

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. Sub. H. B. No. 4**

**Representatives Plummer, Manchester**

**Cosponsors: Representatives Lipps, Edwards, Riedel, Young, T., White, Cutrona, Liston, Abrams, Carruthers, Click, Ginter, John, Russo, Schmidt, West, Baldrige, Bird, Blackshear, Boggs, Carfagna, Crawley, Creech, Cross, Crossman, Fraizer, Galonski, Gross, Hall, Hoops, Jarrells, Johnson, Jones, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Loychik, Manning, Merrin, Miller, J., Miranda, O'Brien, Patton, Pavliga, Ray, Richardson, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Troy, Weinstein, Young, B., Speaker Cupp**

**A BILL**

To amend sections 2151.142, 2151.23, 2151.421, and 1  
3107.014 and to enact sections 2151.25, 2  
2151.4210, 2151.4211, 2151.4212, 2151.4213, 3  
2151.4215, 2151.4216, 2151.4218, 2151.4219, 4  
2151.4220, 2151.4221, 2151.4222, 2151.4223, 5  
2151.4224, 5101.89, 5101.891, 5101.893, 6  
5101.895, 5101.897, and 5101.899 of the Revised 7  
Code regarding county child abuse and neglect 8  
memorandums of understanding, cross-reporting of 9  
child abuse and neglect reports by public 10  
children services agencies to law enforcement 11  
agencies, notification of reporter rights, home 12  
assessor eligibility, and creation of the 13  
children service ombudsman office. 14

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

**Section 1.** That sections 2151.142, 2151.23, 2151.421, and 15

3107.014 be amended and sections 2151.25, 2151.4210, 2151.4211, 16  
2151.4212, 2151.4213, 2151.4215, 2151.4216, 2151.4218, 17  
2151.4219, 2151.4220, 2151.4221, 2151.4222, 2151.4223, 18  
2151.4224, 5101.89, 5101.891, 5101.893, 5101.895, 5101.897, and 19  
5101.899 of the Revised Code be enacted to read as follows: 20

**Sec. 2151.142.** (A) As used in this section, "public 21  
record" and "journalist" have the same meanings as in section 22  
149.43 of the Revised Code. 23

(B) Both of the following apply to the residential address 24  
of each officer or employee of a public children services agency 25  
or a private child placing agency who performs official 26  
responsibilities or duties described in section 2151.14, 27  
2151.141, 2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 28  
2151.415, 2151.416, 2151.417, ~~or~~ 2151.421, or 2151.4210 to 29  
2151.4224 or another section of the Revised Code and to the 30  
residential address of persons related to that officer or 31  
employee by consanguinity or affinity: 32

(1) Other officers and employees of a public children 33  
services agency, private child placing agency, juvenile court, 34  
or law enforcement agency shall consider those residential 35  
addresses to be confidential information. The officer or 36  
employee of the public children services agency or private child 37  
placing agency may waive the confidentiality of those 38  
residential addresses by giving express permission for their 39  
disclosure to other officers or employees of a public children 40  
services agency, private child placing agency, juvenile court, 41  
or law enforcement agency. 42

(2) To the extent that those residential addresses are 43  
contained in public records kept by a public children services 44  
agency, private child placing agency, juvenile court, or law 45

enforcement agency, they shall not be considered to be 46  
information that is subject to inspection or copying as part of 47  
a public record under section 149.43 of the Revised Code. 48

(C) Except as provided in division (D) of this section, in 49  
the absence of a waiver as described in division (B)(1) of this 50  
section, no officer or employee of a public children services 51  
agency, private child placing agency, juvenile court, or law 52  
enforcement agency shall disclose the residential address of an 53  
officer or employee of a public children services agency or 54  
private child placing agency, or the residential address of a 55  
person related to that officer or employee by consanguinity or 56  
affinity, that is confidential information under division (B)(1) 57  
of this section to any person, when the disclosing officer or 58  
employee knows that the person is or may be a subject of an 59  
investigation, interview, examination, criminal case, other 60  
case, or other matter with which the officer or employee to whom 61  
the residential address relates currently is or has been 62  
associated. 63

(D) If, on or after the effective date of this section, a 64  
journalist requests a public children services agency, private 65  
child placing agency, juvenile court, or law enforcement agency 66  
to disclose a residential address that is confidential 67  
information under division (B)(1) of this section, the agency or 68  
juvenile court shall disclose to the journalist the residential 69  
address if all of the following apply: 70

(1) The request is in writing, is signed by the 71  
journalist, includes the journalist's name and title, and 72  
includes the name and address of the journalist's employer. 73

(2) The request states that disclosure of the residential 74  
address would be in the public interest. 75

(3) The request adequately identifies the person whose residential address is requested. 76  
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(4) The public children services agency, private child placing agency, juvenile court, or law enforcement agency receiving the request is one of the following: 78  
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(a) The agency or juvenile court with which the official in question serves or with which the employee in question is employed; 81  
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(b) The agency or juvenile court that has custody of the records of the agency with which the official in question serves or with which the employee in question is employed. 84  
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**Sec. 2151.23.** (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: 87  
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(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant; 89  
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(2) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state; 101  
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(3) To hear and determine any application for a writ of 104

habeas corpus involving the custody of a child;	105
(4) To exercise the powers and jurisdiction given the	106
probate division of the court of common pleas in Chapter 5122.	107
of the Revised Code, if the court has probable cause to believe	108
that a child otherwise within the jurisdiction of the court is a	109
mentally ill person subject to court order, as defined in	110
section 5122.01 of the Revised Code;	111
(5) To hear and determine all criminal cases charging	112
adults with the violation of any section of this chapter;	113
(6) To hear and determine all criminal cases in which an	114
adult is charged with a violation of division (C) of section	115
2919.21, division (B) (1) of section 2919.22, section 2919.222,	116
division (B) of section 2919.23, or section 2919.24 of the	117
Revised Code, provided the charge is not included in an	118
indictment that also charges the alleged adult offender with the	119
commission of a felony arising out of the same actions that are	120
the basis of the alleged violation of division (C) of section	121
2919.21, division (B) (1) of section 2919.22, section 2919.222,	122
division (B) of section 2919.23, or section 2919.24 of the	123
Revised Code;	124
(7) Under the interstate compact on juveniles in section	125
2151.56 of the Revised Code;	126
(8) Concerning any child who is to be taken into custody	127
pursuant to section 2151.31 of the Revised Code, upon being	128
notified of the intent to take the child into custody and the	129
reasons for taking the child into custody;	130
(9) To hear and determine requests for the extension of	131
temporary custody agreements, and requests for court approval of	132
permanent custody agreements, that are filed pursuant to section	133

5103.15 of the Revised Code;	134
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	135 136
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	137 138 139 140 141 142 143 144
(12) Concerning an action commenced under section 121.38 of the Revised Code;	145 146
(13) To hear and determine violations of section 3321.38 of the Revised Code;	147 148
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	149 150 151 152 153
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	154 155 156 157 158 159 160 161
(16) To hear and determine a petition for a protection	162

order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;

(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section

3119.961 of the Revised Code;	191
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	192 193 194
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	195 196 197
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	198 199 200 201
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.	202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217
(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear	218 219

and determine all matters as to custody and support of children 220  
duly certified by the court of common pleas to the juvenile 221  
court after a divorce decree has been granted, including 222  
jurisdiction to modify the judgment and decree of the court of 223  
common pleas as the same relate to the custody and support of 224  
children. 225

(E) The juvenile court, except as provided in division (I) 226  
of section 2301.03 of the Revised Code, has jurisdiction to hear 227  
and determine the case of any child certified to the court by 228  
any court of competent jurisdiction if the child comes within 229  
the jurisdiction of the juvenile court as defined by this 230  
section. 231

(F) (1) The juvenile court shall exercise its jurisdiction 232  
in child custody matters in accordance with sections 3109.04 and 233  
3127.01 to 3127.53 of the Revised Code and, as applicable, 234  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 235  
Revised Code. 236

(2) The juvenile court shall exercise its jurisdiction in 237  
child support matters in accordance with section 3109.05 of the 238  
Revised Code. 239

(G) Any juvenile court that makes or modifies an order for 240  
child support shall comply with Chapters 3119., 3121., 3123., 241  
and 3125. of the Revised Code. If any person required to pay 242  
child support under an order made by a juvenile court on or 243  
after April 15, 1985, or modified on or after December 1, 1986, 244  
is found in contempt of court for failure to make support 245  
payments under the order, the court that makes the finding, in 246  
addition to any other penalty or remedy imposed, shall assess 247  
all court costs arising out of the contempt proceeding against 248  
the person and require the person to pay any reasonable 249

attorney's fees of any adverse party, as determined by the 250  
court, that arose in relation to the act of contempt. 251

(H) If a child who is charged with an act that would be an 252  
offense if committed by an adult was fourteen years of age or 253  
older and under eighteen years of age at the time of the alleged 254  
act and if the case is transferred for criminal prosecution 255  
pursuant to section 2152.12 of the Revised Code, except as 256  
provided in section 2152.121 of the Revised Code, the juvenile 257  
court does not have jurisdiction to hear or determine the case 258  
subsequent to the transfer. The court to which the case is 259  
transferred for criminal prosecution pursuant to that section 260  
has jurisdiction subsequent to the transfer to hear and 261  
determine the case in the same manner as if the case originally 262  
had been commenced in that court, subject to section 2152.121 of 263  
the Revised Code, including, but not limited to, jurisdiction to 264  
accept a plea of guilty or another plea authorized by Criminal 265  
Rule 11 or another section of the Revised Code and jurisdiction 266  
to accept a verdict and to enter a judgment of conviction 267  
pursuant to the Rules of Criminal Procedure against the child 268  
for the commission of the offense that was the basis of the 269  
transfer of the case for criminal prosecution, whether the 270  
conviction is for the same degree or a lesser degree of the 271  
offense charged, for the commission of a lesser-included 272  
offense, or for the commission of another offense that is 273  
different from the offense charged. 274

(I) If a person under eighteen years of age allegedly 275  
commits an act that would be a felony if committed by an adult 276  
and if the person is not taken into custody or apprehended for 277  
that act until after the person attains twenty-one years of age, 278  
the juvenile court does not have jurisdiction to hear or 279  
determine any portion of the case charging the person with 280

committing that act. In those circumstances, divisions (A) and 281  
(B) of section 2152.12 of the Revised Code do not apply 282  
regarding the act, and the case charging the person with 283  
committing the act shall be a criminal prosecution commenced and 284  
heard in the appropriate court having jurisdiction of the 285  
offense as if the person had been eighteen years of age or older 286  
when the person committed the act. All proceedings pertaining to 287  
the act shall be within the jurisdiction of the court having 288  
jurisdiction of the offense, and that court has all the 289  
authority and duties in the case that it has in other criminal 290  
cases in that court. 291

(J) In exercising its exclusive original jurisdiction 292  
under division (A)(16) of this section with respect to any 293  
proceedings brought under section 2151.34 or 3113.31 of the 294  
Revised Code in which the respondent is a child, the juvenile 295  
court retains all dispositional powers consistent with existing 296  
rules of juvenile procedure and may also exercise its discretion 297  
to adjudicate proceedings as provided in sections 2151.34 and 298  
3113.31 of the Revised Code, including the issuance of 299  
protection orders or the approval of consent agreements under 300  
those sections. 301

Sec. 2151.25. (A) If a public children services agency 302  
receives a report of child abuse or neglect under section 303  
2151.421 of the Revised Code, or a report that a child may be a 304  
dependent child, and is denied reasonable access to the child by 305  
a parent, guardian, custodian, or caregiver of the child, or to 306  
any other information necessary to determine if the child is, or 307  
at risk of becoming, an abused, neglected, or dependent child, 308  
the agency may request a juvenile court to issue an order 309  
granting the agency access to examine and interview the child, 310  
or to conduct other activities necessary to determine the risk 311

to the child. The agency shall make the request by submitting a 312  
sworn affidavit explaining the need for the order in the 313  
juvenile court of the county in which the child has a residence 314  
or legal settlement or in which the reported abuse or neglect of 315  
the child occurred or the reported conditions exist regarding 316  
the child's dependency. 317

(B) The affidavit shall include the following: 318

(1) The particular facts of the allegation or allegations 319  
in the report that may indicate the child is an abused, 320  
neglected, or dependent child; 321

(2) The agency's efforts to gather additional information 322  
to determine whether or not the child is, or may be, at risk of 323  
becoming, an abused, neglected, or dependent child; 324

(3) The agency's efforts to obtain consent from a parent, 325  
guardian, custodian, or caregiver to examine and interview the 326  
child, or to conduct other activities necessary to determine the 327  
risk to the child; 328

(4) The activities the agency deems necessary to determine 329  
the current risk to the child. 330

(C) The affidavit shall not identify the source of the 331  
allegation or allegations in the report that may indicate the 332  
child is an abused, neglected, or dependent child. 333

(D) (1) Upon receipt of request and a sworn affidavit 334  
submitted according to division (A) of this section, if the 335  
court determines that probable cause exists, the court may, 336  
without a hearing, issue an order requiring the parent, 337  
guardian, custodian, or caregiver of the child comply with the 338  
agency's investigation, including an interview and examination 339  
of the child and other activity the court deems necessary to 340

determine the current risk posed to the child. 341

(2) The court may include within the order specific 342  
instructions on the manner and location of the interview and 343  
examination of the child, as well as detail any other necessary 344  
activities. 345

(E) An order issued pursuant to this section is not a 346  
final, appealable order for purposes of appeal under division 347  
(B) of section 2505.02 of the Revised Code. 348

**Sec. 2151.421.** (A) (1) (a) No person described in division 349  
(A) (1) (b) of this section who is acting in an official or 350  
professional capacity and knows, or has reasonable cause to 351  
suspect based on facts that would cause a reasonable person in a 352  
similar position to suspect, that a child under eighteen years 353  
of age, or a person under twenty-one years of age with a 354  
developmental disability or physical impairment, has suffered or 355  
faces a threat of suffering any physical or mental wound, 356  
injury, disability, or condition of a nature that reasonably 357  
indicates abuse or neglect of the child shall fail to 358  
immediately report that knowledge or reasonable cause to suspect 359  
to the entity or persons specified in this division. Except as 360  
otherwise provided in this division or section 5120.173 of the 361  
Revised Code, the person making the report shall make it to the 362  
public children services agency or a peace officer in the county 363  
in which the child resides or in which the abuse or neglect is 364  
occurring or has occurred. If the person making the report is a 365  
peace officer, the officer shall make it to the public children 366  
services agency in the county in which the child resides or in 367  
which the abuse or neglect is occurring or has occurred. In the 368  
circumstances described in section 5120.173 of the Revised Code, 369  
the person making the report shall make it to the entity 370

specified in that section. 371

(b) Division (A) (1) (a) of this section applies to any 372  
person who is an attorney; health care professional; 373  
practitioner of a limited branch of medicine as specified in 374  
section 4731.15 of the Revised Code; licensed school 375  
psychologist; independent marriage and family therapist or 376  
marriage and family therapist; coroner; administrator or 377  
employee of a child day-care center; administrator or employee 378  
of a residential camp, child day camp, or private, nonprofit 379  
therapeutic wilderness camp; administrator or employee of a 380  
certified child care agency or other public or private children 381  
services agency; school teacher; school employee; school 382  
authority; peace officer; humane society agent; dog warden, 383  
deputy dog warden, or other person appointed to act as an animal 384  
control officer for a municipal corporation or township in 385  
accordance with state law, an ordinance, or a resolution; 386  
person, other than a cleric, rendering spiritual treatment 387  
through prayer in accordance with the tenets of a well- 388  
recognized religion; employee of a county department of job and 389  
family services who is a professional and who works with 390  
children and families; superintendent or regional administrator 391  
employed by the department of youth services; superintendent, 392  
board member, or employee of a county board of developmental 393  
disabilities; investigative agent contracted with by a county 394  
board of developmental disabilities; employee of the department 395  
of developmental disabilities; employee of a facility or home 396  
that provides respite care in accordance with section 5123.171 397  
of the Revised Code; employee of an entity that provides 398  
homemaker services; employee of a qualified organization as 399  
defined in section 2151.90 of the Revised Code; a host family as 400  
defined in section 2151.90 of the Revised Code; foster 401

caregiver; a person performing the duties of an assessor 402  
pursuant to Chapter 3107. or 5103. of the Revised Code; third 403  
party employed by a public children services agency to assist in 404  
providing child or family related services; court appointed 405  
special advocate; or guardian ad litem. 406

(c) If two or more health care professionals, after 407  
providing health care services to a child, determine or suspect 408  
that the child has been or is being abused or neglected, the 409  
health care professionals may designate one of the health care 410  
professionals to report the abuse or neglect. A single report 411  
made under this division shall meet the reporting requirements 412  
of division (A) (1) of this section. 413

(2) Except as provided in division (A) (3) of this section, 414  
an attorney or a physician is not required to make a report 415  
pursuant to division (A) (1) of this section concerning any 416  
communication the attorney or physician receives from a client 417  
or patient in an attorney-client or physician-patient 418  
relationship, if, in accordance with division (A) or (B) of 419  
section 2317.02 of the Revised Code, the attorney or physician 420  
could not testify with respect to that communication in a civil 421  
or criminal proceeding. 422

(3) The client or patient in an attorney-client or 423  
physician-patient relationship described in division (A) (2) of 424  
this section is deemed to have waived any testimonial privilege 425  
under division (A) or (B) of section 2317.02 of the Revised Code 426  
with respect to any communication the attorney or physician 427  
receives from the client or patient in that attorney-client or 428  
physician-patient relationship, and the attorney or physician 429  
shall make a report pursuant to division (A) (1) of this section 430  
with respect to that communication, if all of the following 431

apply: 432

(a) The client or patient, at the time of the 433  
communication, is a child under eighteen years of age or is a 434  
person under twenty-one years of age with a developmental 435  
disability or physical impairment. 436

(b) The attorney or physician knows, or has reasonable 437  
cause to suspect based on facts that would cause a reasonable 438  
person in similar position to suspect that the client or patient 439  
has suffered or faces a threat of suffering any physical or 440  
mental wound, injury, disability, or condition of a nature that 441  
reasonably indicates abuse or neglect of the client or patient. 442

(c) The abuse or neglect does not arise out of the 443  
client's or patient's attempt to have an abortion without the 444  
notification of her parents, guardian, or custodian in 445  
accordance with section 2151.85 of the Revised Code. 446

(4) (a) No cleric and no person, other than a volunteer, 447  
designated by any church, religious society, or faith acting as 448  
a leader, official, or delegate on behalf of the church, 449  
religious society, or faith who is acting in an official or 450  
professional capacity, who knows, or has reasonable cause to 451  
believe based on facts that would cause a reasonable person in a 452  
similar position to believe, that a child under eighteen years 453  
of age, or a person under twenty-one years of age with a 454  
developmental disability or physical impairment, has suffered or 455  
faces a threat of suffering any physical or mental wound, 456  
injury, disability, or condition of a nature that reasonably 457  
indicates abuse or neglect of the child, and who knows, or has 458  
reasonable cause to believe based on facts that would cause a 459  
reasonable person in a similar position to believe, that another 460  
cleric or another person, other than a volunteer, designated by 461

a church, religious society, or faith acting as a leader, 462  
official, or delegate on behalf of the church, religious 463  
society, or faith caused, or poses the threat of causing, the 464  
wound, injury, disability, or condition that reasonably 465  
indicates abuse or neglect shall fail to immediately report that 466  
knowledge or reasonable cause to believe to the entity or 467  
persons specified in this division. Except as provided in 468  
section 5120.173 of the Revised Code, the person making the 469  
report shall make it to the public children services agency or a 470  
peace officer in the county in which the child resides or in 471  
which the abuse or neglect is occurring or has occurred. In the 472  
circumstances described in section 5120.173 of the Revised Code, 473  
the person making the report shall make it to the entity 474  
specified in that section. 475

(b) Except as provided in division (A) (4) (c) of this 476  
section, a cleric is not required to make a report pursuant to 477  
division (A) (4) (a) of this section concerning any communication 478  
the cleric receives from a penitent in a cleric-penitent 479  
relationship, if, in accordance with division (C) of section 480  
2317.02 of the Revised Code, the cleric could not testify with 481  
respect to that communication in a civil or criminal proceeding. 482

(c) The penitent in a cleric-penitent relationship 483  
described in division (A) (4) (b) of this section is deemed to 484  
have waived any testimonial privilege under division (C) of 485  
section 2317.02 of the Revised Code with respect to any 486  
communication the cleric receives from the penitent in that 487  
cleric-penitent relationship, and the cleric shall make a report 488  
pursuant to division (A) (4) (a) of this section with respect to 489  
that communication, if all of the following apply: 490

(i) The penitent, at the time of the communication, is a 491

child under eighteen years of age or is a person under twenty- 492  
one years of age with a developmental disability or physical 493  
impairment. 494

(ii) The cleric knows, or has reasonable cause to believe 495  
based on facts that would cause a reasonable person in a similar 496  
position to believe, as a result of the communication or any 497  
observations made during that communication, the penitent has 498  
suffered or faces a threat of suffering any physical or mental 499  
wound, injury, disability, or condition of a nature that 500  
reasonably indicates abuse or neglect of the penitent. 501

(iii) The abuse or neglect does not arise out of the 502  
penitent's attempt to have an abortion performed upon a child 503  
under eighteen years of age or upon a person under twenty-one 504  
years of age with a developmental disability or physical 505  
impairment without the notification of her parents, guardian, or 506  
custodian in accordance with section 2151.85 of the Revised 507  
Code. 508

(d) Divisions (A)(4)(a) and (c) of this section do not 509  
apply in a cleric-penitent relationship when the disclosure of 510  
any communication the cleric receives from the penitent is in 511  
violation of the sacred trust. 512

(e) As used in divisions (A)(1) and (4) of this section, 513  
"cleric" and "sacred trust" have the same meanings as in section 514  
2317.02 of the Revised Code. 515

(B) Anyone who knows, or has reasonable cause to suspect 516  
based on facts that would cause a reasonable person in similar 517  
circumstances to suspect, that a child under eighteen years of 518  
age, or a person under twenty-one years of age with a 519  
developmental disability or physical impairment, has suffered or 520

faces a threat of suffering any physical or mental wound, 521  
injury, disability, or other condition of a nature that 522  
reasonably indicates abuse or neglect of the child may report or 523  
cause reports to be made of that knowledge or reasonable cause 524  
to suspect to the entity or persons specified in this division. 525  
Except as provided in section 5120.173 of the Revised Code, a 526  
person making a report or causing a report to be made under this 527  
division shall make it or cause it to be made to the public 528  
children services agency or to a peace officer. In the 529  
circumstances described in section 5120.173 of the Revised Code, 530  
a person making a report or causing a report to be made under 531  
this division shall make it or cause it to be made to the entity 532  
specified in that section. 533

(C) Any report made pursuant to division (A) or (B) of 534  
this section shall be made forthwith either by telephone or in 535  
person and shall be followed by a written report, if requested 536  
by the receiving agency or officer. The written report shall 537  
contain: 538

(1) The names and addresses of the child and the child's 539  
parents or the person or persons having custody of the child, if 540  
known; 541

(2) The child's age and the nature and extent of the 542  
child's injuries, abuse, or neglect that is known or reasonably 543  
suspected or believed, as applicable, to have occurred or of the 544  
threat of injury, abuse, or neglect that is known or reasonably 545  
suspected or believed, as applicable, to exist, including any 546  
evidence of previous injuries, abuse, or neglect; 547

(3) Any other information, including, but not limited to, 548  
results and reports of any medical examinations, tests, or 549  
procedures performed under division (D) of this section, that 550

might be helpful in establishing the cause of the injury, abuse, 551  
or neglect that is known or reasonably suspected or believed, as 552  
applicable, to have occurred or of the threat of injury, abuse, 553  
or neglect that is known or reasonably suspected or believed, as 554  
applicable, to exist. 555

(D) (1) Any person, who is required by division (A) of this 556  
section to report child abuse or child neglect that is known or 557  
reasonably suspected or believed to have occurred, may take or 558  
cause to be taken color photographs of areas of trauma visible 559  
on a child and, if medically necessary for the purpose of 560  
diagnosing or treating injuries that are suspected to have 561  
occurred as a result of child abuse or child neglect, perform or 562  
cause to be performed radiological examinations and any other 563  
medical examinations of, and tests or procedures on, the child. 564

(2) The results and any available reports of examinations, 565  
tests, or procedures made under division (D) (1) of this section 566  
shall be included in a report made pursuant to division (A) of 567  
this section. Any additional reports of examinations, tests, or 568  
procedures that become available shall be provided to the public 569  
children services agency, upon request. 570

(3) If a health care professional provides health care 571  
services in a hospital, children's advocacy center, or emergency 572  
medical facility to a child about whom a report has been made 573  
under division (A) of this section, the health care professional 574  
may take any steps that are reasonably necessary for the release 575  
or discharge of the child to an appropriate environment. Before 576  
the child's release or discharge, the health care professional 577  
may obtain information, or consider information obtained, from 578  
other entities or individuals that have knowledge about the 579  
child. Nothing in division (D) (3) of this section shall be 580

construed to alter the responsibilities of any person under 581  
sections 2151.27 and 2151.31 of the Revised Code. 582

(4) A health care professional may conduct medical 583  
examinations, tests, or procedures on the siblings of a child 584  
about whom a report has been made under division (A) of this 585  
section and on other children who reside in the same home as the 586  
child, if the professional determines that the examinations, 587  
tests, or procedures are medically necessary to diagnose or 588  
treat the siblings or other children in order to determine 589  
whether reports under division (A) of this section are warranted 590  
with respect to such siblings or other children. The results of 591  
the examinations, tests, or procedures on the siblings and other 592  
children may be included in a report made pursuant to division 593  
(A) of this section. 594

(5) Medical examinations, tests, or procedures conducted 595  
under divisions (D) (1) and (4) of this section and decisions 596  
regarding the release or discharge of a child under division (D) 597  
(3) of this section do not constitute a law enforcement 598  
investigation or activity. 599

(E) (1) When a peace officer receives a report made 600  
pursuant to division (A) or (B) of this section, upon receipt of 601  
the report, the peace officer who receives the report shall 602  
refer the report to the appropriate public children services 603  
agency, in accordance with requirements specified under division 604  
(B) (6) of section 2151.4211 of the Revised Code, unless an 605  
arrest is made at the time of the report that results in the 606  
appropriate public children services agency being contacted 607  
concerning the possible abuse or neglect of a child or the 608  
possible threat of abuse or neglect of a child. 609

(2) When a public children services agency receives a 610

report pursuant to this division or division (A) or (B) of this 611  
section, upon receipt of the report, the public children 612  
services agency shall do ~~both~~ all of the following: 613

(a) Comply with section 2151.422 of the Revised Code; 614

(b) If the county served by the agency is also served by a 615  
children's advocacy center and the report alleges sexual abuse 616  
of a child or another type of abuse of a child that is specified 617  
in the memorandum of understanding that creates the center as 618  
being within the center's jurisdiction, comply regarding the 619  
report with the protocol and procedures for referrals and 620  
investigations, with the coordinating activities, and with the 621  
authority or responsibility for performing or providing 622  
functions, activities, and services stipulated in the 623  
interagency agreement entered into under section 2151.428 of the 624  
Revised Code relative to that center; 625

(c) Unless an arrest is made at the time of the report 626  
that results in the appropriate law enforcement agency being 627  
contacted concerning the possible abuse or neglect of a child or 628  
the possible threat of abuse or neglect of a child, and in 629  
accordance with requirements specified under division (B) (6) of 630  
section 2151.4211 of the Revised Code, notify the appropriate 631  
law enforcement agency of the report, if the public children 632  
services agency received either of the following: 633

(i) A report of abuse of a child; 634

(ii) A report of neglect of a child that alleges a type of 635  
neglect identified by the department of job and family services 636  
in rules adopted under division (L) (2) of this section. 637

(F) No peace officer shall remove a child about whom a 638  
report is made pursuant to this section from the child's 639

parents, stepparents, or guardian or any other persons having 640  
custody of the child without consultation with the public 641  
children services agency, unless, in the judgment of the 642  
officer, and, if the report was made by physician, the 643  
physician, immediate removal is considered essential to protect 644  
the child from further abuse or neglect. The agency that must be 645  
consulted shall be the agency conducting the investigation of 646  
the report as determined pursuant to section 2151.422 of the 647  
Revised Code. 648

(G) (1) Except as provided in section 2151.422 of the 649  
Revised Code or in an interagency agreement entered into under 650  
section 2151.428 of the Revised Code that applies to the 651  
particular report, the public children services agency shall 652  
investigate, within twenty-four hours, each report of child 653  
abuse or child neglect that is known or reasonably suspected or 654  
believed to have occurred and of a threat of child abuse or 655  
child neglect that is known or reasonably suspected or believed 656  
to exist that is referred to it under this section to determine 657  
the circumstances surrounding the injuries, abuse, or neglect or 658  
the threat of injury, abuse, or neglect, the cause of the 659  
injuries, abuse, neglect, or threat, and the person or persons 660  
responsible. The investigation shall be made in cooperation with 661  
the law enforcement agency and in accordance with the memorandum 662  
of understanding prepared under ~~division (K) of this~~ 663  
~~section~~sections 2151.4210 to 2151.4224 of the Revised Code. A 664  
representative of the public children services agency shall, at 665  
the time of initial contact with the person subject to the 666  
investigation, inform the person of the specific complaints or 667  
allegations made against the person. The information shall be 668  
given in a manner that is consistent with division (I) (1) of 669  
this section and protects the rights of the person making the 670

report under this section. 671

A failure to make the investigation in accordance with the 672  
memorandum is not grounds for, and shall not result in, the 673  
dismissal of any charges or complaint arising from the report or 674  
the suppression of any evidence obtained as a result of the 675  
report and does not give, and shall not be construed as giving, 676  
any rights or any grounds for appeal or post-conviction relief 677  
to any person. The public children services agency shall report 678  
each case to the uniform statewide automated child welfare 679  
information system that the department of job and family 680  
services shall maintain in accordance with section 5101.13 of 681  
the Revised Code. The public children services agency shall 682  
submit a report of its investigation, in writing, to the law 683  
enforcement agency. 684

(2) The public children services agency shall make any 685  
recommendations to the county prosecuting attorney or city 686  
director of law that it considers necessary to protect any 687  
children that are brought to its attention. 688

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 689  
(I) (3) of this section, any person, health care professional, 690  
hospital, institution, school, health department, or agency 691  
shall be immune from any civil or criminal liability for injury, 692  
death, or loss to person or property that otherwise might be 693  
incurred or imposed as a result of any of the following: 694

(i) Participating in the making of reports pursuant to 695  
division (A) of this section or in the making of reports in good 696  
faith, pursuant to division (B) of this section; 697

(ii) Participating in medical examinations, tests, or 698  
procedures under division (D) of this section; 699

(iii) Providing information used in a report made pursuant 700  
to division (A) of this section or providing information in good 701  
faith used in a report made pursuant to division (B) of this 702  
section; 703

(iv) Participating in a judicial proceeding resulting from 704  
a report made pursuant to division (A) of this section or 705  
participating in good faith in a proceeding resulting from a 706  
report made pursuant to division (B) of this section. 707

(b) Immunity under division (H) (1) (a) (ii) of this section 708  
shall not apply when a health care provider has deviated from 709  
the standard of care applicable to the provider's profession. 710

(c) Notwithstanding section 4731.22 of the Revised Code, 711  
the physician-patient privilege shall not be a ground for 712  
excluding evidence regarding a child's injuries, abuse, or 713  
neglect, or the cause of the injuries, abuse, or neglect in any 714  
judicial proceeding resulting from a report submitted pursuant 715  
to this section. 716

(2) In any civil or criminal action or proceeding in which 717  
it is alleged and proved that participation in the making of a 718  
report under this section was not in good faith or participation 719  
in a judicial proceeding resulting from a report made under this 720  
section was not in good faith, the court shall award the 721  
prevailing party reasonable attorney's fees and costs and, if a 722  
civil action or proceeding is voluntarily dismissed, may award 723  
reasonable attorney's fees and costs to the party against whom 724  
the civil action or proceeding is brought. 725

(I) (1) Except as provided in divisions (I) (4) and ~~(O)~~ (N) 726  
of this section, a report made under this section is 727  
confidential. The information provided in a report made pursuant 728

to this section and the name of the person who made the report 729  
shall not be released for use, and shall not be used, as 730  
evidence in any civil action or proceeding brought against the 731  
person who made the report. Nothing in this division shall 732  
preclude the use of reports of other incidents of known or 733  
suspected abuse or neglect in a civil action or proceeding 734  
brought pursuant to division ~~(N)~~ (M) of this section against a 735  
person who is alleged to have violated division (A) (1) of this 736  
section, provided that any information in a report that would 737  
identify the child who is the subject of the report or the maker 738  
of the report, if the maker of the report is not the defendant 739  
or an agent or employee of the defendant, has been redacted. In 740  
a criminal proceeding, the report is admissible in evidence in 741  
accordance with the Rules of Evidence and is subject to 742  
discovery in accordance with the Rules of Criminal Procedure. 743

(2) (a) Except as provided in division (I) (2) (b) of this 744  
section, no person shall permit or encourage the unauthorized 745  
dissemination of the contents of any report made under this 746  
section. 747

(b) A health care professional that obtains the same 748  
information contained in a report made under this section from a 749  
source other than the report may disseminate the information, if 750  
its dissemination is otherwise permitted by law. 751

(3) A person who knowingly makes or causes another person 752  
to make a false report under division (B) of this section that 753  
alleges that any person has committed an act or omission that 754  
resulted in a child being an abused child or a neglected child 755  
is guilty of a violation of section 2921.14 of the Revised Code. 756

(4) If a report is made pursuant to division (A) or (B) of 757  
this section and the child who is the subject of the report dies 758

for any reason at any time after the report is made, but before 759  
the child attains eighteen years of age, the public children 760  
services agency or peace officer to which the report was made or 761  
referred, on the request of the child fatality review board or 762  
the director of health pursuant to guidelines established under 763  
section 3701.70 of the Revised Code, shall submit a summary 764  
sheet of information providing a summary of the report to the 765  
review board of the county in which the deceased child resided 766  
at the time of death or to the director. On the request of the 767  
review board or director, the agency or peace officer may, at 768  
its discretion, make the report available to the review board or 769  
director. If the county served by the public children services 770  
agency is also served by a children's advocacy center and the 771  
report of alleged sexual abuse of a child or another type of 772  
abuse of a child is specified in the memorandum of understanding 773  
that creates the center as being within the center's 774  
jurisdiction, the agency or center shall perform the duties and 775  
functions specified in this division in accordance with the 776  
interagency agreement entered into under section 2151.428 of the 777  
Revised Code relative to that advocacy center. 778

(5) A public children services agency shall advise a 779  
person alleged to have inflicted abuse or neglect on a child who 780  
is the subject of a report made pursuant to this section, 781  
including a report alleging sexual abuse of a child or another 782  
type of abuse of a child referred to a children's advocacy 783  
center pursuant to an interagency agreement entered into under 784  
section 2151.428 of the Revised Code, in writing of the 785  
disposition of the investigation. The agency shall not provide 786  
to the person any information that identifies the person who 787  
made the report, statements of witnesses, or police or other 788  
investigative reports. 789

(J) Any report that is required by this section, other 790  
than a report that is made to the state highway patrol as 791  
described in section 5120.173 of the Revised Code, shall result 792  
in protective services and emergency supportive services being 793  
made available by the public children services agency on behalf 794  
of the children about whom the report is made, in an effort to 795  
prevent further neglect or abuse, to enhance their welfare, and, 796  
whenever possible, to preserve the family unit intact. The 797  
agency required to provide the services shall be the agency 798  
conducting the investigation of the report pursuant to section 799  
2151.422 of the Revised Code. 800

~~(K)(1) Each public children services agency shall prepare 801  
a memorandum of understanding that is signed by all of the 802  
following: 803~~

~~(a) If there is only one juvenile judge in the county, the 804  
juvenile judge of the county or the juvenile judge's 805  
representative; 806~~

~~(b) If there is more than one juvenile judge in the 807  
county, a juvenile judge or the juvenile judges' representative 808  
selected by the juvenile judges or, if they are unable to do so 809  
for any reason, the juvenile judge who is senior in point of 810  
service or the senior juvenile judge's representative; 811~~

~~(c) The county peace officer; 812~~

~~(d) All chief municipal peace officers within the county; 813~~

~~(e) Other law enforcement officers handling child abuse 814  
and neglect cases in the county; 815~~

~~(f) The prosecuting attorney of the county; 816~~

~~(g) If the public children services agency is not the 817~~

~~county department of job and family services, the county~~ 818  
~~department of job and family services;~~ 819

~~(h) The county humane society;~~ 820

~~(i) If the public children services agency participated in~~ 821  
~~the execution of a memorandum of understanding under section~~ 822  
~~2151.426 of the Revised Code establishing a children's advocacy~~ 823  
~~center, each participating member of the children's advocacy~~ 824  
~~center established by the memorandum.~~ 825

~~(2) A memorandum of understanding shall set forth the~~ 826  
~~normal operating procedure to be employed by all concerned~~ 827  
~~officials in the execution of their respective responsibilities~~ 828  
~~under this section and division (C) of section 2919.21, division~~ 829  
~~(B) (1) of section 2919.22, division (B) of section 2919.23, and~~ 830  
~~section 2919.24 of the Revised Code and shall have as two of its~~ 831  
~~primary goals the elimination of all unnecessary interviews of~~ 832  
~~children who are the subject of reports made pursuant to~~ 833  
~~division (A) or (B) of this section and, when feasible,~~ 834  
~~providing for only one interview of a child who is the subject~~ 835  
~~of any report made pursuant to division (A) or (B) of this~~ 836  
~~section. A failure to follow the procedure set forth in the~~ 837  
~~memorandum by the concerned officials is not grounds for, and~~ 838  
~~shall not result in, the dismissal of any charges or complaint~~ 839  
~~arising from any reported case of abuse or neglect or the~~ 840  
~~suppression of any evidence obtained as a result of any reported~~ 841  
~~child abuse or child neglect and does not give, and shall not be~~ 842  
~~construed as giving, any rights or any grounds for appeal or~~ 843  
~~post-conviction relief to any person.~~ 844

~~(3) A memorandum of understanding shall include all of the~~ 845  
~~following:~~ 846

~~(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;~~ 847  
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~~(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.~~ 849  
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~~(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.~~ 857  
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~~(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.~~ 862  
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~~(L) (1) Except as provided in division (L) (4) (K) (4) or (5) of this section, a person who is required to make a report pursuant to under division (A) 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:~~ 868  
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(a) Whether the agency or center has initiated an investigation of the report;	877 878
(b) Whether the agency or center is continuing to investigate the report;	879 880
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	881 882
(d) The general status of the health and safety of the child who is the subject of the report;	883 884
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	885 886 887
(2) <u>(a)</u> A person may request the information specified in division <del>(L) (1)</del> <u>(K) (1)</u> 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.	888 889 890 891
<u>(b)</u> When a 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 <del>(L) (1)</del> <u>(K) (1)</u> 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.	892 893 894 895 896 897 898 899 900
<u>(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to</u>	901 902 903 904 905

the person not later than seven calendar days after receipt of 906  
the report. The notice shall provide the status of the agency's 907  
investigation into the report made, who the person may contact 908  
at the agency for further information, and a description of the 909  
person's rights under division (K) (1) of this section. 910

(d) Each request is subject to verification of the 911  
identity of the person making the report. If that person's 912  
identity is verified, the agency shall provide the person with 913  
the information described in division ~~(L) (1)~~ (K) (1) of this 914  
section a reasonable number of times, except that the agency 915  
shall not disclose any confidential information regarding the 916  
child who is the subject of the report other than the 917  
information described in those divisions. 918

(3) A request made pursuant to division ~~(L) (1)~~ (K) (1) of 919  
this section is not a substitute for any report required to be 920  
made pursuant to division (A) of this section. 921

(4) If an agency other than the agency that received or 922  
was referred the report is conducting the investigation of the 923  
report pursuant to section 2151.422 of the Revised Code, the 924  
agency conducting the investigation shall comply with the 925  
requirements of division ~~(L)~~ (K) of this section. 926

(5) A health care professional who made a report under 927  
division (A) of this section, or on whose behalf such a report 928  
was made as provided in division (A) (1) (c) of this section, may 929  
authorize a person to obtain the information described in 930  
division ~~(L) (1)~~ (K) (1) of this section if the person requesting 931  
the information is associated with or acting on behalf of the 932  
health care professional who provided health care services to 933  
the child about whom the report was made. 934

~~(M)~~ (6) If the person making the report provides the 935  
person's name and contact information on making the report, the 936  
public children services agency that received or was referred 937  
the report shall send a written notice via United States mail or 938  
electronic mail, in accordance with the person's preference, to 939  
the person not later than seven calendar days after the agency 940  
closes the investigation into the case reported by the person. 941  
The notice shall notify the person that the agency has closed 942  
the investigation. 943

(L) (1) The director of job and family services shall adopt 944  
rules in accordance with Chapter 119. of the Revised Code to 945  
implement this section. The department of job and family 946  
services may enter into a plan of cooperation with any other 947  
governmental entity to aid in ensuring that children are 948  
protected from abuse and neglect. The department shall make 949  
recommendations to the attorney general that the department 950  
determines are necessary to protect children from child abuse 951  
and child neglect. 952

(2) Not later than ninety days after the effective date of 953  
this amendment, the director of job and family services shall 954  
adopt rules in accordance with Chapter 119. of the Revised Code 955  
to identify the types of neglect of a child that a public 956  
children services agency shall be required to notify law 957  
enforcement of pursuant to division (E) (2) (c) (ii) of this 958  
section. 959

~~(N)~~ (M) Whoever violates division (A) of this section is 960  
liable for compensatory and exemplary damages to the child who 961  
would have been the subject of the report that was not made. A 962  
person who brings a civil action or proceeding pursuant to this 963  
division against a person who is alleged to have violated 964

division (A) (1) of this section may use in the action or 965  
proceeding reports of other incidents of known or suspected 966  
abuse or neglect, provided that any information in a report that 967  
would identify the child who is the subject of the report or the 968  
maker of the report, if the maker is not the defendant or an 969  
agent or employee of the defendant, has been redacted. 970

~~(O) (1)~~ (N) (1) As used in this division: 971

(a) "Out-of-home care" includes a nonchartered nonpublic 972  
school if the alleged child abuse or child neglect, or alleged 973  
threat of child abuse or child neglect, described in a report 974  
received by a public children services agency allegedly occurred 975  
in or involved the nonchartered nonpublic school and the alleged 976  
perpetrator named in the report holds a certificate, permit, or 977  
license issued by the state board of education under section 978  
3301.071 or Chapter 3319. of the Revised Code. 979

(b) "Administrator, director, or other chief 980  
administrative officer" means the superintendent of the school 981  
district if the out-of-home care entity subject to a report made 982  
pursuant to this section is a school operated by the district. 983

(2) No later than the end of the day following the day on 984  
which a public children services agency receives a report of 985  
alleged child abuse or child neglect, or a report of an alleged 986  
threat of child abuse or child neglect, that allegedly occurred 987  
in or involved an out-of-home care entity, the agency shall 988  
provide written notice of the allegations contained in and the 989  
person named as the alleged perpetrator in the report to the 990  
administrator, director, or other chief administrative officer 991  
of the out-of-home care entity that is the subject of the report 992  
unless the administrator, director, or other chief 993  
administrative officer is named as an alleged perpetrator in the 994

report. If the administrator, director, or other chief 995  
administrative officer of an out-of-home care entity is named as 996  
an alleged perpetrator in a report of alleged child abuse or 997  
child neglect, or a report of an alleged threat of child abuse 998  
or child neglect, that allegedly occurred in or involved the 999  
out-of-home care entity, the agency shall provide the written 1000  
notice to the owner or governing board of the out-of-home care 1001  
entity that is the subject of the report. The agency shall not 1002  
provide witness statements or police or other investigative 1003  
reports. 1004

(3) No later than three days after the day on which a 1005  
public children services agency that conducted the investigation 1006  
as determined pursuant to section 2151.422 of the Revised Code 1007  
makes a disposition of an investigation involving a report of 1008  
alleged child abuse or child neglect, or a report of an alleged 1009  
threat of child abuse or child neglect, that allegedly occurred 1010  
in or involved an out-of-home care entity, the agency shall send 1011  
written notice of the disposition of the investigation to the 1012  
administrator, director, or other chief administrative officer 1013  
and the owner or governing board of the out-of-home care entity. 1014  
The agency shall not provide witness statements or police or 1015  
other investigative reports. 1016

~~(P)~~ (O) As used in this section: 1017

(1) "Children's advocacy center" and "sexual abuse of a 1018  
child" have the same meanings as in section 2151.425 of the 1019  
Revised Code. 1020

(2) "Health care professional" means an individual who 1021  
provides health-related services including a physician, hospital 1022  
intern or resident, dentist, podiatrist, registered nurse, 1023  
licensed practical nurse, visiting nurse, licensed psychologist, 1024

speech pathologist, audiologist, person engaged in social work 1025  
or the practice of professional counseling, and employee of a 1026  
home health agency. "Health care professional" does not include 1027  
a practitioner of a limited branch of medicine as specified in 1028  
section 4731.15 of the Revised Code, licensed school 1029  
psychologist, independent marriage and family therapist or 1030  
marriage and family therapist, or coroner. 1031

(3) "Investigation" means the public children services 1032  
agency's response to an accepted report of child abuse or 1033  
neglect through either an alternative response or a traditional 1034  
response. 1035

(4) "Peace officer" means a sheriff, deputy sheriff, 1036  
constable, police officer of a township or joint police 1037  
district, marshal, deputy marshal, municipal police officer, or 1038  
a state highway patrol trooper. 1039

Sec. 2151.4210. (A) Each public children services agency 1040  
shall prepare a memorandum of understanding that is signed by 1041  
all of the following: 1042

(1) If there is only one juvenile judge in the county, the 1043  
juvenile judge of the county or the juvenile judge's 1044  
representative upon the judge's review and approval; 1045

(2) If there is more than one juvenile judge in the 1046  
county, a juvenile judge or the juvenile judges' representative 1047  
selected by the juvenile judges or, if they are unable to do so 1048  
for any reason, the juvenile judge who is senior in point of 1049  
service or the senior juvenile judge's representative upon the 1050  
judge's review and approval; 1051

(3) The county peace officer; 1052

(4) All chief municipal peace officers within the county; 1053

<u>(5) Other law enforcement officers handling child abuse</u>	1054
<u>and neglect cases in the county;</u>	1055
<u>(6) The prosecuting attorney of the county;</u>	1056
<u>(7) If the public children services agency is not the</u>	1057
<u>county department of job and family services, the county</u>	1058
<u>department of job and family services;</u>	1059
<u>(8) The county humane society;</u>	1060
<u>(9) If the public children services agency participated in</u>	1061
<u>the execution of a memorandum of understanding under section</u>	1062
<u>2151.426 of the Revised Code establishing a children's advocacy</u>	1063
<u>center, each participating member of the children's advocacy</u>	1064
<u>center established by the memorandum.</u>	1065
<u>(B) (1) The clerk of the court of common pleas in the</u>	1066
<u>county may sign the memorandum of understanding prepared under</u>	1067
<u>division (A) of this section.</u>	1068
<u>(2) If the clerk signs the memorandum of understanding,</u>	1069
<u>the clerk shall execute all relevant responsibilities as</u>	1070
<u>required of officials specified in the memorandum.</u>	1071
<b><u>Sec. 2151.4211. (A) A memorandum of understanding shall do</u></b>	1072
<b><u>both of the following:</u></b>	1073
<u>(1) Set forth the normal operating procedure to be</u>	1074
<u>employed by all concerned officials in the execution of their</u>	1075
<u>respective responsibilities under this section and division (C)</u>	1076
<u>of section 2919.21, division (B) (1) of section 2919.22, division</u>	1077
<u>(B) of section 2919.23, and section 2919.24 of the Revised Code;</u>	1078
<u>(2) Have as two of its primary goals both of the</u>	1079
<u>following:</u>	1080

(a) The elimination of all unnecessary interviews of children who are the subject of reports of child abuse or neglect; 1081  
1082  
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(b) When feasible, providing for only one interview of a child who is the subject of a report of child abuse or neglect. 1084  
1085

(B) A memorandum of understanding shall include all of the following: 1086  
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(1) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 1088  
1089

(2) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse or 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; 1090  
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(3) 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. 1097  
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1101

(4) After the effective date of this section, a statement that section 2151.423 of the Revised Code requires a public children services agency to disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect. 1102  
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(5) After the effective date of this section, a 1110  
description of the type of information that may be discovered 1111  
during an investigation conducted pursuant to section 2151.421 1112  
of the Revised Code that a law enforcement agency may share with 1113  
a public children services agency in order for the public 1114  
children services agency to carry out its responsibilities to 1115  
protect children from abuse or neglect. 1116

(6) After the effective date of this section, a 1117  
description of how the information described in divisions (B) (4) 1118  
and (5) of this section is to be shared between a public 1119  
children services agency and a law enforcement agency. 1120

(7) After the effective date of this section, and subject 1121  
to divisions (I) and (N) of section 2151.421 of the Revised 1122  
Code, a description of information that may be obtained from an 1123  
investigation under section 2151.421 of the Revised Code that a 1124  
law enforcement agency and a public children services agency is 1125  
permitted to, or prohibited from, disclosing to the public. 1126

**Sec. 2151.4212.** Every official who signed a memorandum of 1127  
understanding under section 2151.4210 of the Revised Code shall 1128  
biennially do the following regarding the memorandum: 1129

(A) Review and evaluate the memorandum for necessary 1130  
updates to terms and procedures; 1131

(B) Update the memorandum's terms and procedures, if the 1132  
concerned officials determine an update is necessary; 1133

(C) Sign the reviewed memorandum; 1134

(D) Submit the memorandum to the board of county 1135  
commissioners for approval. 1136

**Sec. 2151.4213.** Failure to follow the procedure set forth 1137

in the memorandum of understanding by the concerned officials is 1138  
not grounds for, and shall not result in, the dismissal of any 1139  
charges or complaint arising from any reported case of abuse or 1140  
neglect or the suppression of any evidence obtained as a result 1141  
of any reported child abuse or child neglect and does not give, 1142  
and shall not be construed as giving, any rights or any grounds 1143  
for appeal or post-conviction relief to any person. 1144

**Sec. 2151.4215.** (A) On receipt of a county's memorandum of 1145  
understanding submitted to the board of county commissioners in 1146  
accordance with section 2151.4212 of the Revised Code, the board 1147  
shall review and evaluate if the memorandum meets the 1148  
requirements under sections 2151.4210 to 2151.4212 of the 1149  
Revised Code. 1150

(B) (1) If the board determines the memorandum meets those 1151  
requirements, it shall adopt a resolution to approve the 1152  
memorandum. 1153

(2) If the board determines the memorandum does not meet 1154  
those requirements, it shall notify the responsible public 1155  
children services agency that the memorandum does not meet 1156  
requirements and the memorandum shall be reviewed in accordance 1157  
with section 2151.4212 of the Revised Code. 1158

**Sec. 2151.4216.** The biennial review of a county memorandum 1159  
of understanding pursuant to division 2151.4212 of the Revised 1160  
Code and the biennial adoption of a resolution by the board of 1161  
county commissioners to approve the memorandum under section 1162  
2151.4215 of the Revised Code shall be completed by the thirty- 1163  
first day of December following the first full calendar year 1164  
after the effective date of this section, and by the thirty- 1165  
first day of December every other year thereafter. 1166

Sec. 2151.4218. (A) The department of job and family services shall create a model memorandum of understanding to provide guidance to public children services agencies and other concerned officials in creating a memorandum of understanding in compliance with sections 2151.4210 to 2151.4216 of the Revised Code. 1167  
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(B) The model memorandum of understanding shall be updated as the department determines is necessary. 1173  
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Sec. 2151.4219. The department of job and family services shall biennially audit the memorandum of understanding prepared by each public children services agency to ensure compliance in accordance with sections 2151.4210 to 2151.4216 of the Revised Code. 1175  
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Sec. 2151.4220. The department of job and family services shall determine that a public children services agency is compliant regarding the memorandum of understanding if the department finds all of the following: 1180  
1181  
1182  
1183

(A) The memorandum meets the requirements under sections 2151.4210 to 2151.4216 of the Revised Code. 1184  
1185

(B) The memorandum has been either reviewed and signed or reviewed, updated, and signed, as applicable, pursuant to section 2151.4212 of the Revised Code and the department is in agreement with the concerned officials' review and, if applicable, update. 1186  
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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. 1191  
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Sec. 2151.4221. (A) If the department of job and family services determines that a public children services agency is 1194  
1195

not compliant under section 2151.4220 of the Revised Code, the 1196  
agency shall develop and submit a compliance assurance plan to 1197  
the department. 1198

(B) The compliance assurance plan shall describe the steps 1199  
the agency and other concerned officials will take in order to 1200  
become compliant. 1201

(C) The agency shall submit the compliance assurance plan 1202  
not later than sixty days after the department determines the 1203  
agency not compliant. 1204

**Sec. 2151.4222.** A county's reviewed and signed, or 1205  
reviewed, updated, and signed, memorandum of understanding, as 1206  
applicable, shall go into effect and supersede any previous 1207  
memorandum upon the department of job and family services 1208  
determination that the memorandum is compliant under section 1209  
2151.4220 of the Revised Code. 1210

**Sec. 2151.4223.** The department of job and family services 1211  
shall maintain on the department's web site a current list of 1212  
counties with memorandums of understanding that the department 1213  
has determined to be compliant under section 2151.4220 of the 1214  
Revised Code and a list of counties with memorandums that the 1215  
department has determined not to be compliant. 1216

**Sec. 2151.4224.** The county memorandum of understanding 1217  
that is in effect in accordance with section 2151.4222 of the 1218  
Revised Code shall be posted to the general web site of the 1219  
county. 1220

**Sec. 3107.014.** (A) Except as provided in division (B) of 1221  
this section, only an individual who meets all of the following 1222  
requirements may perform the duties of an assessor under 1223  
sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 1224

3107.12, 5103.0324, and 5103.152 of the Revised Code: 1225

(1) The individual must be in the employ of, appointed by, 1226  
or under contract with a court, public children services agency, 1227  
private child placing agency, or private noncustodial agency; 1228

(2) The individual must be one of the following: 1229

(a) A licensed professional clinical counselor, licensed 1230  
professional counselor, independent social worker, social 1231  
worker, independent marriage and family therapist, or marriage 1232  
and family therapist licensed under Chapter 4757. of the Revised 1233  
Code; 1234

(b) A psychologist licensed under Chapter 4732. of the 1235  
Revised Code; 1236

(c) A student working to earn a four-year, post-secondary 1237  
degree, or higher, in a social or behavior science, or both, who 1238  
conducts assessor's duties under the supervision of a licensed 1239  
professional clinical counselor, licensed professional 1240  
counselor, independent social worker, social worker, independent 1241  
marriage and family therapist, or marriage and family therapist 1242  
licensed under Chapter 4757. of the Revised Code or a 1243  
psychologist licensed under Chapter 4732. of the Revised Code. 1244  
Beginning July 1, 2009, a student is eligible under this 1245  
division only if the supervising licensed professional clinical 1246  
counselor, licensed professional counselor, independent social 1247  
worker, social worker, independent marriage and family 1248  
therapist, marriage and family therapist, or psychologist has 1249  
completed training in accordance with rules adopted under 1250  
section 3107.015 of the Revised Code. 1251

(d) A civil service employee engaging in social work 1252  
without a license under Chapter 4757. of the Revised Code, as 1253

permitted by division (A) (5) of section 4757.41 of the Revised Code; 1254  
1255

(e) A former employee of a public children services agency 1256  
who, while so employed, conducted the duties of an assessor or 1257  
the duties of a PCSA caseworker as defined in section 5153.01 of 1258  
the Revised Code; 1259

(f) An employee of a court or public children services 1260  
agency who is employed to conduct the duties of an assessor; 1261

(g) A caseworker or caseworker supervisor as defined in 1262  
section 5153.01 of the Revised Code; 1263

(h) An individual with a master's degree in social work or 1264  
a related field and who is currently employed, and has been 1265  
employed for at least two years, in a human-services-related 1266  
occupation. 1267

(3) The individual must complete training in accordance 1268  
with rules adopted under section 3107.015 of the Revised Code. 1269

(B) An individual in the employ of, appointed by, or under 1270  
contract with a court prior to September 18, 1996, to conduct 1271  
adoption investigations of prospective adoptive parents may 1272  
perform the duties of an assessor under sections 3107.031, 1273  
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 1274  
5103.152 of the Revised Code if the individual complies with 1275  
division (A) (3) of this section regardless of whether the 1276  
individual meets the requirement of division (A) (2) of this 1277  
section. 1278

(C) A court, public children services agency, private 1279  
child placing agency, or private noncustodial agency may employ, 1280  
appoint, or contract with an assessor in the county in which a 1281  
petition for adoption is filed and in any other county or 1282

location outside this state where information needed to complete 1283  
or supplement the assessor's duties may be obtained. More than 1284  
one assessor may be utilized for an adoption. 1285

(D) Not later than January 1, 2008, the department of job 1286  
and family services shall develop and maintain an assessor 1287  
registry. The registry shall list all individuals who are 1288  
employed, appointed by, or under contract with a court, public 1289  
children services agency, private child placing agency, or 1290  
private noncustodial agency and meet the requirements of an 1291  
assessor as described in this section. A public children 1292  
services agency, private child placing agency, private 1293  
noncustodial agency, court, or any other person may contact the 1294  
department to determine if an individual is listed in the 1295  
assessor registry. An individual listed in the assessor registry 1296  
shall immediately inform the department when that individual is 1297  
no longer employed, appointed by, or under contract with a 1298  
court, public children services agency, private child placing 1299  
agency, or private noncustodial agency to perform the duties of 1300  
an assessor as described in this section. The director of job 1301  
and family services shall adopt rules in accordance with Chapter 1302  
119. of the Revised Code necessary for the implementation, 1303  
contents, and maintenance of the registry, and any sanctions 1304  
related to the provision of information, or the failure to 1305  
provide information, that is needed for the proper operation of 1306  
the assessor registry. 1307

Sec. 5101.89. (A) There is created a children service 1308  
ombudsman office under the department of job and family services 1309  
consisting of the following: 1310

(1) An ombudsman, who shall be appointed by the governor; 1311

(2) A youth advocate, who shall advocate for the best 1312

interests of children involved in concerns investigated by the 1313  
office; 1314

(3) Not fewer than two regional ombudsmen; 1315

(4) Any necessary support staff. 1316

(B) The office shall investigate and resolve concerns made 1317  
by or on behalf of children and families involved with public 1318  
children services agencies, Title IV-E agencies, or private 1319  
provider agencies that administer or oversee foster care or 1320  
placement services for the children services system. The office 1321  
shall ensure the independent and impartial review of youth, 1322  
family, and community complaints or concerns. 1323

**Sec. 5101.891.** The children service ombudsman office shall 1324  
perform all of the following duties: 1325

(A) Receive, investigate, and attempt to resolve 1326  
complaints from citizens, including children in the custody of a 1327  
public children services agency or in the care and placement of 1328  
a Title IV-E agency, related to government services regarding 1329  
child protective services, foster care, and adoption; 1330

(B) Establish procedures for receiving and resolving 1331  
complaints, consistent with state and federal law; 1332

(C) Provide an annual report to the governor, speaker of 1333  
the house of representatives, president of the senate, minority 1334  
leadership of the house of representatives and senate, and the 1335  
director of job and family services. 1336

**Sec. 5101.893.** To the extent permitted by state or federal 1337  
law, a representative of the children service ombudsman office 1338  
may report to an appropriate authority any suspected violation 1339  
of state law discovered during the course of a complaint review. 1340

Sec. 5101.895. The department of job and family services 1341  
shall be responsible for all administrative undertakings for the 1342  
children service ombudsman office, including the provision of 1343  
offices, equipment, and supplies, as necessary. 1344

Sec. 5101.897. (A) No employee of the children service 1345  
ombudsman office shall do any of the following: 1346

(1) Hold any office of trust or profit; 1347

(2) Engage in any occupation or business interfering or 1348  
inconsistent with the duties of the office; 1349

(3) Serve on any committee of any political party; 1350

(4) Have any interest that is, or may be, in conflict with 1351  
the interests and concerns of the office. 1352

(B) As used in this section, "office of trust or profit" 1353  
means any of the following: 1354

(1) A federal or state elective office or an elective 1355  
office of a political subdivision of the state; 1356

(2) A position on a board or commission of the state that 1357  
is appointed by the governor; 1358

(3) An office set forth in section 121.03, 121.04, or 1359  
121.05 of the Revised Code; 1360

(4) An office of the government of the United States that 1361  
is appointed by the president of the United States. 1362

Sec. 5101.899. (A) The children service ombudsman office 1363  
shall have access to only the records of the department of job 1364  
and family services that are necessary for the administration of 1365  
sections 5101.89 to 5101.899 of the Revised Code and in the 1366  
performance of its official duties, including any records 1367

maintained in the uniform statewide automated child welfare 1368  
information system under section 5101.13 of the Revised Code. 1369  
The office has the right to request of the director of job and 1370  
family services necessary information from any work unit of the 1371  
department having information. The collection, compilation, 1372  
analysis, and dissemination of information by the office shall 1373  
be performed in a manner that protects complainants, individuals 1374  
providing information about a complaint, public entities, and 1375  
confidential records. 1376

(B) The office shall have access to any necessary records 1377  
in the control of a public children services agency, a Title IV- 1378  
E agency, or a private provider agency that administers or 1379  
oversees foster care or placement services for the children 1380  
services system. 1381

(C) Files of the office and any records contained in those 1382  
files are not public records subject to inspection or copying 1383  
under section 149.43 of the Revised Code. Information contained 1384  
in investigative and other files maintained by the office shall 1385  
be disclosed only at the discretion of the office or if 1386  
disclosure is required by a court order. 1387

**Section 2.** That existing sections 2151.142, 2151.23, 1388  
2151.421, and 3107.014 of the Revised Code are hereby repealed. 1389

**Section 3.** Section 2151.421 of the Revised Code is 1390  
presented in this act as a composite of the section as amended 1391  
by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General 1392  
Assembly. The General Assembly, applying the principle stated in 1393  
division (B) of section 1.52 of the Revised Code that amendments 1394  
are to be harmonized if reasonably capable of simultaneous 1395  
operation, finds that the composite is the resulting version of 1396  
the section in effect prior to the effective date of the section 1397

as presented in this act.

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