

As Passed by the House

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 493

Representatives Sears, Ryan

Cosponsors: Representatives Perales, Antonio, Baker, Boyd, Brown, Craig, Fedor, LaTourette, Lepore-Hagan, Manning, McClain, O'Brien, M., Patterson, Rezabek, Rogers, Sheehy, Slaby, Sweeney

A BILL

To amend sections 307.627, 2151.421, 2151.422, 1
2151.99, 3701.701, 5153.16, 5153.175, and 2
5153.176 of the Revised Code to make changes in 3
the child abuse and neglect reporting law. 4

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

Section 1. That sections 307.627, 2151.421, 2151.422, 5
2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of the 6
Revised Code be amended to read as follows: 7

Sec. 307.627. (A) (1) Notwithstanding section 3701.243 and 8
any other section of the Revised Code pertaining to 9
confidentiality, any individual; public children services 10
agency, private child placing agency, or agency that provides 11
services specifically to individuals or families; law 12
enforcement agency; or other public or private entity that 13
provided services to a child whose death is being reviewed by a 14
child fatality review board, on the request of the review board, 15
shall submit to the review board a summary sheet of information. 16

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business.

(c) On the request of the review board, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review board.

(2) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, in the case of a child one year of age or younger whose death is being reviewed by a child fatality review board, on the request of the review board, a health care entity that provided services to the child's mother shall submit to the review board a summary sheet of information available and reasonably drawn from the mother's medical record created by the health care entity. Before submitting the summary sheet, the health care entity shall attempt to obtain the mother's consent to do so, but lack of consent shall not preclude the entity from submitting the summary sheet.

(3) For purposes of the review, the review board shall have access to confidential information provided to the review board under this section or division ~~(H)~~(I) (4) of section 2151.421 of the Revised Code, and each member of the review board shall preserve the confidentiality of that information.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to a child fatality review board while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.625 of the Revised Code to allow review of the death.

Sec. 2151.421. (A) (1) (a) No person described in division (A) (1) (b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A) (1) (a) of this section applies to any person who is an attorney; ~~physician, including a hospital intern or resident; dentist; podiatrist~~ health care professional; practitioner of a limited branch of medicine as

specified in section 4731.15 of the Revised Code; ~~registered~~ 78
~~nurse; licensed practical nurse; visiting nurse; other health-~~ 79
~~care professional; licensed psychologist;~~ licensed school 80
psychologist; independent marriage and family therapist or 81
marriage and family therapist; ~~speech pathologist or~~ 82
~~audiologist;~~ coroner; administrator or employee of a child day- 83
care center; administrator or employee of a residential camp, 84
child day camp, or private, nonprofit therapeutic wilderness 85
camp; administrator or employee of a certified child care agency 86
or other public or private children services agency; school 87
teacher; school employee; school authority; ~~person engaged in~~ 88
~~social work or the practice of professional counseling;~~ agent of 89
a county humane society; person, other than a cleric, rendering 90
spiritual treatment through prayer in accordance with the tenets 91
of a well-recognized religion; employee of a county department 92
of job and family services who is a professional and who works 93
with children and families; superintendent or regional 94
administrator employed by the department of youth services; 95
superintendent, board member, or employee of a county board of 96
developmental disabilities; investigative agent contracted with 97
by a county board of developmental disabilities; employee of the 98
department of developmental disabilities; employee of a facility 99
or home that provides respite care in accordance with section 100
5123.171 of the Revised Code; ~~employee of a home health agency;~~ 101
employee of an entity that provides homemaker services; a person 102
performing the duties of an assessor pursuant to Chapter 3107. 103
or 5103. of the Revised Code; third party employed by a public 104
children services agency to assist in providing child or family 105
related services; court appointed special advocate; or guardian 106
ad litem. 107

(c) If two or more health care professionals, after 108

providing health care services to a child, determine or suspect 109
that the child has been or is being abused or neglected, the 110
health care professionals may designate one of the health care 111
professionals to report the abuse or neglect. A single report 112
made under this division shall meet the reporting requirements 113
of division (A)(1) of this section. 114

(2) Except as provided in division (A)(3) of this section, 115
an attorney or a physician is not required to make a report 116
pursuant to division (A)(1) of this section concerning any 117
communication the attorney or physician receives from a client 118
or patient in an attorney-client or physician-patient 119
relationship, if, in accordance with division (A) or (B) of 120
section 2317.02 of the Revised Code, the attorney or physician 121
could not testify with respect to that communication in a civil 122
or criminal proceeding. 123

(3) The client or patient in an attorney-client or 124
physician-patient relationship described in division (A)(2) of 125
this section is deemed to have waived any testimonial privilege 126
under division (A) or (B) of section 2317.02 of the Revised Code 127
with respect to any communication the attorney or physician 128
receives from the client or patient in that attorney-client or 129
physician-patient relationship, and the attorney or physician 130
shall make a report pursuant to division (A)(1) of this section 131
with respect to that communication, if all of the following 132
apply: 133

(a) The client or patient, at the time of the 134
communication, is either a child under eighteen years of age or 135
a mentally retarded, developmentally disabled, or physically 136
impaired person under twenty-one years of age. 137

(b) The attorney or physician knows, or has reasonable 138

cause to suspect based on facts that would cause a reasonable 139
person in similar position to suspect,~~as a result of the~~ 140
~~communication or any observations made during that~~ 141
~~communication,~~ that the client or patient has suffered or faces 142
a threat of suffering any physical or mental wound, injury, 143
disability, or condition of a nature that reasonably indicates 144
abuse or neglect of the client or patient. 145

(c) The abuse or neglect does not arise out of the 146
client's or patient's attempt to have an abortion without the 147
notification of her parents, guardian, or custodian in 148
accordance with section 2151.85 of the Revised Code. 149

(4) (a) No cleric and no person, other than a volunteer, 150
designated by any church, religious society, or faith acting as 151
a leader, official, or delegate on behalf of the church, 152
religious society, or faith who is acting in an official or 153
professional capacity, who knows, or has reasonable cause to 154
believe based on facts that would cause a reasonable person in a 155
similar position to believe, that a child under eighteen years 156
of age or a mentally retarded, developmentally disabled, or 157
physically impaired child under twenty-one years of age has 158
suffered or faces a threat of suffering any physical or mental 159
wound, injury, disability, or condition of a nature that 160
reasonably indicates abuse or neglect of the child, and who 161
knows, or has reasonable cause to believe based on facts that 162
would cause a reasonable person in a similar position to 163
believe, that another cleric or another person, other than a 164
volunteer, designated by a church, religious society, or faith 165
acting as a leader, official, or delegate on behalf of the 166
church, religious society, or faith caused, or poses the threat 167
of causing, the wound, injury, disability, or condition that 168
reasonably indicates abuse or neglect shall fail to immediately 169

report that knowledge or reasonable cause to believe to the 170
entity or persons specified in this division. Except as provided 171
in section 5120.173 of the Revised Code, the person making the 172
report shall make it to the public children services agency or a 173
municipal or county peace officer in the county in which the 174
child resides or in which the abuse or neglect is occurring or 175
has occurred. In the circumstances described in section 5120.173 176
of the Revised Code, the person making the report shall make it 177
to the entity specified in that section. 178

(b) Except as provided in division (A) (4) (c) of this 179
section, a cleric is not required to make a report pursuant to 180
division (A) (4) (a) of this section concerning any communication 181
the cleric receives from a penitent in a cleric-penitent 182
relationship, if, in accordance with division (C) of section 183
2317.02 of the Revised Code, the cleric could not testify with 184
respect to that communication in a civil or criminal proceeding. 185

(c) The penitent in a cleric-penitent relationship 186
described in division (A) (4) (b) of this section is deemed to 187
have waived any testimonial privilege under division (C) of 188
section 2317.02 of the Revised Code with respect to any 189
communication the cleric receives from the penitent in that 190
cleric-penitent relationship, and the cleric shall make a report 191
pursuant to division (A) (4) (a) of this section with respect to 192
that communication, if all of the following apply: 193

(i) The penitent, at the time of the communication, is 194
either a child under eighteen years of age or a mentally 195
retarded, developmentally disabled, or physically impaired 196
person under twenty-one years of age. 197

(ii) The cleric knows, or has reasonable cause to believe 198
based on facts that would cause a reasonable person in a similar 199

position to believe, as a result of the communication or any 200
observations made during that communication, the penitent has 201
suffered or faces a threat of suffering any physical or mental 202
wound, injury, disability, or condition of a nature that 203
reasonably indicates abuse or neglect of the penitent. 204

(iii) The abuse or neglect does not arise out of the 205
penitent's attempt to have an abortion performed upon a child 206
under eighteen years of age or upon a mentally retarded, 207
developmentally disabled, or physically impaired person under 208
twenty-one years of age without the notification of her parents, 209
guardian, or custodian in accordance with section 2151.85 of the 210
Revised Code. 211

(d) Divisions (A) (4) (a) and (c) of this section do not 212
apply in a cleric-penitent relationship when the disclosure of 213
any communication the cleric receives from the penitent is in 214
violation of the sacred trust. 215

(e) As used in divisions (A) (1) and (4) of this section, 216
"cleric" and "sacred trust" have the same meanings as in section 217
2317.02 of the Revised Code. 218

(B) Anyone who knows, or has reasonable cause to suspect 219
based on facts that would cause a reasonable person in similar 220
circumstances to suspect, that a child under eighteen years of 221
age or a mentally retarded, developmentally disabled, or 222
physically impaired person under twenty-one years of age has 223
suffered or faces a threat of suffering any physical or mental 224
wound, injury, disability, or other condition of a nature that 225
reasonably indicates abuse or neglect of the child may report or 226
cause reports to be made of that knowledge or reasonable cause 227
to suspect to the entity or persons specified in this division. 228
Except as provided in section 5120.173 of the Revised Code, a 229

person making a report or causing a report to be made under this 230
division shall make it or cause it to be made to the public 231
children services agency or to a municipal or county peace 232
officer. In the circumstances described in section 5120.173 of 233
the Revised Code, a person making a report or causing a report 234
to be made under this division shall make it or cause it to be 235
made to the entity specified in that section. 236

(C) Any report made pursuant to division (A) or (B) of 237
this section shall be made forthwith either by telephone or in 238
person and shall be followed by a written report, if requested 239
by the receiving agency or officer. The written report shall 240
contain: 241

(1) The names and addresses of the child and the child's 242
parents or the person or persons having custody of the child, if 243
known; 244

(2) The child's age and the nature and extent of the 245
child's injuries, abuse, or neglect that is known or reasonably 246
suspected or believed, as applicable, to have occurred or of the 247
threat of injury, abuse, or neglect that is known or reasonably 248
suspected or believed, as applicable, to exist, including any 249
evidence of previous injuries, abuse, or neglect; 250

(3) Any other information, including, but not limited to, 251
results and reports of any medical examinations, tests, or 252
procedures performed under division (D) of this section, that 253
might be helpful in establishing the cause of the injury, abuse, 254
or neglect that is known or reasonably suspected or believed, as 255
applicable, to have occurred or of the threat of injury, abuse, 256
or neglect that is known or reasonably suspected or believed, as 257
applicable, to exist. 258

(D) (1) Any person, who is required by division (A) of this 259
section to report child abuse or child neglect that is known or 260
reasonably suspected or believed to have occurred, may take or 261
cause to be taken color photographs of areas of trauma visible 262
on a child and, if medically ~~indicated~~ necessary for the purpose 263
of diagnosing or treating injuries that are suspected to have 264
occurred as a result of child abuse or child neglect, perform or 265
cause to be performed radiological examinations ~~of the child~~ and 266
any other medical examinations of, and tests or procedures on, 267
the child. 268

~~(D) As used in this division, "children's advocacy center"~~ 269
~~and "sexual abuse of a child" have the same meanings as in~~ 270
~~section 2151.425 of the Revised Code~~ 271

(2) The results and any available reports of examinations, 272
tests, or procedures made under division (D) (1) of this section 273
shall be included in a report made pursuant to division (A) of 274
this section. Any additional reports of examinations, tests, or 275
procedures that become available shall be provided to the public 276
children services agency, upon request. 277

(3) If a health care professional provides health care 278
services in a hospital, children's advocacy center, or emergency 279
medical facility to a child about whom a report has been made 280
under division (A) of this section, the health care professional 281
may take any steps that are reasonably necessary for the release 282
or discharge of the child to an appropriate environment. Before 283
the child's release or discharge, the health care professional 284
may obtain information, or consider information obtained, from 285
other entities or individuals that have knowledge about the 286
child. Nothing in division (D) (3) of this section shall be 287
construed to alter the responsibilities of any person under 288

sections 2151.27 and 2151.31 of the Revised Code. 289

(4) A health care professional may conduct medical 290
examinations, tests, or procedures on the siblings of a child 291
about whom a report has been made under division (A) of this 292
section and on other children who reside in the same home as the 293
child, if the professional determines that the examinations, 294
tests, or procedures are medically necessary to diagnose or 295
treat the siblings or other children in order to determine 296
whether reports under division (A) of this section are warranted 297
with respect to such siblings or other children. The results of 298
the examinations, tests, or procedures on the siblings and other 299
children may be included in a report made pursuant to division 300
(A) of this section. 301

(5) Medical examinations, tests, or procedures conducted 302
under divisions (D)(1) and (4) of this section and decisions 303
regarding the release or discharge of a child under division (D) 304
(3) of this section do not constitute a law enforcement 305
investigation or activity. 306

(E)(1) When a municipal or county peace officer receives a 307
report concerning the possible abuse or neglect of a child or 308
the possible threat of abuse or neglect of a child, upon receipt 309
of the report, the municipal or county peace officer who 310
receives the report shall refer the report to the appropriate 311
public children services agency. 312

(2) When a public children services agency receives a 313
report pursuant to this division or division (A) or (B) of this 314
section, upon receipt of the report, the public children 315
services agency shall do both of the following: 316

(a) Comply with section 2151.422 of the Revised Code; 317

(b) If the county served by the agency is also served by a 318
children's advocacy center and the report alleges sexual abuse 319
of a child or another type of abuse of a child that is specified 320
in the memorandum of understanding that creates the center as 321
being within the center's jurisdiction, comply regarding the 322
report with the protocol and procedures for referrals and 323
investigations, with the coordinating activities, and with the 324
authority or responsibility for performing or providing 325
functions, activities, and services stipulated in the 326
interagency agreement entered into under section 2151.428 of the 327
Revised Code relative to that center. 328

~~(E)~~ (F) No township, municipal, or county peace officer 329
shall remove a child about whom a report is made pursuant to 330
this section from the child's parents, stepparents, or guardian 331
or any other persons having custody of the child without 332
consultation with the public children services agency, unless, 333
in the judgment of the officer, and, if the report was made by 334
physician, the physician, immediate removal is considered 335
essential to protect the child from further abuse or neglect. 336
The agency that must be consulted shall be the agency conducting 337
the investigation of the report as determined pursuant to 338
section 2151.422 of the Revised Code. 339

~~(F)~~ (G) (1) Except as provided in section 2151.422 of the 340
Revised Code or in an interagency agreement entered into under 341
section 2151.428 of the Revised Code that applies to the 342
particular report, the public children services agency shall 343
investigate, within twenty-four hours, each report of child 344
abuse or child neglect that is known or reasonably suspected or 345
believed to have occurred and of a threat of child abuse or 346
child neglect that is known or reasonably suspected or believed 347
to exist that is referred to it under this section to determine 348

the circumstances surrounding the injuries, abuse, or neglect or 349
the threat of injury, abuse, or neglect, the cause of the 350
injuries, abuse, neglect, or threat, and the person or persons 351
responsible. The investigation shall be made in cooperation with 352
the law enforcement agency and in accordance with the memorandum 353
of understanding prepared under division ~~(J)~~ (K) of this 354
section. A representative of the public children services agency 355
shall, at the time of initial contact with the person subject to 356
the investigation, inform the person of the specific complaints 357
or allegations made against the person. The information shall be 358
given in a manner that is consistent with division ~~(H)~~ (I) (1) of 359
this section and protects the rights of the person making the 360
report under this section. 361

A failure to make the investigation in accordance with the 362
memorandum is not grounds for, and shall not result in, the 363
dismissal of any charges or complaint arising from the report or 364
the suppression of any evidence obtained as a result of the 365
report and does not give, and shall not be construed as giving, 366
any rights or any grounds for appeal or post-conviction relief 367
to any person. The public children services agency shall report 368
each case to the uniform statewide automated child welfare 369
information system that the department of job and family 370
services shall maintain in accordance with section 5101.13 of 371
the Revised Code. The public children services agency shall 372
submit a report of its investigation, in writing, to the law 373
enforcement agency. 374

(2) The public children services agency shall make any 375
recommendations to the county prosecuting attorney or city 376
director of law that it considers necessary to protect any 377
children that are brought to its attention. 378

~~(G)~~(H)(1) (a) Except as provided in ~~division~~divisions (H) 379
(1) (b) and (I) (3) of this section, anyone or any person, health 380
care professional, hospital, institution, school, health 381
department, or agency participating in the making of reports 382
under division (A) of this section, anyone or any hospital, 383
institution, school, health department, or agency participating 384
in good faith in the making of reports under division (B) of 385
this section, and anyone participating in good faith in a 386
judicial proceeding resulting from the reports, shall be immune 387
from any civil or criminal liability for injury, death, or loss 388
to person or property that otherwise might be incurred or 389
imposed as a result of the making of the reports or the 390
participation in the judicial proceeding shall be immune from 391
any civil or criminal liability for injury, death, or loss to 392
person or property that otherwise might be incurred or imposed 393
as a result of any of the following: 394

(i) Participating in the making of reports pursuant to 395
division (A) of this section or in the making of reports in good 396
faith, pursuant to division (B) of this section; 397

(ii) Participating in medical examinations, tests, or 398
procedures under division (D) of this section; 399

(iii) Providing information used in a report made pursuant 400
to division (A) of this section or providing information in good 401
faith used in a report made pursuant to division (B) of this 402
section; 403

(iv) Participating in a judicial proceeding resulting from 404
a report made pursuant to division (A) of this section or 405
participating in good faith in a proceeding resulting from a 406
report made pursuant to division (B) of this section. 407

(b) Immunity under division (H) (1) (a) (ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession. 408
409
410

(c) Notwithstanding section 4731.22 of the Revised Code, 411
the physician-patient privilege shall not be a ground for 412
excluding evidence regarding a child's injuries, abuse, or 413
neglect, or the cause of the injuries, abuse, or neglect in any 414
judicial proceeding resulting from a report submitted pursuant 415
to this section. 416

(2) In any civil or criminal action or proceeding in which 417
it is alleged and proved that participation in the making of a 418
report under this section was not in good faith or participation 419
in a judicial proceeding resulting from a report made under this 420
section was not in good faith, the court shall award the 421
prevailing party reasonable attorney's fees and costs and, if a 422
civil action or proceeding is voluntarily dismissed, may award 423
reasonable attorney's fees and costs to the party against whom 424
the civil action or proceeding is brought. 425

~~(H)~~(I)(1) Except as provided in divisions ~~(H)~~(I)(4) and 426
~~(N)~~(O) of this section, a report made under this section is 427
confidential. The information provided in a report made pursuant 428
to this section and the name of the person who made the report 429
shall not be released for use, and shall not be used, as 430
evidence in any civil action or proceeding brought against the 431
person who made the report. Nothing in this division shall 432
preclude the use of reports of other incidents of known or 433
suspected abuse or neglect in a civil action or proceeding 434
brought pursuant to division ~~(M)~~(N) of this section against a 435
person who is alleged to have violated division (A) (1) of this 436
section, provided that any information in a report that would 437

identify the child who is the subject of the report or the maker 438
of the report, if the maker of the report is not the defendant 439
or an agent or employee of the defendant, has been redacted. In 440
a criminal proceeding, the report is admissible in evidence in 441
accordance with the Rules of Evidence and is subject to 442
discovery in accordance with the Rules of Criminal Procedure. 443

~~(2) No (a) Except as provided in division (I) (2) (b) of~~ 444
~~this section, no person shall permit or encourage the~~ 445
unauthorized dissemination of the contents of any report made 446
under this section. 447

(b) A health care professional that obtains the same 448
information contained in a report made under this section from a 449
source other than the report may disseminate the information, if 450
its dissemination is otherwise permitted by law. 451

(3) A person who knowingly makes or causes another person 452
to make a false report under division (B) of this section that 453
alleges that any person has committed an act or omission that 454
resulted in a child being an abused child or a neglected child 455
is guilty of a violation of section 2921.14 of the Revised Code. 456

(4) If a report is made pursuant to division (A) or (B) of 457
this section and the child who is the subject of the report dies 458
for any reason at any time after the report is made, but before 459
the child attains eighteen years of age, the public children 460
services agency or municipal or county peace officer to which 461
the report was made or referred, on the request of the child 462
fatality review board or the director of health pursuant to 463
guidelines established under section 3701.70 of the Revised 464
Code, shall submit a summary sheet of information providing a 465
summary of the report to the review board of the county in which 466
the deceased child resided at the time of death or to the 467

director. On the request of the review board or director, the 468
agency or peace officer may, at its discretion, make the report 469
available to the review board or director. If the county served 470
by the public children services agency is also served by a 471
children's advocacy center and the report of alleged sexual 472
abuse of a child or another type of abuse of a child is 473
specified in the memorandum of understanding that creates the 474
center as being within the center's jurisdiction, the agency or 475
center shall perform the duties and functions specified in this 476
division in accordance with the interagency agreement entered 477
into under section 2151.428 of the Revised Code relative to that 478
advocacy center. 479

(5) A public children services agency shall advise a 480
person alleged to have inflicted abuse or neglect on a child who 481
is the subject of a report made pursuant to this section, 482
including a report alleging sexual abuse of a child or another 483
type of abuse of a child referred to a children's advocacy 484
center pursuant to an interagency agreement entered into under 485
section 2151.428 of the Revised Code, in writing of the 486
disposition of the investigation. The agency shall not provide 487
to the person any information that identifies the person who 488
made the report, statements of witnesses, or police or other 489
investigative reports. 490

~~(I)~~ (J) Any report that is required by this section, other 491
than a report that is made to the state highway patrol as 492
described in section 5120.173 of the Revised Code, shall result 493
in protective services and emergency supportive services being 494
made available by the public children services agency on behalf 495
of the children about whom the report is made, in an effort to 496
prevent further neglect or abuse, to enhance their welfare, and, 497
whenever possible, to preserve the family unit intact. The 498

agency required to provide the services shall be the agency 499
conducting the investigation of the report pursuant to section 500
2151.422 of the Revised Code. 501

~~(J)~~(K)(1) Each public children services agency shall 502
prepare a memorandum of understanding that is signed by all of 503
the following: 504

(a) If there is only one juvenile judge in the county, the 505
juvenile judge of the county or the juvenile judge's 506
representative; 507

(b) If there is more than one juvenile judge in the 508
county, a juvenile judge or the juvenile judges' representative 509
selected by the juvenile judges or, if they are unable to do so 510
for any reason, the juvenile judge who is senior in point of 511
service or the senior juvenile judge's representative; 512

(c) The county peace officer; 513

(d) All chief municipal peace officers within the county; 514

(e) Other law enforcement officers handling child abuse 515
and neglect cases in the county; 516

(f) The prosecuting attorney of the county; 517

(g) If the public children services agency is not the 518
county department of job and family services, the county 519
department of job and family services; 520

(h) The county humane society; 521

(i) If the public children services agency participated in 522
the execution of a memorandum of understanding under section 523
2151.426 of the Revised Code establishing a children's advocacy 524
center, each participating member of the children's advocacy 525

center established by the memorandum. 526

(2) A memorandum of understanding shall set forth the 527
normal operating procedure to be employed by all concerned 528
officials in the execution of their respective responsibilities 529
under this section and division (C) of section 2919.21, division 530
(B) (1) of section 2919.22, division (B) of section 2919.23, and 531
section 2919.24 of the Revised Code and shall have as two of its 532
primary goals the elimination of all unnecessary interviews of 533
children who are the subject of reports made pursuant to 534
division (A) or (B) of this section and, when feasible, 535
providing for only one interview of a child who is the subject 536
of any report made pursuant to division (A) or (B) of this 537
section. A failure to follow the procedure set forth in the 538
memorandum by the concerned officials is not grounds for, and 539
shall not result in, the dismissal of any charges or complaint 540
arising from any reported case of abuse or neglect or the 541
suppression of any evidence obtained as a result of any reported 542
child abuse or child neglect and does not give, and shall not be 543
construed as giving, any rights or any grounds for appeal or 544
post-conviction relief to any person. 545

(3) A memorandum of understanding shall include all of the 546
following: 547

(a) The roles and responsibilities for handling emergency 548
and nonemergency cases of abuse and neglect; 549

(b) Standards and procedures to be used in handling and 550
coordinating investigations of reported cases of child abuse and 551
reported cases of child neglect, methods to be used in 552
interviewing the child who is the subject of the report and who 553
allegedly was abused or neglected, and standards and procedures 554
addressing the categories of persons who may interview the child 555

who is the subject of the report and who allegedly was abused or 556
neglected. 557

(4) If a public children services agency participated in 558
the execution of a memorandum of understanding under section 559
2151.426 of the Revised Code establishing a children's advocacy 560
center, the agency shall incorporate the contents of that 561
memorandum in the memorandum prepared pursuant to this section. 562

(5) The clerk of the court of common pleas in the county 563
may sign the memorandum of understanding prepared under division 564
~~(J)~~(K)(1) of this section. If the clerk signs the memorandum of 565
understanding, the clerk shall execute all relevant 566
responsibilities as required of officials specified in the 567
memorandum. 568

~~(K)~~(L)(1) Except as provided in division ~~(K)~~(L)(4) or (5) 569
of this section, a person who is required to make a report 570
pursuant to division (A) of this section may make a reasonable 571
number of requests of the public children services agency that 572
receives or is referred the report, or of the children's 573
advocacy center that is referred the report if the report is 574
referred to a children's advocacy center pursuant to an 575
interagency agreement entered into under section 2151.428 of the 576
Revised Code, to be provided with the following information: 577

(a) Whether the agency or center has initiated an 578
investigation of the report; 579

(b) Whether the agency or center is continuing to 580
investigate the report; 581

(c) Whether the agency or center is otherwise involved 582
with the child who is the subject of the report; 583

(d) The general status of the health and safety of the 584

child who is the subject of the report; 585

(e) Whether the report has resulted in the filing of a 586
complaint in juvenile court or of criminal charges in another 587
court. 588

(2) A person may request the information specified in 589
division ~~(K)~~(L)(1) of this section only if, at the time the 590
report is made, the person's name, address, and telephone number 591
are provided to the person who receives the report. 592

When a municipal or county peace officer or employee of a 593
public children services agency receives a report pursuant to 594
division (A) or (B) of this section the recipient of the report 595
shall inform the person of the right to request the information 596
described in division ~~(K)~~(L)(1) of this section. The recipient 597
of the report shall include in the initial child abuse or child 598
neglect report that the person making the report was so informed 599
and, if provided at the time of the making of the report, shall 600
include the person's name, address, and telephone number in the 601
report. 602

Each request is subject to verification of the identity of 603
the person making the report. If that person's identity is 604
verified, the agency shall provide the person with the 605
information described in division ~~(K)~~(L)(1) of this section a 606
reasonable number of times, except that the agency shall not 607
disclose any confidential information regarding the child who is 608
the subject of the report other than the information described 609
in those divisions. 610

(3) A request made pursuant to division ~~(K)~~(L)(1) of this 611
section is not a substitute for any report required to be made 612
pursuant to division (A) of this section. 613

(4) If an agency other than the agency that received or 614
was referred the report is conducting the investigation of the 615
report pursuant to section 2151.422 of the Revised Code, the 616
agency conducting the investigation shall comply with the 617
requirements of division ~~(K)~~ (L) of this section. 618

~~(L)~~ (5) A health care professional who made a report under 619
division (A) of this section, or on whose behalf such a report 620
was made as provided in division (A) (1) (c) of this section, may 621
authorize a person to obtain the information described in 622
division (L) (1) of this section if the person requesting the 623
information is associated with or acting on behalf of the health 624
care professional who provided health care services to the child 625
about whom the report was made. 626

(M) The director of job and family services shall adopt 627
rules in accordance with Chapter 119. of the Revised Code to 628
implement this section. The department of job and family 629
services may enter into a plan of cooperation with any other 630
governmental entity to aid in ensuring that children are 631
protected from abuse and neglect. The department shall make 632
recommendations to the attorney general that the department 633
determines are necessary to protect children from child abuse 634
and child neglect. 635

~~(M)~~ (N) Whoever violates division (A) of this section is 636
liable for compensatory and exemplary damages to the child who 637
would have been the subject of the report that was not made. A 638
person who brings a civil action or proceeding pursuant to this 639
division against a person who is alleged to have violated 640
division (A) (1) of this section may use in the action or 641
proceeding reports of other incidents of known or suspected 642
abuse or neglect, provided that any information in a report that 643

would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

~~(N)~~ (O) (1) As used in this division:

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

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

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

child neglect, or a report of an alleged threat of child abuse 674
or child neglect, that allegedly occurred in or involved the 675
out-of-home care entity, the agency shall provide the written 676
notice to the owner or governing board of the out-of-home care 677
entity that is the subject of the report. The agency shall not 678
provide witness statements or police or other investigative 679
reports. 680

(3) No later than three days after the day on which a 681
public children services agency that conducted the investigation 682
as determined pursuant to section 2151.422 of the Revised Code 683
makes a disposition of an investigation involving a report of 684
alleged child abuse or child neglect, or a report of an alleged 685
threat of child abuse or child neglect, that allegedly occurred 686
in or involved an out-of-home care entity, the agency shall send 687
written notice of the disposition of the investigation to the 688
administrator, director, or other chief administrative officer 689
and the owner or governing board of the out-of-home care entity. 690
The agency shall not provide witness statements or police or 691
other investigative reports. 692

~~(O)~~ (P) As used in this section, ~~"investigation"~~: 693

(1) "Children's advocacy center" and "sexual abuse of a 694
child" have the same meanings as in section 2151.425 of the 695
Revised Code. 696

(2) "Health care professional" means an individual who 697
provides health-related services including a physician, hospital 698
intern or resident, dentist, podiatrist, registered nurse, 699
licensed practical nurse, visiting nurse, licensed psychologist, 700
speech pathologist, audiologist, person engaged in social work 701
or the practice of professional counseling, and employee of a 702
home health agency. "Health care professional" does not include 703

a practitioner of a limited branch of medicine as specified in 704
section 4731.15 of the Revised Code, licensed school 705
psychologist, independent marriage and family therapist or 706
marriage and family therapist, or coroner. 707

(3) "Investigation" means the public children services 708
agency's response to an accepted report of child abuse or 709
neglect through either an alternative response or a traditional 710
response. 711

Sec. 2151.422. (A) As used in this section, "Homeless 712
shelter" means a facility that provides accommodations to 713
homeless individuals. 714

(B) On receipt of a notice pursuant to division (A), (B), 715
or ~~(D)~~ (E) of section 2151.421 of the Revised Code, the public 716
children services agency shall determine whether the child 717
subject to the report is living in a shelter for victims of 718
domestic violence or a homeless shelter and whether the child 719
was brought to that shelter pursuant to an agreement with a 720
shelter in another county. If the child is living in a shelter 721
and was brought there from another county, the agency shall 722
immediately notify the public children services agency of the 723
county from which the child was brought of the report and all 724
the information contained in the report. On receipt of the 725
notice pursuant to this division, the agency of the county from 726
which the child was brought shall conduct the investigation of 727
the report required pursuant to section 2151.421 of the Revised 728
Code and shall perform all duties required of the agency under 729
this chapter with respect to the child who is the subject of the 730
report. If the child is not living in a shelter or the child was 731
not brought to the shelter from another county, the agency that 732
received the report pursuant to division (A), (B), or ~~(D)~~ (E) of 733

section 2151.421 of the Revised Code shall conduct the 734
investigation required pursuant to section 2151.421 of the 735
Revised Code and shall perform all duties required of the agency 736
under this chapter with respect to the child who is the subject 737
of the report. The agency of the county in which the shelter is 738
located in which the child is living and the agency of the 739
county from which the child was brought may ask the shelter to 740
provide information concerning the child's residence address and 741
county of residence to the agency. 742

(C) If a child is living in a shelter for victims of 743
domestic violence or a homeless shelter and the child was 744
brought to that shelter pursuant to an agreement with a shelter 745
in another county, the public children services agency of the 746
county from which the child was brought shall provide services 747
to or take custody of the child if services or custody are 748
needed or required under this Chapter or section 5153.16 of the 749
Revised Code. 750

(D) When a homeless shelter provides accommodations to a 751
person, the shelter, on admitting the person to the shelter, 752
shall determine, if possible, the person's last known 753
residential address and county of residence. The information 754
concerning the address and county of residence is confidential 755
and may only be released to a public children services agency 756
pursuant to this section. 757

Sec. 2151.99. (A) (1) Except as otherwise provided in 758
division (A) (2) of this section, whoever violates division (D) 759
(2) or (3) of section 2151.313 or division ~~(A) (4)~~ ~~(H)~~ or (I) 760
(2) of section 2151.421 of the Revised Code is guilty of a 761
misdemeanor of the fourth degree. 762

(2) Whoever violates division (A) (4) of section 2151.421 763

of the Revised Code knowing that a child has been abused or 764
neglected and knowing that the person who committed the abuse or 765
neglect was a cleric or another person, other than a volunteer, 766
designated by a church, religious society, or faith acting as a 767
leader, official, or delegate on behalf of the church, religious 768
society, or faith, is guilty of a misdemeanor of the first 769
degree if the person who violates division (A)(4) of this 770
section and the person who committed the abuse or neglect belong 771
to the same church, religious society, or faith. 772

(B) Whoever violates division (D)(1) of section 2151.313 773
of the Revised Code is guilty of a minor misdemeanor. 774

(C) Whoever violates division (A)(1) of section 2151.421 775
of the Revised Code shall be punished as follows: 776

(1) Except as otherwise provided in division (C)(2) of 777
this section, the offender is guilty of a misdemeanor of the 778
fourth degree. 779

(2) The offender is guilty of a misdemeanor of the first 780
degree if the child who is the subject of the required report 781
that the offender fails to make suffers or faces the threat of 782
suffering the physical or mental wound, injury, disability, or 783
condition that would be the basis of the required report when 784
the child is under the direct care or supervision of the 785
offender who is then acting in the offender's official or 786
professional capacity or when the child is under the direct care 787
or supervision of another person over whom the offender while 788
acting in the offender's official or professional capacity has 789
supervisory control. 790

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and 791
any other section of the Revised Code pertaining to 792

confidentiality, any individual, public children services 793
agency, private child placing agency, or agency that provides 794
services specifically to individuals or families, law 795
enforcement agency, or other public or private entity that 796
provided services to a child whose death is being reviewed by 797
the director of health pursuant to guidelines established under 798
section 3701.70 of the Revised Code, on the request of the 799
director, shall submit to the director a summary sheet of 800
information. 801

(a) With respect to a request made to a health care 802
entity, the summary sheet shall contain only information 803
available and reasonably drawn from the child's medical record 804
created by the health care entity. 805

(b) With respect to a request made to any other individual 806
or entity, the summary sheet shall contain only information 807
available and reasonably drawn from any record involving the 808
child that the individual or entity develops in the normal 809
course of business. 810

(c) On the request of the director, an individual or 811
entity may, at the individual's or entity's discretion, make any 812
additional information, documents, or reports available to the 813
director. 814

(2) Notwithstanding section 3701.243 and any other section 815
of the Revised Code pertaining to confidentiality, in the case 816
of a child one year of age or younger whose death is being 817
reviewed by the director, on the request of the director, a 818
health care entity that provided services to the child's mother 819
shall submit to the director a summary sheet of information 820
available and reasonably drawn from the mother's medical record 821
created by the health care entity. Before submitting the summary 822

sheet, the health care entity shall attempt to obtain the 823
mother's consent to do so, but lack of consent shall not 824
preclude the entity from submitting the summary sheet. 825

(3) For purposes of the review, the director shall have 826
access to confidential information provided to the director 827
under this section or division ~~(H)~~(I)(4) of section 2151.421 of 828
the Revised Code, and the director shall preserve the 829
confidentiality of that information. 830

(B) Notwithstanding division (A) of this section, no 831
person, entity, law enforcement agency, or prosecuting attorney 832
shall provide any information regarding the death of a child to 833
the director pursuant to guidelines established under section 834
3701.70 of the Revised Code while an investigation of the death 835
or prosecution of a person for causing the death is pending, 836
unless the prosecuting attorney agrees to allow the review. 837

Sec. 5153.16. (A) Except as provided in section 2151.422 838
of the Revised Code, in accordance with rules adopted under 839
section 5153.166 of the Revised Code, and on behalf of children 840
in the county whom the public children services agency considers 841
to be in need of public care or protective services, the public 842
children services agency shall do all of the following: 843

(1) Make an investigation concerning any child alleged to 844
be an abused, neglected, or dependent child; 845

(2) Enter into agreements with the parent, guardian, or 846
other person having legal custody of any child, or with the 847
department of job and family services, department of mental 848
health and addiction services, department of developmental 849
disabilities, other department, any certified organization 850
within or outside the county, or any agency or institution 851

outside the state, having legal custody of any child, with 852
respect to the custody, care, or placement of any child, or with 853
respect to any matter, in the interests of the child, provided 854
the permanent custody of a child shall not be transferred by a 855
parent to the public children services agency without the 856
consent of the juvenile court; 857

(3) Accept custody of children committed to the public 858
children services agency by a court exercising juvenile 859
jurisdiction; 860

(4) Provide such care as the public children services 861
agency considers to be in the best interests of any child 862
adjudicated to be an abused, neglected, or dependent child the 863
agency finds to be in need of public care or service; 864

(5) Provide social services to any unmarried girl 865
adjudicated to be an abused, neglected, or dependent child who 866
is pregnant with or has been delivered of a child; 867

(6) Make available to the bureau for children with medical 868
handicaps of the department of health at its request any 869
information concerning a crippled child found to be in need of 870
treatment under sections 3701.021 to 3701.028 of the Revised 871
Code who is receiving services from the public children services 872
agency; 873

(7) Provide temporary emergency care for any child 874
considered by the public children services agency to be in need 875
of such care, without agreement or commitment; 876

(8) Find certified foster homes, within or outside the 877
county, for the care of children, including handicapped children 878
from other counties attending special schools in the county; 879

(9) Subject to the approval of the board of county 880

commissioners and the state department of job and family 881
services, establish and operate a training school or enter into 882
an agreement with any municipal corporation or other political 883
subdivision of the county respecting the operation, acquisition, 884
or maintenance of any children's home, training school, or other 885
institution for the care of children maintained by such 886
municipal corporation or political subdivision; 887

(10) Acquire and operate a county children's home, 888
establish, maintain, and operate a receiving home for the 889
temporary care of children, or procure certified foster homes 890
for this purpose; 891

(11) Enter into an agreement with the trustees of any 892
district children's home, respecting the operation of the 893
district children's home in cooperation with the other county 894
boards in the district; 895

(12) Cooperate with, make its services available to, and 896
act as the agent of persons, courts, the department of job and 897
family services, the department of health, and other 898
organizations within and outside the state, in matters relating 899
to the welfare of children, except that the public children 900
services agency shall not be required to provide supervision of 901
or other services related to the exercise of parenting time 902
rights granted pursuant to section 3109.051 or 3109.12 of the 903
Revised Code or companionship or visitation rights granted 904
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 905
Code unless a juvenile court, pursuant to Chapter 2151. of the 906
Revised Code, or a common pleas court, pursuant to division (E) 907
(6) of section 3113.31 of the Revised Code, requires the 908
provision of supervision or other services related to the 909
exercise of the parenting time rights or companionship or 910

visitation rights;	911
(13) Make investigations at the request of any	912
superintendent of schools in the county or the principal of any	913
school concerning the application of any child adjudicated to be	914
an abused, neglected, or dependent child for release from	915
school, where such service is not provided through a school	916
attendance department;	917
(14) Administer funds provided under Title IV-E of the	918
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as	919
amended, in accordance with rules adopted under section 5101.141	920
of the Revised Code;	921
(15) In addition to administering Title IV-E adoption	922
assistance funds, enter into agreements to make adoption	923
assistance payments under section 5153.163 of the Revised Code;	924
(16) Implement a system of safety and risk assessment, in	925
accordance with rules adopted by the director of job and family	926
services, to assist the public children services agency in	927
determining the risk of abuse or neglect to a child;	928
(17) Enter into a plan of cooperation with the board of	929
county commissioners under section 307.983 of the Revised Code	930
and comply with each fiscal agreement the board enters into	931
under section 307.98 of the Revised Code that include family	932
services duties of public children services agencies and	933
contracts the board enters into under sections 307.981 and	934
307.982 of the Revised Code that affect the public children	935
services agency;	936
(18) Make reasonable efforts to prevent the removal of an	937
alleged or adjudicated abused, neglected, or dependent child	938
from the child's home, eliminate the continued removal of the	939

child from the child's home, or make it possible for the child 940
to return home safely, except that reasonable efforts of that 941
nature are not required when a court has made a determination 942
under division (A) (2) of section 2151.419 of the Revised Code; 943

(19) Make reasonable efforts to place the child in a 944
timely manner in accordance with the permanency plan approved 945
under division (E) of section 2151.417 of the Revised Code and 946
to complete whatever steps are necessary to finalize the 947
permanent placement of the child; 948

(20) Administer a Title IV-A program identified under 949
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 950
that the department of job and family services provides for the 951
public children services agency to administer under the 952
department's supervision pursuant to section 5101.801 of the 953
Revised Code; 954

(21) Administer the kinship permanency incentive program 955
created under section 5101.802 of the Revised Code under the 956
supervision of the director of job and family services; 957

(22) Provide independent living services pursuant to 958
sections 2151.81 to 2151.84 of the Revised Code; 959

(23) File a missing child report with a local law 960
enforcement agency upon becoming aware that a child in the 961
custody of the public children services agency is or may be 962
missing. 963

(B) The public children services agency shall use the 964
system implemented pursuant to division (A) (16) of this section 965
in connection with an investigation undertaken pursuant to 966
division ~~(F)~~ (G) (1) of section 2151.421 of the Revised Code to 967
assess both of the following: 968

(1) The ongoing safety of the child;	969
(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	970 971 972
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	973 974 975 976 977 978
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	979 980 981 982 983
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:	984 985 986
(i) County departments of job and family services;	987
(ii) Boards of alcohol, drug addiction, and mental health services;	988 989
(iii) County boards of developmental disabilities;	990
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	991 992
(v) Private and government providers of services;	993
(vi) Managed care organizations and prepaid health plans.	994
(b) A public children services agency contract under	995

division (C) (2) (a) of this section regarding the agency's duties 996
under section 2151.421 of the Revised Code may not provide for 997
the entity under contract with the agency to perform any service 998
not authorized by the department's rules. 999

(c) Only a county children services board appointed under 1000
section 5153.03 of the Revised Code that is a public children 1001
services agency may contract under division (C) (2) (a) of this 1002
section. If an entity specified in division (B) or (C) of 1003
section 5153.02 of the Revised Code is the public children 1004
services agency for a county, the board of county commissioners 1005
may enter into contracts pursuant to section 307.982 of the 1006
Revised Code regarding the agency's duties. 1007

Sec. 5153.175. (A) Notwithstanding division ~~(H)~~ (I) (1) of 1008
section 2151.421, section 5153.17, and any other section of the 1009
Revised Code pertaining to confidentiality, when a public 1010
children services agency has determined that child abuse or 1011
neglect occurred and that abuse or neglect involves a person who 1012
has applied for licensure as a type A family day-care home or 1013
type B family day-care home, the agency shall promptly provide 1014
to the department of job and family services any information the 1015
agency determines to be relevant for the purpose of evaluating 1016
the fitness of the person, including, but not limited to, both 1017
of the following: 1018

(1) A summary report of the chronology of abuse and 1019
neglect reports made pursuant to section 2151.421 of the Revised 1020
Code of which the person is the subject where the agency 1021
determined that abuse or neglect occurred and the final 1022
disposition of the investigation of the reports or, if the 1023
investigations have not been completed, the status of the 1024
investigations; 1025

(2) Any underlying documentation concerning those reports.	1026
(B) The agency shall not include in the information	1027
provided to the department under division (A) of this section	1028
the name of the person or entity that made the report or	1029
participated in the making of the report of child abuse or	1030
neglect.	1031
(C) Upon provision of information under division (A) of	1032
this section, the agency shall notify the department of both of	1033
the following:	1034
(1) That the information is confidential;	1035
(2) That unauthorized dissemination of the information is	1036
a violation of division (H) (I) (2) of section 2151.421 of the	1037
Revised Code and any person who permits or encourages	1038
unauthorized dissemination of the information is guilty of a	1039
misdemeanor of the fourth degree pursuant to section 2151.99 of	1040
the Revised Code.	1041
Sec. 5153.176. As used in this section, "license" has the	1042
same meaning as in section 3319.31 of the Revised Code.	1043
(A) Notwithstanding division (H) (I) (1) of section	1044
2151.421, section 5153.17, or any other section of the Revised	1045
Code pertaining to confidentiality, the director of a public	1046
children services agency shall promptly provide to the	1047
superintendent of public instruction information regarding the	1048
agency's investigation of a report of child abuse or neglect	1049
made pursuant to section 2151.421 of the Revised Code involving	1050
a person who holds a license issued by the state board of	1051
education where the agency has determined that child abuse or	1052
neglect occurred and that abuse or neglect is related to the	1053
person's duties and responsibilities under the license. The	1054

information provided by the director shall include the 1055
following: 1056

(1) A summary of the nature of the allegations contained 1057
in the report of which the person is the subject and the final 1058
disposition of the investigation conducted in response to that 1059
report or, if the investigation is not complete, the status of 1060
the investigation; 1061

(2) Upon written request of the superintendent of public 1062
instruction, the additional information described in division 1063
(C) of this section regarding the agency's investigation of the 1064
report, unless the prosecuting attorney of the county served by 1065
the agency determines that such information may not be released 1066
pursuant to division (B) of this section. 1067

(B) Upon receipt of a written request from the 1068
superintendent of public instruction for the additional 1069
information described in division (C) of this section, the 1070
director shall determine if the prosecuting attorney of the 1071
county served by the public children services agency intends to 1072
prosecute the subject of the report based on the allegations 1073
contained in the report. If the prosecuting attorney intends to 1074
prosecute the subject of the report, the prosecuting attorney 1075
shall determine the information described in division (C) of 1076
this section that may be released, if any, and shall provide the 1077
director with written authorization to release the information 1078
so determined. The director shall provide the superintendent of 1079
public instruction with any information described in division 1080
(C) of this section that the prosecuting attorney determines may 1081
be released, but in no case shall the director provide any 1082
information that the prosecuting attorney determines shall not 1083
be released. If the prosecuting attorney does not intend to 1084

prosecute the subject of the report, the prosecuting attorney 1085
shall notify the director of that fact and the director shall 1086
provide all of the information described in division (C) of this 1087
section to the superintendent of public instruction. 1088

(C) In accordance with division (B) of this section, the 1089
director shall provide information to the superintendent of 1090
public instruction regarding the public children services 1091
agency's investigation of the report described in division (A) 1092
of this section, including, but not limited to, the following: 1093

(1) The following information about the alleged child 1094
victim of the abuse or neglect: 1095

(a) Full name; 1096

(b) Date of birth; 1097

(c) Address and telephone number; 1098

(d) Grade level; 1099

(e) Name and contact information of the child's parent, 1100
guardian, or legal custodian; 1101

(f) Name and contact information of any medical facility 1102
that provided treatment to the child, if the child was injured 1103
in connection with the abuse or neglect and if that information 1104
is available; 1105

(g) A summary of interviews with the child or, if an 1106
entity other than the agency conducted the interviews, the 1107
contact information for that entity. The summary shall include 1108
an accounting of the facts and circumstances of the alleged 1109
abuse or neglect, including, but not limited to, the time and 1110
place that the abuse or neglect occurred. 1111

(h) Copies of any written correspondence between the child 1112
and the alleged perpetrator of the abuse or neglect that was 1113
used by the agency to determine that abuse or neglect occurred, 1114
the release of which is not otherwise prohibited by law. 1115

(2) The following information about the alleged 1116
perpetrator of the abuse or neglect: 1117

(a) Full name; 1118

(b) Date of birth; 1119

(c) Address and telephone number; 1120

(d) Name of school district and school building that 1121
employed the alleged perpetrator at the time the report was 1122
made; 1123

(e) Name and contact information of any medical facility 1124
that provided treatment to the alleged perpetrator, if the 1125
alleged perpetrator was injured in connection with the abuse or 1126
neglect and if that information is available; 1127

(f) A summary of interviews with the alleged perpetrator 1128
or, if an entity other than the agency conducted the interviews, 1129
the contact information for that entity. The summary shall 1130
include an accounting of the facts and circumstances of the 1131
alleged abuse or neglect, including, but not limited to, the 1132
time and place that the abuse or neglect occurred. 1133

(g) Copies of any written correspondence between the 1134
alleged child victim and the alleged perpetrator that was used 1135
by the agency to determine that abuse or neglect occurred, the 1136
release of which is not otherwise prohibited by law; 1137

(h) If the alleged perpetrator has been the subject of any 1138
previous reports made pursuant to section 2151.421 of the 1139

Revised Code where the agency determined that physical or sexual 1140
child abuse occurred, a summary of the chronology of those 1141
reports; the final disposition of the investigations conducted 1142
in response to those reports, or if an investigation is not 1143
complete, the status of that investigation; and any underlying 1144
documentation concerning those reports. 1145

(3) The following information about each person, other 1146
than the alleged child victim and the alleged perpetrator, whom 1147
the agency has determined to be important to the investigation, 1148
except that the information shall not be provided about the 1149
person who made the report unless that person grants written 1150
permission for the director to release the information: 1151

(a) Full name; 1152

(b) Address and telephone number; 1153

(c) If the person has been interviewed regarding the 1154
alleged abuse or neglect, a summary of those interviews or, if 1155
an entity other than the agency conducted the interviews, the 1156
contact information for such entity. 1157

(D) Upon provision of any information to the 1158
superintendent of public instruction under this section, the 1159
director shall notify the superintendent of both of the 1160
following: 1161

(1) That the information is confidential; 1162

(2) That unauthorized dissemination of the information is 1163
a violation of division ~~(H)~~ (I) (2) of section 2151.421 and 1164
section 3319.311 of the Revised Code and any person who permits 1165
or encourages unauthorized dissemination of the information is 1166
guilty of a misdemeanor of the fourth degree pursuant to section 1167
2151.99 of the Revised Code. 1168

If the director determines that the superintendent of public instruction or any person involved in the conduct of an investigation under section 3319.311 of the Revised Code committed, caused, permitted, or encouraged the unauthorized dissemination of any information provided under this section, the director shall provide written notification of the unauthorized dissemination to the prosecuting attorney of the county or the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which the unauthorized dissemination occurred. A copy of the notification shall be retained in the investigative record maintained by the public children services agency.

(E) The director shall include documentation of the information provided to the superintendent of public instruction under this section in the investigative record maintained by the public children services agency. The documentation shall include the following:

(1) A list of the information provided;

(2) The date the information was provided;

(3) If the superintendent of public instruction designates a person to receive the information on the superintendent's behalf, the name of that person;

(4) The reason for providing the information;

(5) If written authorization to provide the information is required from the prosecuting attorney under division (B) of this section, a copy of that authorization.

(F) No director of a public children services agency shall knowingly fail to comply with division (A) or (C) of this section.

(G) A director of a public children services agency who 1198
provides information to the superintendent of public instruction 1199
in accordance with this section in good faith shall be immune 1200
from any civil or criminal liability that otherwise might be 1201
incurred or imposed for injury, death, or loss to person or 1202
property as a result of the provision of that information. 1203

(H) Notwithstanding any provision to the contrary in 1204
Chapter 4117. of the Revised Code, the provisions of this 1205
section prevail over any conflicting provisions of a collective 1206
bargaining agreement or contract for employment entered into 1207
after March 30, 2007. 1208

Section 2. That existing sections 307.627, 2151.421, 1209
2151.422, 2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of 1210
the Revised Code are hereby repealed. 1211

Section 3. Section 2151.99 of the Revised Code is 1212
presented in this act as a composite of the section as amended 1213
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 1214
Assembly. The General Assembly, applying the principle stated in 1215
division (B) of section 1.52 of the Revised Code that amendments 1216
are to be harmonized if reasonably capable of simultaneous 1217
operation, finds that the composite is the resulting version of 1218
the section in effect prior to the effective date of the section 1219
as presented in this act. 1220