

As Introduced

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H. B. No. 63

Representatives Pelanda, Grossman

**Cosponsors: Representatives Slaby, Boose, Maag, Becker, Buchy, Leland, Sears,
Dever, Hill, Barnes, Fedor, Blessing, Boyd, Sheehy, Driehaus**

A BILL

To amend sections 2151.421, 2151.99, and 3109.51 1
and to enact section 3109.81 of the Revised Code 2
to require mandatory reporters of child abuse or 3
neglect to notify the county public children 4
services agency when an attorney in fact under a 5
document that purports to grant parental rights 6
requests services from them, to require the 7
agency to investigate the child's placement with 8
the attorney in fact, and to require the agency 9
to file a dependency complaint if it determines 10
that the placement is unsafe for the child. 11

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

Section 1. That sections 2151.421, 2151.99, and 3109.51 be 12
amended and section 3109.81 of the Revised Code be enacted to 13
read as follows: 14

Sec. 2151.421. (A) (1) (a) No person described in division 15
(A) (1) (b) of this section who is acting in an official or 16
professional capacity and knows, or has reasonable cause to 17
suspect based on facts that would cause a reasonable person in a 18

similar position to suspect, that a child under eighteen years 19
of age or a mentally retarded, developmentally disabled, or 20
physically impaired child under twenty-one years of age has 21
suffered or faces a threat of suffering any physical or mental 22
wound, injury, disability, or condition of a nature that 23
reasonably indicates abuse or neglect of the child shall fail to 24
immediately report that knowledge or reasonable cause to suspect 25
to the entity or persons specified in this division. Except as 26
provided in section 5120.173 of the Revised Code, the person 27
making the report shall make it to the public children services 28
agency or a municipal or county peace officer in the county in 29
which the child resides or in which the abuse or neglect is 30
occurring or has occurred. In the circumstances described in 31
section 5120.173 of the Revised Code, the person making the 32
report shall make it to the entity specified in that section. 33

(b) Division (A) (1) (a) of this section applies to any 34
person who is an attorney; physician, including a hospital 35
intern or resident; dentist; podiatrist; practitioner of a 36
limited branch of medicine as specified in section 4731.15 of 37
the Revised Code; registered nurse; licensed practical nurse; 38
visiting nurse; other health care professional; licensed 39
psychologist; licensed school psychologist; independent marriage 40
and family therapist or marriage and family therapist; speech 41
pathologist or audiologist; coroner; administrator or employee 42
of a child day-care center; administrator or employee of a 43
residential camp or child day camp; administrator or employee of 44
a certified child care agency or other public or private 45
children services agency; school teacher; school employee; 46
school authority; person engaged in social work or the practice 47
of professional counseling; agent of a county humane society; 48
person, other than a cleric, rendering spiritual treatment 49

through prayer in accordance with the tenets of a well- 50
recognized religion; employee of a county department of job and 51
family services who is a professional and who works with 52
children and families; superintendent or regional administrator 53
employed by the department of youth services; superintendent, 54
board member, or employee of a county board of developmental 55
disabilities; investigative agent contracted with by a county 56
board of developmental disabilities; employee of the department 57
of developmental disabilities; employee of a facility or home 58
that provides respite care in accordance with section 5123.171 59
of the Revised Code; employee of a home health agency; employee 60
of an entity that provides homemaker services; a person 61
performing the duties of an assessor pursuant to Chapter 3107. 62
or 5103. of the Revised Code; third party employed by a public 63
children services agency to assist in providing child or family 64
related services; court appointed special advocate; or guardian 65
ad litem. 66

(c) A person listed in division (A) (1) (b) of this section, 67
on being presented with a document, other than a court order, 68
power of attorney given to a grandparent under section 3109.52 69
of the Revised Code, or caretaker authorization affidavit 70
executed under section 3109.65 of the Revised Code, as authority 71
for requesting services for the child, shall comply with section 72
3109.81 of the Revised Code. 73

(2) Except as provided in division (A) (3) of this section, 74
an attorney or a physician is not required to make a report 75
pursuant to division (A) (1) of this section concerning any 76
communication the attorney or physician receives from a client 77
or patient in an attorney-client or physician-patient 78
relationship, if, in accordance with division (A) or (B) of 79
section 2317.02 of the Revised Code, the attorney or physician 80

could not testify with respect to that communication in a civil 81
or criminal proceeding. 82

(3) The client or patient in an attorney-client or 83
physician-patient relationship described in division (A) (2) of 84
this section is deemed to have waived any testimonial privilege 85
under division (A) or (B) of section 2317.02 of the Revised Code 86
with respect to any communication the attorney or physician 87
receives from the client or patient in that attorney-client or 88
physician-patient relationship, and the attorney or physician 89
shall make a report pursuant to division (A) (1) of this section 90
with respect to that communication, if all of the following 91
apply: 92

(a) The client or patient, at the time of the 93
communication, is either a child under eighteen years of age or 94
a mentally retarded, developmentally disabled, or physically 95
impaired person under twenty-one years of age. 96

(b) The attorney or physician knows, or has reasonable 97
cause to suspect based on facts that would cause a reasonable 98
person in similar position to suspect, as a result of the 99
communication or any observations made during that 100
communication, that the client or patient has suffered or faces 101
a threat of suffering any physical or mental wound, injury, 102
disability, or condition of a nature that reasonably indicates 103
abuse or neglect of the client or patient. 104

(c) The abuse or neglect does not arise out of the 105
client's or patient's attempt to have an abortion without the 106
notification of her parents, guardian, or custodian in 107
accordance with section 2151.85 of the Revised Code. 108

(4) (a) No cleric and no person, other than a volunteer, 109

designated by any church, religious society, or faith acting as 110
a leader, official, or delegate on behalf of the church, 111
religious society, or faith who is acting in an official or 112
professional capacity, who knows, or has reasonable cause to 113
believe based on facts that would cause a reasonable person in a 114
similar position to believe, that a child under eighteen years 115
of age or a mentally retarded, developmentally disabled, or 116
physically impaired child under twenty-one years of age has 117
suffered or faces a threat of suffering any physical or mental 118
wound, injury, disability, or condition of a nature that 119
reasonably indicates abuse or neglect of the child, and who 120
knows, or has reasonable cause to believe based on facts that 121
would cause a reasonable person in a similar position to 122
believe, that another cleric or another person, other than a 123
volunteer, designated by a church, religious society, or faith 124
acting as a leader, official, or delegate on behalf of the 125
church, religious society, or faith caused, or poses the threat 126
of causing, the wound, injury, disability, or condition that 127
reasonably indicates abuse or neglect shall fail to immediately 128
report that knowledge or reasonable cause to believe to the 129
entity or persons specified in this division. Except as provided 130
in section 5120.173 of the Revised Code, the person making the 131
report shall make it to the public children services agency or a 132
municipal or county peace officer in the county in which the 133
child resides or in which the abuse or neglect is occurring or 134
has occurred. In the circumstances described in section 5120.173 135
of the Revised Code, the person making the report shall make it 136
to the entity specified in that section. 137

(b) Except as provided in division (A) (4) (c) of this 138
section, a cleric is not required to make a report pursuant to 139
division (A) (4) (a) of this section concerning any communication 140

the cleric receives from a penitent in a cleric-penitent 141
relationship, if, in accordance with division (C) of section 142
2317.02 of the Revised Code, the cleric could not testify with 143
respect to that communication in a civil or criminal proceeding. 144

(c) The penitent in a cleric-penitent relationship 145
described in division (A) (4) (b) of this section is deemed to 146
have waived any testimonial privilege under division (C) of 147
section 2317.02 of the Revised Code with respect to any 148
communication the cleric receives from the penitent in that 149
cleric-penitent relationship, and the cleric shall make a report 150
pursuant to division (A) (4) (a) of this section with respect to 151
that communication, if all of the following apply: 152

(i) The penitent, at the time of the communication, is 153
either a child under eighteen years of age or a mentally 154
retarded, developmentally disabled, or physically impaired 155
person under twenty-one years of age. 156

(ii) The cleric knows, or has reasonable cause to believe 157
based on facts that would cause a reasonable person in a similar 158
position to believe, as a result of the communication or any 159
observations made during that communication, the penitent has 160
suffered or faces a threat of suffering any physical or mental 161
wound, injury, disability, or condition of a nature that 162
reasonably indicates abuse or neglect of the penitent. 163

(iii) The abuse or neglect does not arise out of the 164
penitent's attempt to have an abortion performed upon a child 165
under eighteen years of age or upon a mentally retarded, 166
developmentally disabled, or physically impaired person under 167
twenty-one years of age without the notification of her parents, 168
guardian, or custodian in accordance with section 2151.85 of the 169
Revised Code. 170

(d) Divisions (A) (4) (a) and (c) of this section do not 171
apply in a cleric-penitent relationship when the disclosure of 172
any communication the cleric receives from the penitent is in 173
violation of the sacred trust. 174

(e) As used in divisions (A) (1) and (4) of this section, 175
"cleric" and "sacred trust" have the same meanings as in section 176
2317.02 of the Revised Code. 177

(B) Anyone who knows, or has reasonable cause to suspect 178
based on facts that would cause a reasonable person in similar 179
circumstances to suspect, that a child under eighteen years of 180
age or a mentally retarded, developmentally disabled, or 181
physically impaired person under twenty-one years of age has 182
suffered or faces a threat of suffering any physical or mental 183
wound, injury, disability, or other condition of a nature that 184
reasonably indicates abuse or neglect of the child may report or 185
cause reports to be made of that knowledge or reasonable cause 186
to suspect to the entity or persons specified in this division. 187
Except as provided in section 5120.173 of the Revised Code, a 188
person making a report or causing a report to be made under this 189
division shall make it or cause it to be made to the public 190
children services agency or to a municipal or county peace 191
officer. In the circumstances described in section 5120.173 of 192
the Revised Code, a person making a report or causing a report 193
to be made under this division shall make it or cause it to be 194
made to the entity specified in that section. 195

(C) Any report made pursuant to division (A) or (B) of 196
this section shall be made forthwith either by telephone or in 197
person and shall be followed by a written report, if requested 198
by the receiving agency or officer. The written report shall 199
contain: 200

(1) The names and addresses of the child and the child's 201
parents or the person or persons having custody of the child, if 202
known; 203

(2) The child's age and the nature and extent of the 204
child's injuries, abuse, or neglect that is known or reasonably 205
suspected or believed, as applicable, to have occurred or of the 206
threat of injury, abuse, or neglect that is known or reasonably 207
suspected or believed, as applicable, to exist, including any 208
evidence of previous injuries, abuse, or neglect; 209

(3) Any other information that might be helpful in 210
establishing the cause of the injury, abuse, or neglect that is 211
known or reasonably suspected or believed, as applicable, to 212
have occurred or of the threat of injury, abuse, or neglect that 213
is known or reasonably suspected or believed, as applicable, to 214
exist. 215

Any person, who is required by division (A) of this 216
section to report child abuse or child neglect that is known or 217
reasonably suspected or believed to have occurred, may take or 218
cause to be taken color photographs of areas of trauma visible 219
on a child and, if medically indicated, cause to be performed 220
radiological examinations of the child. 221

(D) As used in this division, "children's advocacy center" 222
and "sexual abuse of a child" have the same meanings as in 223
section 2151.425 of the Revised Code. 224

(1) When a municipal or county peace officer receives a 225
report concerning the possible abuse or neglect of a child or 226
the possible threat of abuse or neglect of a child, upon receipt 227
of the report, the municipal or county peace officer who 228
receives the report shall refer the report to the appropriate 229

public children services agency. 230

(2) When a public children services agency receives a 231
report pursuant to this division or division (A) or (B) of this 232
section, upon receipt of the report, the public children 233
services agency shall do both of the following: 234

(a) Comply with section 2151.422 of the Revised Code; 235

(b) If the county served by the agency is also served by a 236
children's advocacy center and the report alleges sexual abuse 237
of a child or another type of abuse of a child that is specified 238
in the memorandum of understanding that creates the center as 239
being within the center's jurisdiction, comply regarding the 240
report with the protocol and procedures for referrals and 241
investigations, with the coordinating activities, and with the 242
authority or responsibility for performing or providing 243
functions, activities, and services stipulated in the 244
interagency agreement entered into under section 2151.428 of the 245
Revised Code relative to that center. 246

(E) No township, municipal, or county peace officer shall 247
remove a child about whom a report is made pursuant to this 248
section from the child's parents, stepparents, or guardian or 249
any other persons having custody of the child without 250
consultation with the public children services agency, unless, 251
in the judgment of the officer, and, if the report was made by 252
physician, the physician, immediate removal is considered 253
essential to protect the child from further abuse or neglect. 254
The agency that must be consulted shall be the agency conducting 255
the investigation of the report as determined pursuant to 256
section 2151.422 of the Revised Code. 257

(F) (1) Except as provided in section 2151.422 of the 258

Revised Code or in an interagency agreement entered into under 259
section 2151.428 of the Revised Code that applies to the 260
particular report, the public children services agency shall 261
investigate, within twenty-four hours, each report of child 262
abuse or child neglect that is known or reasonably suspected or 263
believed to have occurred and of a threat of child abuse or 264
child neglect that is known or reasonably suspected or believed 265
to exist that is referred to it under this section to determine 266
the circumstances surrounding the injuries, abuse, or neglect or 267
the threat of injury, abuse, or neglect, the cause of the 268
injuries, abuse, neglect, or threat, and the person or persons 269
responsible. The investigation shall be made in cooperation with 270
the law enforcement agency and in accordance with the memorandum 271
of understanding prepared under division (J) of this section. A 272
representative of the public children services agency shall, at 273
the time of initial contact with the person subject to the 274
investigation, inform the person of the specific complaints or 275
allegations made against the person. The information shall be 276
given in a manner that is consistent with division (H)(1) of 277
this section and protects the rights of the person making the 278
report under this section. 279

A failure to make the investigation in accordance with the 280
memorandum is not grounds for, and shall not result in, the 281
dismissal of any charges or complaint arising from the report or 282
the suppression of any evidence obtained as a result of the 283
report and does not give, and shall not be construed as giving, 284
any rights or any grounds for appeal or post-conviction relief 285
to any person. The public children services agency shall report 286
each case to the uniform statewide automated child welfare 287
information system that the department of job and family 288
services shall maintain in accordance with section 5101.13 of 289

the Revised Code. The public children services agency shall 290
submit a report of its investigation, in writing, to the law 291
enforcement agency. 292

(2) The public children services agency shall make any 293
recommendations to the county prosecuting attorney or city 294
director of law that it considers necessary to protect any 295
children that are brought to its attention. 296

(G) (1) (a) Except as provided in division (H) (3) of this 297
section, anyone or any hospital, institution, school, health 298
department, or agency participating in the making of reports 299
under division (A) of this section, anyone or any hospital, 300
institution, school, health department, or agency participating 301
in good faith in the making of reports under division (B) of 302
this section, and anyone participating in good faith in a 303
judicial proceeding resulting from the reports, shall be immune 304
from any civil or criminal liability for injury, death, or loss 305
to person or property that otherwise might be incurred or 306
imposed as a result of the making of the reports or the 307
participation in the judicial proceeding. 308

(b) Notwithstanding section 4731.22 of the Revised Code, 309
the physician-patient privilege shall not be a ground for 310
excluding evidence regarding a child's injuries, abuse, or 311
neglect, or the cause of the injuries, abuse, or neglect in any 312
judicial proceeding resulting from a report submitted pursuant 313
to this section. 314

(2) In any civil or criminal action or proceeding in which 315
it is alleged and proved that participation in the making of a 316
report under this section was not in good faith or participation 317
in a judicial proceeding resulting from a report made under this 318
section was not in good faith, the court shall award the 319

prevailing party reasonable attorney's fees and costs and, if a 320
civil action or proceeding is voluntarily dismissed, may award 321
reasonable attorney's fees and costs to the party against whom 322
the civil action or proceeding is brought. 323

(H) (1) Except as provided in divisions (H) (4) and (N) of 324
this section, a report made under this section is confidential. 325
The information provided in a report made pursuant to this 326
section and the name of the person who made the report shall not 327
be released for use, and shall not be used, as evidence in any 328
civil action or proceeding brought against the person who made 329
the report. Nothing in this division shall preclude the use of 330
reports of other incidents of known or suspected abuse or 331
neglect in a civil action or proceeding brought pursuant to 332
division (M) of this section against a person who is alleged to 333
have violated division (A) (1) of this section, provided that any 334
information in a report that would identify the child who is the 335
subject of the report or the maker of the report, if the maker 336
of the report is not the defendant or an agent or employee of 337
the defendant, has been redacted. In a criminal proceeding, the 338
report is admissible in evidence in accordance with the Rules of 339
Evidence and is subject to discovery in accordance with the 340
Rules of Criminal Procedure. 341

(2) No person shall permit or encourage the unauthorized 342
dissemination of the contents of any report made under this 343
section. 344

(3) A person who knowingly makes or causes another person 345
to make a false report under division (B) of this section that 346
alleges that any person has committed an act or omission that 347
resulted in a child being an abused child or a neglected child 348
is guilty of a violation of section 2921.14 of the Revised Code. 349

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

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

(I) 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.

(J) (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;

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

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

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the

county department of job and family services, the county 409
department of job and family services; 410

(h) The county humane society; 411

(i) If the public children services agency participated in 412
the execution of a memorandum of understanding under section 413
2151.426 of the Revised Code establishing a children's advocacy 414
center, each participating member of the children's advocacy 415
center established by the memorandum. 416

(2) A memorandum of understanding shall set forth the 417
normal operating procedure to be employed by all concerned 418
officials in the execution of their respective responsibilities 419
under this section and division (C) of section 2919.21, division 420
(B) (1) of section 2919.22, division (B) of section 2919.23, and 421
section 2919.24 of the Revised Code and shall have as two of its 422
primary goals the elimination of all unnecessary interviews of 423
children who are the subject of reports made pursuant to 424
division (A) or (B) of this section and, when feasible, 425
providing for only one interview of a child who is the subject 426
of any report made pursuant to division (A) or (B) of this 427
section. A failure to follow the procedure set forth in the 428
memorandum by the concerned officials is not grounds for, and 429
shall not result in, the dismissal of any charges or complaint 430
arising from any reported case of abuse or neglect or the 431
suppression of any evidence obtained as a result of any reported 432
child abuse or child neglect and does not give, and shall not be 433
construed as giving, any rights or any grounds for appeal or 434
post-conviction relief to any person. 435

(3) A memorandum of understanding shall include all of the 436
following: 437

(a) The roles and responsibilities for handling emergency 438
and nonemergency cases of abuse and neglect; 439

(b) Standards and procedures to be used in handling and 440
coordinating investigations of reported cases of child abuse and 441
reported cases of child neglect, methods to be used in 442
interviewing the child who is the subject of the report and who 443
allegedly was abused or neglected, and standards and procedures 444
addressing the categories of persons who may interview the child 445
who is the subject of the report and who allegedly was abused or 446
neglected. 447

(4) If a public children services agency participated in 448
the execution of a memorandum of understanding under section 449
2151.426 of the Revised Code establishing a children's advocacy 450
center, the agency shall incorporate the contents of that 451
memorandum in the memorandum prepared pursuant to this section. 452

(5) The clerk of the court of common pleas in the county 453
may sign the memorandum of understanding prepared under division 454
(J)(1) of this section. If the clerk signs the memorandum of 455
understanding, the clerk shall execute all relevant 456
responsibilities as required of officials specified in the 457
memorandum. 458

(K)(1) Except as provided in division (K)(4) of this 459
section, a person who is required to make a report pursuant to 460
division (A) of this section may make a reasonable number of 461
requests of the public children services agency that receives or 462
is referred the report, or of the children's advocacy center 463
that is referred the report if the report is referred to a 464
children's advocacy center pursuant to an interagency agreement 465
entered into under section 2151.428 of the Revised Code, to be 466
provided with the following information: 467

(a) Whether the agency or center has initiated an investigation of the report; 468
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(b) Whether the agency or center is continuing to investigate the report; 470
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 472
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(d) The general status of the health and safety of the child who is the subject of the report; 474
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 476
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 479
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 483
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a 493
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reasonable number of times, except that the agency shall not 497
disclose any confidential information regarding the child who is 498
the subject of the report other than the information described 499
in those divisions. 500

(3) A request made pursuant to division (K)(1) of this 501
section is not a substitute for any report required to be made 502
pursuant to division (A) of this section. 503

(4) If an agency other than the agency that received or 504
was referred the report is conducting the investigation of the 505
report pursuant to section 2151.422 of the Revised Code, the 506
agency conducting the investigation shall comply with the 507
requirements of division (K) of this section. 508

(L) The director of job and family services shall adopt 509
rules in accordance with Chapter 119. of the Revised Code to 510
implement this section. The department of job and family 511
services may enter into a plan of cooperation with any other 512
governmental entity to aid in ensuring that children are 513
protected from abuse and neglect. The department shall make 514
recommendations to the attorney general that the department 515
determines are necessary to protect children from child abuse 516
and child neglect. 517

(M) Whoever violates division (A) of this section is 518
liable for compensatory and exemplary damages to the child who 519
would have been the subject of the report that was not made. A 520
person who brings a civil action or proceeding pursuant to this 521
division against a person who is alleged to have violated 522
division (A)(1) of this section may use in the action or 523
proceeding reports of other incidents of known or suspected 524
abuse or neglect, provided that any information in a report that 525
would identify the child who is the subject of the report or the 526

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

(N) (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

or child neglect, that allegedly occurred in or involved the 557
out-of-home care entity, the agency shall provide the written 558
notice to the owner or governing board of the out-of-home care 559
entity that is the subject of the report. The agency shall not 560
provide witness statements or police or other investigative 561
reports. 562

(3) No later than three days after the day on which a 563
public children services agency that conducted the investigation 564
as determined pursuant to section 2151.422 of the Revised Code 565
makes a disposition of an investigation involving a report of 566
alleged child abuse or child neglect, or a report of an alleged 567
threat of child abuse or child neglect, that allegedly occurred 568
in or involved an out-of-home care entity, the agency shall send 569
written notice of the disposition of the investigation to the 570
administrator, director, or other chief administrative officer 571
and the owner or governing board of the out-of-home care entity. 572
The agency shall not provide witness statements or police or 573
other investigative reports. 574

(O) As used in this section, "investigation" means the 575
public children services agency's response to an accepted report 576
of child abuse or neglect through either an alternative response 577
or a traditional response. 578

Sec. 2151.99. (A) (1) Except as otherwise provided in 579
division (A) (2) of this section, whoever violates division (D) 580
(2) or (3) of section 2151.313 or division ~~(A) (4)~~ or (H) (2) 581
of section 2151.421 of the Revised Code is guilty of a 582
misdemeanor of the fourth degree. 583

(2) Whoever violates division (A) (4) of section 2151.421 584
of the Revised Code knowing that a child has been abused or 585
neglected and knowing that the person who committed the abuse or 586

neglect was a cleric or another person, other than a volunteer, 587
designated by a church, religious society, or faith acting as a 588
leader, official, or delegate on behalf of the church, religious 589
society, or faith, is guilty of a misdemeanor of the first 590
degree if the person who violates division (A) (4) of this 591
section and the person who committed the abuse or neglect belong 592
to the same church, religious society, or faith. 593

(B) Whoever violates division (D) (1) of section 2151.313 594
of the Revised Code is guilty of a minor misdemeanor. 595

(C) Whoever violates division (A) (1) (a) of section 596
2151.421 of the Revised Code shall be punished as follows: 597

(1) Except as otherwise provided in division (C) (2) of 598
this section, the offender is guilty of a misdemeanor of the 599
fourth degree. 600

(2) The offender is guilty of a misdemeanor of the first 601
degree if the child who is the subject of the required report 602
that the offender fails to make suffers or faces the threat of 603
suffering the physical or mental wound, injury, disability, or 604
condition that would be the basis of the required report when 605
the child is under the direct care or supervision of the 606
offender who is then acting in the offender's official or 607
professional capacity or when the child is under the direct care 608
or supervision of another person over whom the offender while 609
acting in the offender's official or professional capacity has 610
supervisory control. 611

Sec. 3109.51. As used in sections 3109.52 to ~~3109.80~~ 612
3109.81 of the Revised Code: 613

(A) "Child" means a person under eighteen years of age. 614

(B) "Custodian" means an individual with legal custody of 615

a child. 616

(C) "Guardian" means an individual granted authority by a 617
probate court pursuant to Chapter 2111. of the Revised Code to 618
exercise parental rights over a child to the extent provided in 619
the court's order and subject to the residual parental rights, 620
privileges, and responsibilities of the child's parents. 621

(D) "Legal custody" and "residual parental rights, 622
privileges, and responsibilities" have the same meanings as in 623
section 2151.011 of the Revised Code. 624

Sec. 3109.81. (A) As used in this section, "service 625
provider" means any person listed in division (A) (1) (b) of 626
section 2151.421 of the Revised Code. 627

(B) (1) Except as provided in division (B) (2) of this 628
section, when an attorney in fact under a document that purports 629
to grant to a person with whom a child is residing any of the 630
parent's, guardian's, or custodian's rights and responsibilities 631
regarding the care, physical control, and custody of the child 632
requests registration in a school, medical treatment, or other 633
services for a child and presents the document as authority for 634
requesting the services, the service provider shall promptly 635
report the request, in writing, to the public children services 636
agency of the county in which the child resides. The report 637
shall include the name and address of the attorney in fact and 638
of the child, the child's age, and the nature of the services 639
requested. 640

(2) A service provider is not required to make a report 641
under division (B) (1) of this section if the document presented 642
appears to be a valid court order, power of attorney given to a 643
grandparent under section 3109.52 of the Revised Code, or 644

caretaker authorization affidavit executed under section 3109.65 645
of the Revised Code. 646

(C) On receiving a report made under division (B) of this 647
section, a public children services agency shall treat the 648
report as an allegation that the child is a dependent child and 649
shall investigate the child's temporary placement with the 650
attorney in fact in accordance with section 5153.16 of the 651
Revised Code and rules adopted under section 5153.166 of the 652
Revised Code. The investigation shall include a criminal records 653
check, a check of court records for any child-related civil 654
proceedings, and a home safety study. 655

(D) If a public children services agency, after an 656
investigation conducted under division (C) of this section, 657
determines that the temporary placement of the child with the 658
attorney in fact is unsafe for the child, the agency shall file 659
a dependency complaint with the juvenile court pursuant to 660
section 2151.27 of the Revised Code. 661

Section 2. That existing sections 2151.421, 2151.99, and 662
3109.51 of the Revised Code are hereby repealed. 663

Section 3. Section 2151.421 of the Revised Code is 664
presented in this act as a composite of the section as amended 665
by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th 666
General Assembly. The General Assembly, applying the principle 667
stated in division (B) of section 1.52 of the Revised Code that 668
amendments are to be harmonized if reasonably capable of 669
simultaneous operation, finds that the composite is the 670
resulting version of the section in effect prior to the 671
effective date of the section as presented in this act. 672

Section 2151.99 of the Revised Code is presented in this 673

act as a composite of the section as amended by both Am. Sub. 674
S.B. 17 and Sub. S.B. 137 of the 126th General Assembly. The 675
General Assembly, applying the principle stated in division (B) 676
of section 1.52 of the Revised Code that amendments are to be 677
harmonized if reasonably capable of simultaneous operation, 678
finds that the composite is the resulting version of the section 679
in effect prior to the effective date of the section as 680
presented in this act. 681