff, deputy sheriff, 867
constable, police officer of a township or joint police 868
district, marshal, deputy marshal, municipal police officer, or 869
a state highway patrol trooper. 870

Section 2. That existing sections 109.46, 959.99, and 871
2151.421 of the Revised Code are hereby repealed. 872

Section 3. Section 959.99 of the Revised Code is presented 873
in this act as a composite of the section as amended by both 874

Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly.	875
The General Assembly, applying the principle stated in division	876
(B) of section 1.52 of the Revised Code that amendments are to	877
be harmonized if reasonably capable of simultaneous operation,	878
finds that the composite is the resulting version of the section	879
in effect prior to the effective date of the section as	880
presented in this act.	881