

As Introduced

134th General Assembly

Regular Session

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H. B. No. 4

Representatives Plummer, Manchester

Cosponsors: Representatives Lipps, Edwards, Riedel, Young, T., White



A BILL

To amend sections 2151.142 and 2151.421 and to 1
enact sections 2151.4210, 2151.4211, 2151.4212, 2
2151.4213, 2151.4215, 2151.4216, 2151.4218, 3
2151.4219, 2151.4220, 2151.4221, 2151.4222, 4
2151.4223, and 2151.4224 of the Revised Code 5
regarding county child abuse and neglect 6
memorandums of understanding, cross-reporting of 7
child abuse and neglect reports by public 8
children services agencies to law enforcement 9
agencies, and notification of reporter rights. 10

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

Section 1. That sections 2151.142 and 2151.421 be amended 11
and sections 2151.4210, 2151.4211, 2151.4212, 2151.4213, 12
2151.4215, 2151.4216, 2151.4218, 2151.4219, 2151.4220, 13
2151.4221, 2151.4222, 2151.4223, and 2151.4224 of the Revised 14
Code be enacted to read as follows: 15

Sec. 2151.142. (A) As used in this section, "public 16
record" and "journalist" have the same meanings as in section 17
149.43 of the Revised Code. 18

(B) Both of the following apply to the residential address 19
of each officer or employee of a public children services agency 20
or a private child placing agency who performs official 21
responsibilities or duties described in section 2151.14, 22
2151.141, 2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 23
2151.415, 2151.416, 2151.417, ~~or~~ 2151.421, or 2151.4210 to 24
2151.4224 or another section of the Revised Code and to the 25
residential address of persons related to that officer or 26
employee by consanguinity or affinity: 27

(1) Other officers and employees of a public children 28
services agency, private child placing agency, juvenile court, 29
or law enforcement agency shall consider those residential 30
addresses to be confidential information. The officer or 31
employee of the public children services agency or private child 32
placing agency may waive the confidentiality of those 33
residential addresses by giving express permission for their 34
disclosure to other officers or employees of a public children 35
services agency, private child placing agency, juvenile court, 36
or law enforcement agency. 37

(2) To the extent that those residential addresses are 38
contained in public records kept by a public children services 39
agency, private child placing agency, juvenile court, or law 40
enforcement agency, they shall not be considered to be 41
information that is subject to inspection or copying as part of 42
a public record under section 149.43 of the Revised Code. 43

(C) Except as provided in division (D) of this section, in 44
the absence of a waiver as described in division (B)(1) of this 45
section, no officer or employee of a public children services 46
agency, private child placing agency, juvenile court, or law 47
enforcement agency shall disclose the residential address of an 48

officer or employee of a public children services agency or 49
private child placing agency, or the residential address of a 50
person related to that officer or employee by consanguinity or 51
affinity, that is confidential information under division (B) (1) 52
of this section to any person, when the disclosing officer or 53
employee knows that the person is or may be a subject of an 54
investigation, interview, examination, criminal case, other 55
case, or other matter with which the officer or employee to whom 56
the residential address relates currently is or has been 57
associated. 58

(D) If, on or after the effective date of this section, a 59
journalist requests a public children services agency, private 60
child placing agency, juvenile court, or law enforcement agency 61
to disclose a residential address that is confidential 62
information under division (B) (1) of this section, the agency or 63
juvenile court shall disclose to the journalist the residential 64
address if all of the following apply: 65

(1) The request is in writing, is signed by the 66
journalist, includes the journalist's name and title, and 67
includes the name and address of the journalist's employer. 68

(2) The request states that disclosure of the residential 69
address would be in the public interest. 70

(3) The request adequately identifies the person whose 71
residential address is requested. 72

(4) The public children services agency, private child 73
placing agency, juvenile court, or law enforcement agency 74
receiving the request is one of the following: 75

(a) The agency or juvenile court with which the official 76
in question serves or with which the employee in question is 77

employed; 78

(b) The agency or juvenile court that has custody of the 79
records of the agency with which the official in question serves 80
or with which the employee in question is employed. 81

Sec. 2151.421. (A) (1) (a) No person described in division 82
(A) (1) (b) of this section who is acting in an official or 83
professional capacity and knows, or has reasonable cause to 84
suspect based on facts that would cause a reasonable person in a 85
similar position to suspect, that a child under eighteen years 86
of age, or a person under twenty-one years of age with a 87
developmental disability or physical impairment, has suffered or 88
faces a threat of suffering any physical or mental wound, 89
injury, disability, or condition of a nature that reasonably 90
indicates abuse or neglect of the child shall fail to 91
immediately report that knowledge or reasonable cause to suspect 92
to the entity or persons specified in this division. Except as 93
otherwise provided in this division or section 5120.173 of the 94
Revised Code, the person making the report shall make it to the 95
public children services agency or a peace officer in the county 96
in which the child resides or in which the abuse or neglect is 97
occurring or has occurred. If the person making the report is a 98
peace officer, the officer shall make it to the public children 99
services agency in the county in which the child resides or in 100
which the abuse or neglect is occurring or has occurred. In the 101
circumstances described in section 5120.173 of the Revised Code, 102
the person making the report shall make it to the entity 103
specified in that section. 104

(b) Division (A) (1) (a) of this section applies to any 105
person who is an attorney; health care professional; 106
practitioner of a limited branch of medicine as specified in 107

section 4731.15 of the Revised Code; licensed school	108
psychologist; independent marriage and family therapist or	109
marriage and family therapist; coroner; administrator or	110
employee of a child day-care center; administrator or employee	111
of a residential camp, child day camp, or private, nonprofit	112
therapeutic wilderness camp; administrator or employee of a	113
certified child care agency or other public or private children	114
services agency; school teacher; school employee; school	115
authority; peace officer; humane society agent; dog warden,	116
deputy dog warden, or other person appointed to act as an animal	117
control officer for a municipal corporation or township in	118
accordance with state law, an ordinance, or a resolution;	119
person, other than a cleric, rendering spiritual treatment	120
through prayer in accordance with the tenets of a well-	121
recognized religion; employee of a county department of job and	122
family services who is a professional and who works with	123
children and families; superintendent or regional administrator	124
employed by the department of youth services; superintendent,	125
board member, or employee of a county board of developmental	126
disabilities; investigative agent contracted with by a county	127
board of developmental disabilities; employee of the department	128
of developmental disabilities; employee of a facility or home	129
that provides respite care in accordance with section 5123.171	130
of the Revised Code; employee of an entity that provides	131
homemaker services; employee of a qualified organization as	132
defined in section 2151.90 of the Revised Code; a host family as	133
defined in section 2151.90 of the Revised Code; foster	134
caregiver; a person performing the duties of an assessor	135
pursuant to Chapter 3107. or 5103. of the Revised Code; third	136
party employed by a public children services agency to assist in	137
providing child or family related services; court appointed	138
special advocate; or guardian ad litem.	139

(c) If two or more health care professionals, after 140
providing health care services to a child, determine or suspect 141
that the child has been or is being abused or neglected, the 142
health care professionals may designate one of the health care 143
professionals to report the abuse or neglect. A single report 144
made under this division shall meet the reporting requirements 145
of division (A) (1) of this section. 146

(2) Except as provided in division (A) (3) of this section, 147
an attorney or a physician is not required to make a report 148
pursuant to division (A) (1) of this section concerning any 149
communication the attorney or physician receives from a client 150
or patient in an attorney-client or physician-patient 151
relationship, if, in accordance with division (A) or (B) of 152
section 2317.02 of the Revised Code, the attorney or physician 153
could not testify with respect to that communication in a civil 154
or criminal proceeding. 155

(3) The client or patient in an attorney-client or 156
physician-patient relationship described in division (A) (2) of 157
this section is deemed to have waived any testimonial privilege 158
under division (A) or (B) of section 2317.02 of the Revised Code 159
with respect to any communication the attorney or physician 160
receives from the client or patient in that attorney-client or 161
physician-patient relationship, and the attorney or physician 162
shall make a report pursuant to division (A) (1) of this section 163
with respect to that communication, if all of the following 164
apply: 165

(a) The client or patient, at the time of the 166
communication, is a child under eighteen years of age or is a 167
person under twenty-one years of age with a developmental 168
disability or physical impairment. 169

(b) The attorney or physician knows, or has reasonable 170
cause to suspect based on facts that would cause a reasonable 171
person in similar position to suspect that the client or patient 172
has suffered or faces a threat of suffering any physical or 173
mental wound, injury, disability, or condition of a nature that 174
reasonably indicates abuse or neglect of the client or patient. 175

(c) The abuse or neglect does not arise out of the 176
client's or patient's attempt to have an abortion without the 177
notification of her parents, guardian, or custodian in 178
accordance with section 2151.85 of the Revised Code. 179

(4) (a) No cleric and no person, other than a volunteer, 180
designated by any church, religious society, or faith acting as 181
a leader, official, or delegate on behalf of the church, 182
religious society, or faith who is acting in an official or 183
professional capacity, who knows, or has reasonable cause to 184
believe based on facts that would cause a reasonable person in a 185
similar position to believe, that a child under eighteen years 186
of age, or a person under twenty-one years of age with a 187
developmental disability or physical impairment, has suffered or 188
faces a threat of suffering any physical or mental wound, 189
injury, disability, or condition of a nature that reasonably 190
indicates abuse or neglect of the child, and who knows, or has 191
reasonable cause to believe based on facts that would cause a 192
reasonable person in a similar position to believe, that another 193
cleric or another person, other than a volunteer, designated by 194
a church, religious society, or faith acting as a leader, 195
official, or delegate on behalf of the church, religious 196
society, or faith caused, or poses the threat of causing, the 197
wound, injury, disability, or condition that reasonably 198
indicates abuse or neglect shall fail to immediately report that 199
knowledge or reasonable cause to believe to the entity or 200

persons specified in this division. Except as provided in 201
section 5120.173 of the Revised Code, the person making the 202
report shall make it to the public children services agency or a 203
peace officer in the county in which the child resides or in 204
which the abuse or neglect is occurring or has occurred. In the 205
circumstances described in section 5120.173 of the Revised Code, 206
the person making the report shall make it to the entity 207
specified in that section. 208

(b) Except as provided in division (A) (4) (c) of this 209
section, a cleric is not required to make a report pursuant to 210
division (A) (4) (a) of this section concerning any communication 211
the cleric receives from a penitent in a cleric-penitent 212
relationship, if, in accordance with division (C) of section 213
2317.02 of the Revised Code, the cleric could not testify with 214
respect to that communication in a civil or criminal proceeding. 215

(c) The penitent in a cleric-penitent relationship 216
described in division (A) (4) (b) of this section is deemed to 217
have waived any testimonial privilege under division (C) of 218
section 2317.02 of the Revised Code with respect to any 219
communication the cleric receives from the penitent in that 220
cleric-penitent relationship, and the cleric shall make a report 221
pursuant to division (A) (4) (a) of this section with respect to 222
that communication, if all of the following apply: 223

(i) The penitent, at the time of the communication, is a 224
child under eighteen years of age or is a person under twenty- 225
one years of age with a developmental disability or physical 226
impairment. 227

(ii) The cleric knows, or has reasonable cause to believe 228
based on facts that would cause a reasonable person in a similar 229
position to believe, as a result of the communication or any 230

observations made during that communication, the penitent has 231
suffered or faces a threat of suffering any physical or mental 232
wound, injury, disability, or condition of a nature that 233
reasonably indicates abuse or neglect of the penitent. 234

(iii) The abuse or neglect does not arise out of the 235
penitent's attempt to have an abortion performed upon a child 236
under eighteen years of age or upon a person under twenty-one 237
years of age with a developmental disability or physical 238
impairment without the notification of her parents, guardian, or 239
custodian in accordance with section 2151.85 of the Revised 240
Code. 241

(d) Divisions (A) (4) (a) and (c) of this section do not 242
apply in a cleric-penitent relationship when the disclosure of 243
any communication the cleric receives from the penitent is in 244
violation of the sacred trust. 245

(e) As used in divisions (A) (1) and (4) of this section, 246
"cleric" and "sacred trust" have the same meanings as in section 247
2317.02 of the Revised Code. 248

(B) Anyone who knows, or has reasonable cause to suspect 249
based on facts that would cause a reasonable person in similar 250
circumstances to suspect, that a child under eighteen years of 251
age, or a person under twenty-one years of age with a 252
developmental disability or physical impairment, has suffered or 253
faces a threat of suffering any physical or mental wound, 254
injury, disability, or other condition of a nature that 255
reasonably indicates abuse or neglect of the child may report or 256
cause reports to be made of that knowledge or reasonable cause 257
to suspect to the entity or persons specified in this division. 258
Except as provided in section 5120.173 of the Revised Code, a 259
person making a report or causing a report to be made under this 260

division shall make it or cause it to be made to the public 261
children services agency or to a peace officer. In the 262
circumstances described in section 5120.173 of the Revised Code, 263
a person making a report or causing a report to be made under 264
this division shall make it or cause it to be made to the entity 265
specified in that section. 266

(C) Any report made pursuant to division (A) or (B) of 267
this section shall be made forthwith either by telephone or in 268
person and shall be followed by a written report, if requested 269
by the receiving agency or officer. The written report shall 270
contain: 271

(1) The names and addresses of the child and the child's 272
parents or the person or persons having custody of the child, if 273
known; 274

(2) The child's age and the nature and extent of the 275
child's injuries, abuse, or neglect that is known or reasonably 276
suspected or believed, as applicable, to have occurred or of the 277
threat of injury, abuse, or neglect that is known or reasonably 278
suspected or believed, as applicable, to exist, including any 279
evidence of previous injuries, abuse, or neglect; 280

(3) Any other information, including, but not limited to, 281
results and reports of any medical examinations, tests, or 282
procedures performed under division (D) of this section, that 283
might be helpful in establishing the cause of the injury, abuse, 284
or neglect that is known or reasonably suspected or believed, as 285
applicable, to have occurred or of the threat of injury, abuse, 286
or neglect that is known or reasonably suspected or believed, as 287
applicable, to exist. 288

(D) (1) Any person, who is required by division (A) of this 289

section to report child abuse or child neglect that is known or 290
reasonably suspected or believed to have occurred, may take or 291
cause to be taken color photographs of areas of trauma visible 292
on a child and, if medically necessary for the purpose of 293
diagnosing or treating injuries that are suspected to have 294
occurred as a result of child abuse or child neglect, perform or 295
cause to be performed radiological examinations and any other 296
medical examinations of, and tests or procedures on, the child. 297

(2) The results and any available reports of examinations, 298
tests, or procedures made under division (D) (1) of this section 299
shall be included in a report made pursuant to division (A) of 300
this section. Any additional reports of examinations, tests, or 301
procedures that become available shall be provided to the public 302
children services agency, upon request. 303

(3) If a health care professional provides health care 304
services in a hospital, children's advocacy center, or emergency 305
medical facility to a child about whom a report has been made 306
under division (A) of this section, the health care professional 307
may take any steps that are reasonably necessary for the release 308
or discharge of the child to an appropriate environment. Before 309
the child's release or discharge, the health care professional 310
may obtain information, or consider information obtained, from 311
other entities or individuals that have knowledge about the 312
child. Nothing in division (D) (3) of this section shall be 313
construed to alter the responsibilities of any person under 314
sections 2151.27 and 2151.31 of the Revised Code. 315

(4) A health care professional may conduct medical 316
examinations, tests, or procedures on the siblings of a child 317
about whom a report has been made under division (A) of this 318
section and on other children who reside in the same home as the 319

child, if the professional determines that the examinations, 320
tests, or procedures are medically necessary to diagnose or 321
treat the siblings or other children in order to determine 322
whether reports under division (A) of this section are warranted 323
with respect to such siblings or other children. The results of 324
the examinations, tests, or procedures on the siblings and other 325
children may be included in a report made pursuant to division 326
(A) of this section. 327

(5) Medical examinations, tests, or procedures conducted 328
under divisions (D) (1) and (4) of this section and decisions 329
regarding the release or discharge of a child under division (D) 330
(3) of this section do not constitute a law enforcement 331
investigation or activity. 332

(E) (1) When a peace officer receives a report made 333
pursuant to division (A) or (B) of this section, upon receipt of 334
the report, the peace officer who receives the report shall 335
refer the report to the appropriate public children services 336
agency, in accordance with requirements specified under division 337
(B) (6) of section 2151.4211 of the Revised Code, unless an 338
arrest is made at the time of the report that results in the 339
appropriate public children services agency being contacted 340
concerning the possible abuse or neglect of a child or the 341
possible threat of abuse or neglect of a child. 342

(2) When a public children services agency receives a 343
report pursuant to this division or division (A) or (B) of this 344
section, upon receipt of the report, the public children 345
services agency shall do ~~both~~ all of the following: 346

(a) Comply with section 2151.422 of the Revised Code; 347

(b) If the county served by the agency is also served by a 348

children's advocacy center and the report alleges sexual abuse 349
of a child or another type of abuse of a child that is specified 350
in the memorandum of understanding that creates the center as 351
being within the center's jurisdiction, comply regarding the 352
report with the protocol and procedures for referrals and 353
investigations, with the coordinating activities, and with the 354
authority or responsibility for performing or providing 355
functions, activities, and services stipulated in the 356
interagency agreement entered into under section 2151.428 of the 357
Revised Code relative to that center; 358

(c) Notify the appropriate law enforcement agency of the 359
report, in accordance with requirements specified under division 360
(B) (6) of section 2151.4211 of the Revised Code, unless an 361
arrest is made at the time of the report that results in the 362
appropriate law enforcement agency being contacted concerning 363
the possible abuse or neglect of a child or the possible threat 364
of abuse or neglect of a child. 365

(F) No peace officer shall remove a child about whom a 366
report is made pursuant to this section from the child's 367
parents, stepparents, or guardian or any other persons having 368
custody of the child without consultation with the public 369
children services agency, unless, in the judgment of the 370
officer, and, if the report was made by physician, the 371
physician, immediate removal is considered essential to protect 372
the child from further abuse or neglect. The agency that must be 373
consulted shall be the agency conducting the investigation of 374
the report as determined pursuant to section 2151.422 of the 375
Revised Code. 376

(G) (1) Except as provided in section 2151.422 of the 377
Revised Code or in an interagency agreement entered into under 378

section 2151.428 of the Revised Code that applies to the 379
particular report, the public children services agency shall 380
investigate, within twenty-four hours, each report of child 381
abuse or child neglect that is known or reasonably suspected or 382
believed to have occurred and of a threat of child abuse or 383
child neglect that is known or reasonably suspected or believed 384
to exist that is referred to it under this section to determine 385
the circumstances surrounding the injuries, abuse, or neglect or 386
the threat of injury, abuse, or neglect, the cause of the 387
injuries, abuse, neglect, or threat, and the person or persons 388
responsible. The investigation shall be made in cooperation with 389
the law enforcement agency and in accordance with the memorandum 390
of understanding prepared under ~~division (K) of this~~ 391
~~section~~sections 2151.4210 to 2151.4224 of the Revised Code. A 392
representative of the public children services agency shall, at 393
the time of initial contact with the person subject to the 394
investigation, inform the person of the specific complaints or 395
allegations made against the person. The information shall be 396
given in a manner that is consistent with division (I)(1) of 397
this section and protects the rights of the person making the 398
report under this section. 399

A failure to make the investigation in accordance with the 400
memorandum is not grounds for, and shall not result in, the 401
dismissal of any charges or complaint arising from the report or 402
the suppression of any evidence obtained as a result of the 403
report and does not give, and shall not be construed as giving, 404
any rights or any grounds for appeal or post-conviction relief 405
to any person. The public children services agency shall report 406
each case to the uniform statewide automated child welfare 407
information system that the department of job and family 408
services shall maintain in accordance with section 5101.13 of 409

the Revised Code. The public children services agency shall 410
submit a report of its investigation, in writing, to the law 411
enforcement agency. 412

(2) The public children services agency shall make any 413
recommendations to the county prosecuting attorney or city 414
director of law that it considers necessary to protect any 415
children that are brought to its attention. 416

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 417
(I) (3) of this section, any person, health care professional, 418
hospital, institution, school, health department, or agency 419
shall be immune from any civil or criminal liability for injury, 420
death, or loss to person or property that otherwise might be 421
incurred or imposed as a result of any of the following: 422

(i) Participating in the making of reports pursuant to 423
division (A) of this section or in the making of reports in good 424
faith, pursuant to division (B) of this section; 425

(ii) Participating in medical examinations, tests, or 426
procedures under division (D) of this section; 427

(iii) Providing information used in a report made pursuant 428
to division (A) of this section or providing information in good 429
faith used in a report made pursuant to division (B) of this 430
section; 431

(iv) Participating in a judicial proceeding resulting from 432
a report made pursuant to division (A) of this section or 433
participating in good faith in a proceeding resulting from a 434
report made pursuant to division (B) of this section. 435

(b) Immunity under division (H) (1) (a) (ii) of this section 436
shall not apply when a health care provider has deviated from 437
the standard of care applicable to the provider's profession. 438

(c) Notwithstanding section 4731.22 of the Revised Code, 439
the physician-patient privilege shall not be a ground for 440
excluding evidence regarding a child's injuries, abuse, or 441
neglect, or the cause of the injuries, abuse, or neglect in any 442
judicial proceeding resulting from a report submitted pursuant 443
to this section. 444

(2) In any civil or criminal action or proceeding in which 445
it is alleged and proved that participation in the making of a 446
report under this section was not in good faith or participation 447
in a judicial proceeding resulting from a report made under this 448
section was not in good faith, the court shall award the 449
prevailing party reasonable attorney's fees and costs and, if a 450
civil action or proceeding is voluntarily dismissed, may award 451
reasonable attorney's fees and costs to the party against whom 452
the civil action or proceeding is brought. 453

(I)(1) Except as provided in divisions (I)(4) and ~~(O)~~(N) 454
of this section, a report made under this section is 455
confidential. The information provided in a report made pursuant 456
to this section and the name of the person who made the report 457
shall not be released for use, and shall not be used, as 458
evidence in any civil action or proceeding brought against the 459
person who made the report. Nothing in this division shall 460
preclude the use of reports of other incidents of known or 461
suspected abuse or neglect in a civil action or proceeding 462
brought pursuant to division ~~(N)~~(M) of this section against a 463
person who is alleged to have violated division (A)(1) of this 464
section, provided that any information in a report that would 465
identify the child who is the subject of the report or the maker 466
of the report, if the maker of the report is not the defendant 467
or an agent or employee of the defendant, has been redacted. In 468
a criminal proceeding, the report is admissible in evidence in 469

accordance with the Rules of Evidence and is subject to 470
discovery in accordance with the Rules of Criminal Procedure. 471

(2) (a) Except as provided in division (I) (2) (b) of this 472
section, no person shall permit or encourage the unauthorized 473
dissemination of the contents of any report made under this 474
section. 475

(b) A health care professional that obtains the same 476
information contained in a report made under this section from a 477
source other than the report may disseminate the information, if 478
its dissemination is otherwise permitted by law. 479

(3) A person who knowingly makes or causes another person 480
to make a false report under division (B) of this section that 481
alleges that any person has committed an act or omission that 482
resulted in a child being an abused child or a neglected child 483
is guilty of a violation of section 2921.14 of the Revised Code. 484

(4) If a report is made pursuant to division (A) or (B) of 485
this section and the child who is the subject of the report dies 486
for any reason at any time after the report is made, but before 487
the child attains eighteen years of age, the public children 488
services agency or peace officer to which the report was made or 489
referred, on the request of the child fatality review board or 490
the director of health pursuant to guidelines established under 491
section 3701.70 of the Revised Code, shall submit a summary 492
sheet of information providing a summary of the report to the 493
review board of the county in which the deceased child resided 494
at the time of death or to the director. On the request of the 495
review board or director, the agency or peace officer may, at 496
its discretion, make the report available to the review board or 497
director. If the county served by the public children services 498
agency is also served by a children's advocacy center and the 499

report of alleged sexual abuse of a child or another type of 500
abuse of a child is specified in the memorandum of understanding 501
that creates the center as being within the center's 502
jurisdiction, the agency or center shall perform the duties and 503
functions specified in this division in accordance with the 504
interagency agreement entered into under section 2151.428 of the 505
Revised Code relative to that advocacy center. 506

(5) A public children services agency shall advise a 507
person alleged to have inflicted abuse or neglect on a child who 508
is the subject of a report made pursuant to this section, 509
including a report alleging sexual abuse of a child or another 510
type of abuse of a child referred to a children's advocacy 511
center pursuant to an interagency agreement entered into under 512
section 2151.428 of the Revised Code, in writing of the 513
disposition of the investigation. The agency shall not provide 514
to the person any information that identifies the person who 515
made the report, statements of witnesses, or police or other 516
investigative reports. 517

(J) Any report that is required by this section, other 518
than a report that is made to the state highway patrol as 519
described in section 5120.173 of the Revised Code, shall result 520
in protective services and emergency supportive services being 521
made available by the public children services agency on behalf 522
of the children about whom the report is made, in an effort to 523
prevent further neglect or abuse, to enhance their welfare, and, 524
whenever possible, to preserve the family unit intact. The 525
agency required to provide the services shall be the agency 526
conducting the investigation of the report pursuant to section 527
2151.422 of the Revised Code. 528

~~(K) (1) Each public children services agency shall prepare~~ 529

~~a memorandum of understanding that is signed by all of the~~ 530
~~following:—~~ 531

~~(a) If there is only one juvenile judge in the county, the~~ 532
~~juvenile judge of the county or the juvenile judge's~~ 533
~~representative;—~~ 534

~~(b) If there is more than one juvenile judge in the~~ 535
~~county, a juvenile judge or the juvenile judges' representative~~ 536
~~selected by the juvenile judges or, if they are unable to do so~~ 537
~~for any reason, the juvenile judge who is senior in point of~~ 538
~~service or the senior juvenile judge's representative;—~~ 539

~~(c) The county peace officer;—~~ 540

~~(d) All chief municipal peace officers within the county;—~~ 541

~~(e) Other law enforcement officers handling child abuse~~ 542
~~and neglect cases in the county;—~~ 543

~~(f) The prosecuting attorney of the county;—~~ 544

~~(g) If the public children services agency is not the~~ 545
~~county department of job and family services, the county~~ 546
~~department of job and family services;—~~ 547

~~(h) The county humane society;—~~ 548

~~(i) If the public children services agency participated in~~ 549
~~the execution of a memorandum of understanding under section~~ 550
~~2151.426 of the Revised Code establishing a children's advocacy~~ 551
~~center, each participating member of the children's advocacy~~ 552
~~center established by the memorandum.—~~ 553

~~(2) A memorandum of understanding shall set forth the~~ 554
~~normal operating procedure to be employed by all concerned~~ 555
~~officials in the execution of their respective responsibilities—~~ 556

~~under this section and division (C) of section 2919.21, division
(B) (1) of section 2919.22, division (B) of section 2919.23, and
section 2919.24 of the Revised Code and shall have as two of its
primary goals the elimination of all unnecessary interviews of
children who are the subject of reports made pursuant to
division (A) or (B) of this section and, when feasible,
providing for only one interview of a child who is the subject
of any report made pursuant to division (A) or (B) of this
section. A failure to follow the procedure set forth in the
memorandum by the concerned officials is not grounds for, and
shall not result in, the dismissal of any charges or complaint
arising from any reported case of abuse or neglect or the
suppression of any evidence obtained as a result of any reported
child abuse or child neglect and does not give, and shall not be
construed as giving, any rights or any grounds for appeal or
post conviction relief to any person.~~

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

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

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

~~(4) If a public children services agency participated in
the execution of a memorandum of understanding under section~~

~~2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.~~

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

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

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

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

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

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

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

(2) (a) A person may request the information specified in 616
division ~~(L)(1)~~ (K)(1) of this section only if, at the time the 617
report is made, the person's name, address, and telephone number 618
are provided to the person who receives the report. 619

(b) When a peace officer or employee of a public children 620
services agency receives a report pursuant to division (A) or 621
(B) of this section the recipient of the report shall inform the 622
person of the right to request the information described in 623
division ~~(L)(1)~~ (K)(1) of this section. The recipient of the 624
report shall include in the initial child abuse or child neglect 625
report that the person making the report was so informed and, if 626
provided at the time of the making of the report, shall include 627
the person's name, address, and telephone number in the report. 628

(c) If the person making the report provides the person's 629
name and contact information on making the report, the public 630
children services agency that received or was referred the 631
report shall send a written notice via United States mail or 632
electronic mail, in accordance with the person's preference, to 633
the person not later than seven calendar days after receipt of 634
the report. The notice shall provide the status of the agency's 635
investigation into the report made, who the person may contact 636
at the agency for further information, and a description of the 637
person's rights under division (K)(1) of this section. 638

(d) Each request is subject to verification of the 639
identity of the person making the report. If that person's 640
identity is verified, the agency shall provide the person with 641
the information described in division ~~(L)(1)~~ (K)(1) of this 642
section a reasonable number of times, except that the agency 643
shall not disclose any confidential information regarding the 644
child who is the subject of the report other than the 645

information described in those divisions. 646

(3) A request made pursuant to division ~~(L)(1)~~ (K)(1) of 647
this section is not a substitute for any report required to be 648
made pursuant to division (A) of this section. 649

(4) If an agency other than the agency that received or 650
was referred the report is conducting the investigation of the 651
report pursuant to section 2151.422 of the Revised Code, the 652
agency conducting the investigation shall comply with the 653
requirements of division ~~(L)~~ (K) of this section. 654

(5) A health care professional who made a report under 655
division (A) of this section, or on whose behalf such a report 656
was made as provided in division (A)(1)(c) of this section, may 657
authorize a person to obtain the information described in 658
division ~~(L)(1)~~ (K)(1) of this section if the person requesting 659
the information is associated with or acting on behalf of the 660
health care professional who provided health care services to 661
the child about whom the report was made. 662

~~(M)~~ (6) If the person making the report provides the 663
person's name and contact information on making the report, the 664
public children services agency that received or was referred 665
the report shall send a written notice via United States mail or 666
electronic mail, in accordance with the person's preference, to 667
the person not later than seven calendar days after the agency 668
closes the investigation into the case reported by the person. 669
The notice shall notify the person that the agency has closed 670
the investigation. 671

(L) The director of job and family services shall adopt 672
rules in accordance with Chapter 119. of the Revised Code to 673
implement this section. The department of job and family 674

services may enter into a plan of cooperation with any other 675
governmental entity to aid in ensuring that children are 676
protected from abuse and neglect. The department shall make 677
recommendations to the attorney general that the department 678
determines are necessary to protect children from child abuse 679
and child neglect. 680

~~(N)~~ (M) Whoever violates division (A) of this section is 681
liable for compensatory and exemplary damages to the child who 682
would have been the subject of the report that was not made. A 683
person who brings a civil action or proceeding pursuant to this 684
division against a person who is alleged to have violated 685
division (A) (1) of this section may use in the action or 686
proceeding reports of other incidents of known or suspected 687
abuse or neglect, provided that any information in a report that 688
would identify the child who is the subject of the report or the 689
maker of the report, if the maker is not the defendant or an 690
agent or employee of the defendant, has been redacted. 691

~~(O)~~ ~~(1)~~ (N) (1) As used in this division: 692

(a) "Out-of-home care" includes a nonchartered nonpublic 693
school if the alleged child abuse or child neglect, or alleged 694
threat of child abuse or child neglect, described in a report 695
received by a public children services agency allegedly occurred 696
in or involved the nonchartered nonpublic school and the alleged 697
perpetrator named in the report holds a certificate, permit, or 698
license issued by the state board of education under section 699
3301.071 or Chapter 3319. of the Revised Code. 700

(b) "Administrator, director, or other chief 701
administrative officer" means the superintendent of the school 702
district if the out-of-home care entity subject to a report made 703
pursuant to this section is a school operated by the district. 704

(2) No later than the end of the day following the day on 705
which a public children services agency receives a report of 706
alleged child abuse or child neglect, or a report of an alleged 707
threat of child abuse or child neglect, that allegedly occurred 708
in or involved an out-of-home care entity, the agency shall 709
provide written notice of the allegations contained in and the 710
person named as the alleged perpetrator in the report to the 711
administrator, director, or other chief administrative officer 712
of the out-of-home care entity that is the subject of the report 713
unless the administrator, director, or other chief 714
administrative officer is named as an alleged perpetrator in the 715
report. If the administrator, director, or other chief 716
administrative officer of an out-of-home care entity is named as 717
an alleged perpetrator in a report of alleged child abuse or 718
child neglect, or a report of an alleged threat of child abuse 719
or child neglect, that allegedly occurred in or involved the 720
out-of-home care entity, the agency shall provide the written 721
notice to the owner or governing board of the out-of-home care 722
entity that is the subject of the report. The agency shall not 723
provide witness statements or police or other investigative 724
reports. 725

(3) No later than three days after the day on which a 726
public children services agency that conducted the investigation 727
as determined pursuant to section 2151.422 of the Revised Code 728
makes a disposition of an investigation involving a report of 729
alleged child abuse or child neglect, or a report of an alleged 730
threat of child abuse or child neglect, that allegedly occurred 731
in or involved an out-of-home care entity, the agency shall send 732
written notice of the disposition of the investigation to the 733
administrator, director, or other chief administrative officer 734
and the owner or governing board of the out-of-home care entity. 735

The agency shall not provide witness statements or police or 736
other investigative reports. 737

~~(P)~~(O) As used in this section: 738

(1) "Children's advocacy center" and "sexual abuse of a 739
child" have the same meanings as in section 2151.425 of the 740
Revised Code. 741

(2) "Health care professional" means an individual who 742
provides health-related services including a physician, hospital 743
intern or resident, dentist, podiatrist, registered nurse, 744
licensed practical nurse, visiting nurse, licensed psychologist, 745
speech pathologist, audiologist, person engaged in social work 746
or the practice of professional counseling, and employee of a 747
home health agency. "Health care professional" does not include 748
a practitioner of a limited branch of medicine as specified in 749
section 4731.15 of the Revised Code, licensed school 750
psychologist, independent marriage and family therapist or 751
marriage and family therapist, or coroner. 752

(3) "Investigation" means the public children services 753
agency's response to an accepted report of child abuse or 754
neglect through either an alternative response or a traditional 755
response. 756

(4) "Peace officer" means a sheriff, deputy sheriff, 757
constable, police officer of a township or joint police 758
district, marshal, deputy marshal, municipal police officer, or 759
a state highway patrol trooper. 760

Sec. 2151.4210. (A) Each public children services agency 761
shall prepare a memorandum of understanding that is signed by 762
all of the following: 763

(1) If there is only one juvenile judge in the county, the 764

<u>juvenile judge of the county or the juvenile judge's</u>	765
<u>representative;</u>	766
<u>(2) If there is more than one juvenile judge in the</u>	767
<u>county, a juvenile judge or the juvenile judges' representative</u>	768
<u>selected by the juvenile judges or, if they are unable to do so</u>	769
<u>for any reason, the juvenile judge who is senior in point of</u>	770
<u>service or the senior juvenile judge's representative;</u>	771
<u>(3) The county peace officer;</u>	772
<u>(4) All chief municipal peace officers within the county;</u>	773
<u>(5) Other law enforcement officers handling child abuse</u>	774
<u>and neglect cases in the county;</u>	775
<u>(6) The prosecuting attorney of the county;</u>	776
<u>(7) If the public children services agency is not the</u>	777
<u>county department of job and family services, the county</u>	778
<u>department of job and family services;</u>	779
<u>(8) The county humane society;</u>	780
<u>(9) If the public children services agency participated in</u>	781
<u>the execution of a memorandum of understanding under section</u>	782
<u>2151.426 of the Revised Code establishing a children's advocacy</u>	783
<u>center, each participating member of the children's advocacy</u>	784
<u>center established by the memorandum.</u>	785
<u>(B) (1) The clerk of the court of common pleas in the</u>	786
<u>county may sign the memorandum of understanding prepared under</u>	787
<u>division (A) of this section.</u>	788
<u>(2) If the clerk signs the memorandum of understanding,</u>	789
<u>the clerk shall execute all relevant responsibilities as</u>	790
<u>required of officials specified in the memorandum.</u>	791

<u>Sec. 2151.4211. (A) A memorandum of understanding shall do</u>	792
<u>both of the following:</u>	793
<u>(1) Set forth the normal operating procedure to be</u>	794
<u>employed by all concerned officials in the execution of their</u>	795
<u>respective responsibilities under this section and division (C)</u>	796
<u>of section 2919.21, division (B) (1) of section 2919.22, division</u>	797
<u>(B) of section 2919.23, and section 2919.24 of the Revised Code;</u>	798
<u>(2) Have as two of its primary goals both of the</u>	799
<u>following:</u>	800
<u>(a) The elimination of all unnecessary interviews of</u>	801
<u>children who are the subject of reports of child abuse or</u>	802
<u>neglect;</u>	803
<u>(b) When feasible, providing for only one interview of a</u>	804
<u>child who is the subject of a report of child abuse or neglect.</u>	805
<u>(B) A memorandum of understanding shall include all of the</u>	806
<u>following:</u>	807
<u>(1) The roles and responsibilities for handling emergency</u>	808
<u>and nonemergency cases of abuse and neglect;</u>	809
<u>(2) Standards and procedures to be used in handling and</u>	810
<u>coordinating investigations of reported cases of child abuse or</u>	811
<u>neglect, methods to be used in interviewing the child who is the</u>	812
<u>subject of the report and who allegedly was abused or neglected,</u>	813
<u>and standards and procedures addressing the categories of</u>	814
<u>persons who may interview the child who is the subject of the</u>	815
<u>report and who allegedly was abused or neglected;</u>	816
<u>(3) If a public children services agency participated in</u>	817
<u>the execution of a memorandum of understanding under section</u>	818
<u>2151.426 of the Revised Code establishing a children's advocacy</u>	819

center, the agency shall incorporate the contents of that 820
memorandum in the memorandum prepared pursuant to this section. 821

(4) After the effective date of this section, a statement 822
that section 2151.423 of the Revised Code requires a public 823
children services agency to disclose confidential information 824
discovered during an investigation conducted pursuant to section 825
2151.421 or 2151.422 of the Revised Code to any federal, state, 826
or local government entity that needs the information to carry 827
out its responsibilities to protect children from abuse or 828
neglect. 829

(5) After the effective date of this section, a 830
description of the type of information that may be discovered 831
during an investigation conducted pursuant to section 2151.421 832
of the Revised Code that a law enforcement agency may share with 833
a public children services agency in order for the public 834
children services agency to carry out its responsibilities to 835
protect children from abuse or neglect. 836

(6) After the effective date of this section, a 837
description of how the information described in divisions (B) (4) 838
and (5) of this section is to be shared between a public 839
children services agency and a law enforcement agency. 840

(7) After the effective date of this section, and subject 841
to divisions (I) and (N) of section 2151.421 of the Revised 842
Code, a description of information that may be obtained from an 843
investigation under section 2151.421 of the Revised Code that a 844
law enforcement agency and a public children services agency is 845
permitted to, or prohibited from, disclosing to the public. 846

Sec. 2151.4212. Every official who signed a memorandum of 847
understanding under section 2151.4210 of the Revised Code shall 848

annually do the following regarding the memorandum: 849

(A) Review and evaluate the memorandum for necessary 850
updates to terms and procedures; 851

(B) Update the memorandum's terms and procedures, if the 852
concerned officials determine an update is necessary; 853

(C) Sign the reviewed memorandum; 854

(D) Submit the memorandum to the board of county 855
commissioners for approval. 856

Sec. 2151.4213. Failure to follow the procedure set forth 857
in the memorandum of understanding by the concerned officials is 858
not grounds for, and shall not result in, the dismissal of any 859
charges or complaint arising from any reported case of abuse or 860
neglect or the suppression of any evidence obtained as a result 861
of any reported child abuse or child neglect and does not give, 862
and shall not be construed as giving, any rights or any grounds 863
for appeal or post-conviction relief to any person. 864

Sec. 2151.4215. (A) On receipt of a county's memorandum of 865
understanding submitted to the board of county commissioners in 866
accordance with section 2151.4212 of the Revised Code, the board 867
shall review and evaluate if the memorandum meets the 868
requirements under sections 2151.4210 to 2151.4212 of the 869
Revised Code. 870

(B) (1) If the board determines the memorandum meets those 871
requirements, it shall adopt a resolution to approve the 872
memorandum. 873

(2) If the board determines the memorandum does not meet 874
those requirements, it shall notify the responsible public 875
children services agency that the memorandum does not meet 876

requirements and the memorandum shall be reviewed in accordance 877
with section 2151.4212 of the Revised Code. 878

Sec. 2151.4216. The annual review of a county memorandum 879
of understanding pursuant to division 2151.4212 of the Revised 880
Code and the annual adoption of a resolution by the board of 881
county commissioners to approve the memorandum under section 882
2151.4215 of the Revised Code shall be completed by the thirty- 883
first day of December following the first full calendar year 884
after the effective date of this section, and by the thirty- 885
first day of December each year thereafter. 886

Sec. 2151.4218. (A) The department of job and family 887
services shall create a model memorandum of understanding to 888
provide guidance to public children services agencies and other 889
concerned officials in creating a memorandum of understanding in 890
compliance with sections 2151.4210 to 2151.4216 of the Revised 891
Code. 892

(B) The model memorandum of understanding shall be updated 893
as the department determines is necessary. 894

Sec. 2151.4219. The department of job and family services 895
shall annually audit the memorandum of understanding prepared by 896
each public children services agency to ensure compliance in 897
accordance with sections 2151.4210 to 2151.4216 of the Revised 898
Code. 899

Sec. 2151.4220. The department of job and family services 900
shall determine that a public children services agency is 901
compliant regarding the memorandum of understanding if the 902
department finds all of the following: 903

(A) The memorandum meets the requirements under sections 904
2151.4210 to 2151.4216 of the Revised Code. 905

(B) The memorandum has been either reviewed and signed or reviewed, updated, and signed, as applicable, pursuant to division 2151.4212 of the Revised Code and the department is in agreement with the concerned officials' review and, if applicable, update. 906
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(C) The memorandum has been approved by resolution by the board of county commissioners pursuant to section 2151.4215 of the Revised Code. 911
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Sec. 2151.4221. (A) If the department of job and family services determines that a public children services agency is not compliant under section 2151.4220 of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department. 914
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(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant. 919
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(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant. 922
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Sec. 2151.4222. A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of job and family services determination that the memorandum is compliant under section 2151.4220 of the Revised Code. 925
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Sec. 2151.4223. The department of job and family services shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section 2151.4220 of the 931
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Revised Code and a list of counties with memorandums that the 935
department has determined not to be compliant. 936

Sec. 2151.4224. The county memorandum of understanding 937
that is in effect in accordance with section 2151.4222 of the 938
Revised Code shall be posted to the general web site of the 939
county. 940

Section 2. That existing sections 2151.142 and 2151.421 of 941
the Revised Code are hereby repealed. 942

Section 3. Section 2151.421 of the Revised Code is 943
presented in this act as a composite of the section as amended 944
by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General 945
Assembly. The General Assembly, applying the principle stated in 946
division (B) of section 1.52 of the Revised Code that amendments 947
are to be harmonized if reasonably capable of simultaneous 948
operation, finds that the composite is the resulting version of 949
the section in effect prior to the effective date of the section 950
as presented in this act. 951