

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

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

Senators Fedor, Schuring, Manning, Antonio, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Reineke, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko

A BILL

To amend sections 2151.142, 2151.421, and 3107.014 1
and to enact sections 2151.4210, 2151.4211, 2
2151.4212, 2151.4213, 2151.4215, 2151.4216, 3
2151.4218, 2151.4219, 2151.4220, 2151.4221, 4
2151.4222, 2151.4223, 2151.4224, 5101.89, 5
5101.891, 5101.892, 5101.893, 5101.894, 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 youth 13
and family ombudsman office. 14

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

Section 1. That sections 2151.142, 2151.421, and 3107.014 15
be amended and sections 2151.4210, 2151.4211, 2151.4212, 16
2151.4213, 2151.4215, 2151.4216, 2151.4218, 2151.4219, 17
2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4224, 5101.89, 18
5101.891, 5101.892, 5101.893, 5101.894, 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 76
residential address is requested. 77

(4) The public children services agency, private child 78
placing agency, juvenile court, or law enforcement agency 79
receiving the request is one of the following: 80

(a) The agency or juvenile court with which the official 81
in question serves or with which the employee in question is 82
employed; 83

(b) The agency or juvenile court that has custody of the 84
records of the agency with which the official in question serves 85
or with which the employee in question is employed. 86

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

peace officer, the officer shall make it to the public children 104
services agency in the county in which the child resides or in 105
which the abuse or neglect is occurring or has occurred. In the 106
circumstances described in section 5120.173 of the Revised Code, 107
the person making the report shall make it to the entity 108
specified in that section. 109

(b) Division (A) (1) (a) of this section applies to any 110
person who is an attorney; health care professional; 111
practitioner of a limited branch of medicine as specified in 112
section 4731.15 of the Revised Code; licensed school 113
psychologist; independent marriage and family therapist or 114
marriage and family therapist; coroner; administrator or 115
employee of a child day-care center; administrator or employee 116
of a residential camp, child day camp, or private, nonprofit 117
therapeutic wilderness camp; administrator or employee of a 118
certified child care agency or other public or private children 119
services agency; school teacher; school employee; school 120
authority; peace officer; humane society agent; dog warden, 121
deputy dog warden, or other person appointed to act as an animal 122
control officer for a municipal corporation or township in 123
accordance with state law, an ordinance, or a resolution; 124
person, other than a cleric, rendering spiritual treatment 125
through prayer in accordance with the tenets of a well- 126
recognized religion; employee of a county department of job and 127
family services who is a professional and who works with 128
children and families; superintendent or regional administrator 129
employed by the department of youth services; superintendent, 130
board member, or employee of a county board of developmental 131
disabilities; investigative agent contracted with by a county 132
board of developmental disabilities; employee of the department 133
of developmental disabilities; employee of a facility or home 134

that provides respite care in accordance with section 5123.171 135
of the Revised Code; employee of an entity that provides 136
homemaker services; employee of a qualified organization as 137
defined in section 2151.90 of the Revised Code; a host family as 138
defined in section 2151.90 of the Revised Code; foster 139
caregiver; a person performing the duties of an assessor 140
pursuant to Chapter 3107. or 5103. of the Revised Code; third 141
party employed by a public children services agency to assist in 142
providing child or family related services; court appointed 143
special advocate; or guardian ad litem. 144

(c) If two or more health care professionals, after 145
providing health care services to a child, determine or suspect 146
that the child has been or is being abused or neglected, the 147
health care professionals may designate one of the health care 148
professionals to report the abuse or neglect. A single report 149
made under this division shall meet the reporting requirements 150
of division (A) (1) of this section. 151

(2) Except as provided in division (A) (3) of this section, 152
an attorney or a physician is not required to make a report 153
pursuant to division (A) (1) of this section concerning any 154
communication the attorney or physician receives from a client 155
or patient in an attorney-client or physician-patient 156
relationship, if, in accordance with division (A) or (B) of 157
section 2317.02 of the Revised Code, the attorney or physician 158
could not testify with respect to that communication in a civil 159
or criminal proceeding. 160

(3) The client or patient in an attorney-client or 161
physician-patient relationship described in division (A) (2) of 162
this section is deemed to have waived any testimonial privilege 163
under division (A) or (B) of section 2317.02 of the Revised Code 164

with respect to any communication the attorney or physician 165
receives from the client or patient in that attorney-client or 166
physician-patient relationship, and the attorney or physician 167
shall make a report pursuant to division (A)(1) of this section 168
with respect to that communication, if all of the following 169
apply: 170

(a) The client or patient, at the time of the 171
communication, is a child under eighteen years of age or is a 172
person under twenty-one years of age with a developmental 173
disability or physical impairment. 174

(b) The attorney or physician knows, or has reasonable 175
cause to suspect based on facts that would cause a reasonable 176
person in similar position to suspect that the client or patient 177
has suffered or faces a threat of suffering any physical or 178
mental wound, injury, disability, or condition of a nature that 179
reasonably indicates abuse or neglect of the client or patient. 180

(c) The abuse or neglect does not arise out of the 181
client's or patient's attempt to have an abortion without the 182
notification of her parents, guardian, or custodian in 183
accordance with section 2151.85 of the Revised Code. 184

(4) (a) No cleric and no person, other than a volunteer, 185
designated by any church, religious society, or faith acting as 186
a leader, official, or delegate on behalf of the church, 187
religious society, or faith who is acting in an official or 188
professional capacity, who knows, or has reasonable cause to 189
believe based on facts that would cause a reasonable person in a 190
similar position to believe, that a child under eighteen years 191
of age, or a person under twenty-one years of age with a 192
developmental disability or physical impairment, has suffered or 193
faces a threat of suffering any physical or mental wound, 194

injury, disability, or condition of a nature that reasonably 195
indicates abuse or neglect of the child, and who knows, or has 196
reasonable cause to believe based on facts that would cause a 197
reasonable person in a similar position to believe, that another 198
cleric or another person, other than a volunteer, designated by 199
a church, religious society, or faith acting as a leader, 200
official, or delegate on behalf of the church, religious 201
society, or faith caused, or poses the threat of causing, the 202
wound, injury, disability, or condition that reasonably 203
indicates abuse or neglect shall fail to immediately report that 204
knowledge or reasonable cause to believe to the entity or 205
persons specified in this division. Except as provided in 206
section 5120.173 of the Revised Code, the person making the 207
report shall make it to the public children services agency or a 208
peace officer in the county in which the child resides or in 209
which the abuse or neglect is occurring or has occurred. In the 210
circumstances described in section 5120.173 of the Revised Code, 211
the person making the report shall make it to the entity 212
specified in that section. 213

(b) Except as provided in division (A) (4) (c) of this 214
section, a cleric is not required to make a report pursuant to 215
division (A) (4) (a) of this section concerning any communication 216
the cleric receives from a penitent in a cleric-penitent 217
relationship, if, in accordance with division (C) of section 218
2317.02 of the Revised Code, the cleric could not testify with 219
respect to that communication in a civil or criminal proceeding. 220

(c) The penitent in a cleric-penitent relationship 221
described in division (A) (4) (b) of this section is deemed to 222
have waived any testimonial privilege under division (C) of 223
section 2317.02 of the Revised Code with respect to any 224
communication the cleric receives from the penitent in that 225

cleric-penitent relationship, and the cleric shall make a report 226
pursuant to division (A)(4)(a) of this section with respect to 227
that communication, if all of the following apply: 228

(i) The penitent, at the time of the communication, is a 229
child under eighteen years of age or is a person under twenty- 230
one years of age with a developmental disability or physical 231
impairment. 232

(ii) The cleric knows, or has reasonable cause to believe 233
based on facts that would cause a reasonable person in a similar 234
position to believe, as a result of the communication or any 235
observations made during that communication, the penitent has 236
suffered or faces a threat of suffering any physical or mental 237
wound, injury, disability, or condition of a nature that 238
reasonably indicates abuse or neglect of the penitent. 239

(iii) The abuse or neglect does not arise out of the 240
penitent's attempt to have an abortion performed upon a child 241
under eighteen years of age or upon a person under twenty-one 242
years of age with a developmental disability or physical 243
impairment without the notification of her parents, guardian, or 244
custodian in accordance with section 2151.85 of the Revised 245
Code. 246

(d) Divisions (A)(4)(a) and (c) of this section do not 247
apply in a cleric-penitent relationship when the disclosure of 248
any communication the cleric receives from the penitent is in 249
violation of the sacred trust. 250

(e) As used in divisions (A)(1) and (4) of this section, 251
"cleric" and "sacred trust" have the same meanings as in section 252
2317.02 of the Revised Code. 253

(B) Anyone who knows, or has reasonable cause to suspect 254

based on facts that would cause a reasonable person in similar 255
circumstances to suspect, that a child under eighteen years of 256
age, or a person under twenty-one years of age with a 257
developmental disability or physical impairment, has suffered or 258
faces a threat of suffering any physical or mental wound, 259
injury, disability, or other condition of a nature that 260
reasonably indicates abuse or neglect of the child may report or 261
cause reports to be made of that knowledge or reasonable cause 262
to suspect to the entity or persons specified in this division. 263
Except as provided in section 5120.173 of the Revised Code, a 264
person making a report or causing a report to be made under this 265
division shall make it or cause it to be made to the public 266
children services agency or to a peace officer. In the 267
circumstances described in section 5120.173 of the Revised Code, 268
a person making a report or causing a report to be made under 269
this division shall make it or cause it to be made to the entity 270
specified in that section. 271

(C) Any report made pursuant to division (A) or (B) of 272
this section shall be made forthwith either by telephone or in 273
person and shall be followed by a written report, if requested 274
by the receiving agency or officer. The written report shall 275
contain: 276

(1) The names and addresses of the child and the child's 277
parents or the person or persons having custody of the child, if 278
known; 279

(2) The child's age and the nature and extent of the 280
child's injuries, abuse, or neglect that is known or reasonably 281
suspected or believed, as applicable, to have occurred or of the 282
threat of injury, abuse, or neglect that is known or reasonably 283
suspected or believed, as applicable, to exist, including any 284

evidence of previous injuries, abuse, or neglect; 285

(3) Any other information, including, but not limited to, 286
results and reports of any medical examinations, tests, or 287
procedures performed under division (D) of this section, that 288
might be helpful in establishing the cause of the injury, abuse, 289
or neglect that is known or reasonably suspected or believed, as 290
applicable, to have occurred or of the threat of injury, abuse, 291
or neglect that is known or reasonably suspected or believed, as 292
applicable, to exist. 293

(D) (1) Any person, who is required by division (A) of this 294
section to report child abuse or child neglect that is known or 295
reasonably suspected or believed to have occurred, may take or 296
cause to be taken color photographs of areas of trauma visible 297
on a child and, if medically necessary for the purpose of 298
diagnosing or treating injuries that are suspected to have 299
occurred as a result of child abuse or child neglect, perform or 300
cause to be performed radiological examinations and any other 301
medical examinations of, and tests or procedures on, the child. 302

(2) The results and any available reports of examinations, 303
tests, or procedures made under division (D) (1) of this section 304
shall be included in a report made pursuant to division (A) of 305
this section. Any additional reports of examinations, tests, or 306
procedures that become available shall be provided to the public 307
children services agency, upon request. 308

(3) If a health care professional provides health care 309
services in a hospital, children's advocacy center, or emergency 310
medical facility to a child about whom a report has been made 311
under division (A) of this section, the health care professional 312
may take any steps that are reasonably necessary for the release 313
or discharge of the child to an appropriate environment. Before 314

the child's release or discharge, the health care professional 315
may obtain information, or consider information obtained, from 316
other entities or individuals that have knowledge about the 317
child. Nothing in division (D) (3) of this section shall be 318
construed to alter the responsibilities of any person under 319
sections 2151.27 and 2151.31 of the Revised Code. 320

(4) A health care professional may conduct medical 321
examinations, tests, or procedures on the siblings of a child 322
about whom a report has been made under division (A) of this 323
section and on other children who reside in the same home as the 324
child, if the professional determines that the examinations, 325
tests, or procedures are medically necessary to diagnose or 326
treat the siblings or other children in order to determine 327
whether reports under division (A) of this section are warranted 328
with respect to such siblings or other children. The results of 329
the examinations, tests, or procedures on the siblings and other 330
children may be included in a report made pursuant to division 331
(A) of this section. 332

(5) Medical examinations, tests, or procedures conducted 333
under divisions (D) (1) and (4) of this section and decisions 334
regarding the release or discharge of a child under division (D) 335
(3) of this section do not constitute a law enforcement 336
investigation or activity. 337

(E) (1) When a peace officer receives a report made 338
pursuant to division (A) or (B) of this section, upon receipt of 339
the report, the peace officer who receives the report shall 340
refer the report to the appropriate public children services 341
agency, in accordance with requirements specified under division 342
(B) (6) of section 2151.4211 of the Revised Code, unless an 343
arrest is made at the time of the report that results in the 344

appropriate public children services agency being contacted 345
concerning the possible abuse or neglect of a child or the 346
possible threat of abuse or neglect of a child. 347

(2) When a public children services agency receives a 348
report pursuant to this division or division (A) or (B) of this 349
section, upon receipt of the report, the public children 350
services agency shall do ~~both~~ all of the following: 351

(a) Comply with section 2151.422 of the Revised Code; 352

(b) If the county served by the agency is also served by a 353
children's advocacy center and the report alleges sexual abuse 354
of a child or another type of abuse of a child that is specified 355
in the memorandum of understanding that creates the center as 356
being within the center's jurisdiction, comply regarding the 357
report with the protocol and procedures for referrals and 358
investigations, with the coordinating activities, and with the 359
authority or responsibility for performing or providing 360
functions, activities, and services stipulated in the 361
interagency agreement entered into under section 2151.428 of the 362
Revised Code relative to that center; 363

(c) Unless an arrest is made at the time of the report 364
that results in the appropriate law enforcement agency being 365
contacted concerning the possible abuse or neglect of a child or 366
the possible threat of abuse or neglect of a child, and in 367
accordance with requirements specified under division (B) (6) of 368
section 2151.4211 of the Revised Code, notify the appropriate 369
law enforcement agency of the report, if the public children 370
services agency received either of the following: 371

(i) A report of abuse of a child; 372

(ii) A report of neglect of a child that alleges a type of 373

neglect identified by the department of job and family services 374
in rules adopted under division (L) (2) of this section. 375

(F) No peace officer shall remove a child about whom a 376
report is made pursuant to this section from the child's 377
parents, stepparents, or guardian or any other persons having 378
custody of the child without consultation with the public 379
children services agency, unless, in the judgment of the 380
officer, and, if the report was made by physician, the 381
physician, immediate removal is considered essential to protect 382
the child from further abuse or neglect. The agency that must be 383
consulted shall be the agency conducting the investigation of 384
the report as determined pursuant to section 2151.422 of the 385
Revised Code. 386

(G) (1) Except as provided in section 2151.422 of the 387
Revised Code or in an interagency agreement entered into under 388
section 2151.428 of the Revised Code that applies to the 389
particular report, the public children services agency shall 390
investigate, within twenty-four hours, each report of child 391
abuse or child neglect that is known or reasonably suspected or 392
believed to have occurred and of a threat of child abuse or 393
child neglect that is known or reasonably suspected or believed 394
to exist that is referred to it under this section to determine 395
the circumstances surrounding the injuries, abuse, or neglect or 396
the threat of injury, abuse, or neglect, the cause of the 397
injuries, abuse, neglect, or threat, and the person or persons 398
responsible. The investigation shall be made in cooperation with 399
the law enforcement agency and in accordance with the memorandum 400
of understanding prepared under ~~division (K) of this~~ 401
~~section~~sections 2151.4210 to 2151.4224 of the Revised Code. A 402
representative of the public children services agency shall, at 403
the time of initial contact with the person subject to the 404

investigation, inform the person of the specific complaints or 405
allegations made against the person. The information shall be 406
given in a manner that is consistent with division (I) (1) of 407
this section and protects the rights of the person making the 408
report under this section. 409

A failure to make the investigation in accordance with the 410
memorandum is not grounds for, and shall not result in, the 411
dismissal of any charges or complaint arising from the report or 412
the suppression of any evidence obtained as a result of the 413
report and does not give, and shall not be construed as giving, 414
any rights or any grounds for appeal or post-conviction relief 415
to any person. The public children services agency shall report 416
each case to the uniform statewide automated child welfare 417
information system that the department of job and family 418
services shall maintain in accordance with section 5101.13 of 419
the Revised Code. The public children services agency shall 420
submit a report of its investigation, in writing, to the law 421
enforcement agency. 422

(2) The public children services agency shall make any 423
recommendations to the county prosecuting attorney or city 424
director of law that it considers necessary to protect any 425
children that are brought to its attention. 426

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 427
(I) (3) of this section, any person, health care professional, 428
hospital, institution, school, health department, or agency 429
shall be immune from any civil or criminal liability for injury, 430
death, or loss to person or property that otherwise might be 431
incurred or imposed as a result of any of the following: 432

(i) Participating in the making of reports pursuant to 433
division (A) of this section or in the making of reports in good 434

faith, pursuant to division (B) of this section; 435

(ii) Participating in medical examinations, tests, or 436
procedures under division (D) of this section; 437

(iii) Providing information used in a report made pursuant 438
to division (A) of this section or providing information in good 439
faith used in a report made pursuant to division (B) of this 440
section; 441

(iv) Participating in a judicial proceeding resulting from 442
a report made pursuant to division (A) of this section or 443
participating in good faith in a proceeding resulting from a 444
report made pursuant to division (B) of this section. 445

(b) Immunity under division (H) (1) (a) (ii) of this section 446
shall not apply when a health care provider has deviated from 447
the standard of care applicable to the provider's profession. 448

(c) Notwithstanding section 4731.22 of the Revised Code, 449
the physician-patient privilege shall not be a ground for 450
excluding evidence regarding a child's injuries, abuse, or 451
neglect, or the cause of the injuries, abuse, or neglect in any 452
judicial proceeding resulting from a report submitted pursuant 453
to this section. 454

(2) In any civil or criminal action or proceeding in which 455
it is alleged and proved that participation in the making of a 456
report under this section was not in good faith or participation 457
in a judicial proceeding resulting from a report made under this 458
section was not in good faith, the court shall award the 459
prevailing party reasonable attorney's fees and costs and, if a 460
civil action or proceeding is voluntarily dismissed, may award 461
reasonable attorney's fees and costs to the party against whom 462
the civil action or proceeding is brought. 463

(I) (1) Except as provided in divisions (I) (4) and ~~(O)~~ (N) 464
of this section and sections 2151.423 and 2151.4210 of the 465
Revised Code, a report made under this section is confidential. 466
The information provided in a report made pursuant to this 467
section and the name of the person who made the report shall not 468
be released for use, and shall not be used, as evidence in any 469
civil action or proceeding brought against the person who made 470
the report. Nothing in this division shall preclude the use of 471
reports of other incidents of known or suspected abuse or 472
neglect in a civil action or proceeding brought pursuant to 473
division ~~(N)~~ (M) of this section against a person who is alleged 474
to have violated division (A) (1) of this section, provided that 475
any information in a report that would identify the child who is 476
the subject of the report or the maker of the report, if the 477
maker of the report is not the defendant or an agent or employee 478
of the defendant, has been redacted. In a criminal proceeding, 479
the report is admissible in evidence in accordance with the 480
Rules of Evidence and is subject to discovery in accordance with 481
the Rules of Criminal Procedure. 482

(2) (a) Except as provided in division (I) (2) (b) of this 483
section, no person shall permit or encourage the unauthorized 484
dissemination of the contents of any report made under this 485
section. 486

(b) A health care professional that obtains the same 487
information contained in a report made under this section from a 488
source other than the report may disseminate the information, if 489
its dissemination is otherwise permitted by law. 490

(3) A person who knowingly makes or causes another person 491
to make a false report under division (B) of this section that 492
alleges that any person has committed an act or omission that 493

resulted in a child being an abused child or a neglected child 494
is guilty of a violation of section 2921.14 of the Revised Code. 495

(4) If a report is made pursuant to division (A) or (B) of 496
this section and the child who is the subject of the report dies 497
for any reason at any time after the report is made, but before 498
the child attains eighteen years of age, the public children 499
services agency or peace officer to which the report was made or 500
referred, on the request of the child fatality review board, the 501
suicide fatality review committee, or the director of health 502
pursuant to guidelines established under section 3701.70 of the 503
Revised Code, shall submit a summary sheet of information 504
providing a summary of the report to the review board or review 505
committee of the county in which the deceased child resided at 506
the time of death or to the director. On the request of the 507
review board, review committee, or director, the agency or peace 508
officer may, at its discretion, make the report available to the 509
review board, review committee, or director. If the county 510
served by the public children services agency is also served by 511
a children's advocacy center and the report of alleged sexual 512
abuse of a child or another type of abuse of a child is 513
specified in the memorandum of understanding that creates the 514
center as being within the center's jurisdiction, the agency or 515
center shall perform the duties and functions specified in this 516
division in accordance with the interagency agreement entered 517
into under section 2151.428 of the Revised Code relative to that 518
advocacy center. 519

(5) A public children services agency shall advise a 520
person alleged to have inflicted abuse or neglect on a child who 521
is the subject of a report made pursuant to this section, 522
including a report alleging sexual abuse of a child or another 523
type of abuse of a child referred to a children's advocacy 524

center pursuant to an interagency agreement entered into under 525
section 2151.428 of the Revised Code, in writing of the 526
disposition of the investigation. The agency shall not provide 527
to the person any information that identifies the person who 528
made the report, statements of witnesses, or police or other 529
investigative reports. 530

(J) Any report that is required by this section, other 531
than a report that is made to the state highway patrol as 532
described in section 5120.173 of the Revised Code, shall result 533
in protective services and emergency supportive services being 534
made available by the public children services agency on behalf 535
of the children about whom the report is made, in an effort to 536
prevent further neglect or abuse, to enhance their welfare, and, 537
whenever possible, to preserve the family unit intact. The 538
agency required to provide the services shall be the agency 539
conducting the investigation of the report pursuant to section 540
2151.422 of the Revised Code. 541

~~(K)(1) Each public children services agency shall prepare 542
a memorandum of understanding that is signed by all of the 543
following: 544~~

~~(a) If there is only one juvenile judge in the county, the 545
juvenile judge of the county or the juvenile judge's 546
representative; 547~~

~~(b) If there is more than one juvenile judge in the 548
county, a juvenile judge or the juvenile judges' representative 549
selected by the juvenile judges or, if they are unable to do so 550
for any reason, the juvenile judge who is senior in point of 551
service or the senior juvenile judge's representative; 552~~

~~(c) The county peace officer; 553~~

(d) All chief municipal peace officers within the county;	554
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	555 556
(f) The prosecuting attorney of the county;	557
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	558 559 560
(h) The county humane society;	561
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	562 563 564 565 566
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported	567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582

~~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.~~ 583
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~~(3) A memorandum of understanding shall include all of the
following:~~ 586
587

~~(a) The roles and responsibilities for handling emergency
and nonemergency cases of abuse and neglect;~~ 588
589

~~(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.~~ 590
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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.~~ 598
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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.~~ 603
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~~(I) (1) Except as provided in division (I) (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~~ 609
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reasonable number of requests of the public children services 612
agency that receives or is referred the report, or of the 613
children's advocacy center that is referred the report if the 614
report is referred to a children's advocacy center pursuant to 615
an interagency agreement entered into under section 2151.428 of 616
the Revised Code, to be provided with the following information: 617

(a) Whether the agency or center has initiated an 618
investigation of the report; 619

(b) Whether the agency or center is continuing to 620
investigate the report; 621

(c) Whether the agency or center is otherwise involved 622
with the child who is the subject of the report; 623

(d) The general status of the health and safety of the 624
child who is the subject of the report; 625

(e) Whether the report has resulted in the filing of a 626
complaint in juvenile court or of criminal charges in another 627
court. 628

(2) (a) A person may request the information specified in 629
division ~~(L)(1)~~ (K)(1) of this section only if, at the time the 630
report is made, the person's name, address, and telephone number 631
are provided to the person who receives the report. 632

(b) When a peace officer or employee of a public children 633
services agency receives a report pursuant to division (A) or 634
(B) of this section the recipient of the report shall inform the 635
person of the right to request the information described in 636
division ~~(L)(1)~~ (K)(1) of this section. The recipient of the 637
report shall include in the initial child abuse or child neglect 638
report that the person making the report was so informed and, if 639
provided at the time of the making of the report, shall include 640

the person's name, address, and telephone number in the report. 641

(c) If the person making the report provides the person's 642
name and contact information on making the report, the public 643
children services agency that received or was referred the 644
report shall send a written notice via United States mail or 645
electronic mail, in accordance with the person's preference, to 646
the person not later than seven calendar days after receipt of 647
the report. The notice shall provide the status of the agency's 648
investigation into the report made, who the person may contact 649
at the agency for further information, and a description of the 650
person's rights under division (K) (1) of this section. 651

(d) Each request is subject to verification of the 652
identity of the person making the report. If that person's 653
identity is verified, the agency shall provide the person with 654
the information described in division ~~(L) (1)~~ (K) (1) of this 655
section a reasonable number of times, except that the agency 656
shall not disclose any confidential information regarding the 657
child who is the subject of the report other than the 658
information described in those divisions. 659

(3) A request made pursuant to division ~~(L) (1)~~ (K) (1) of 660
this section is not a substitute for any report required to be 661
made pursuant to division (A) of this section. 662

(4) If an agency other than the agency that received or 663
was referred the report is conducting the investigation of the 664
report pursuant to section 2151.422 of the Revised Code, the 665
agency conducting the investigation shall comply with the 666
requirements of division ~~(L)~~ (K) of this section. 667

(5) A health care professional who made a report under 668
division (A) of this section, or on whose behalf such a report 669

was made as provided in division (A) (1) (c) of this section, may 670
authorize a person to obtain the information described in 671
division ~~(L) (1)~~ (K) (1) of this section if the person requesting 672
the information is associated with or acting on behalf of the 673
health care professional who provided health care services to 674
the child about whom the report was made. 675

~~(M)~~ (6) If the person making the report provides the 676
person's name and contact information on making the report, the 677
public children services agency that received or was referred 678
the report shall send a written notice via United States mail or 679
electronic mail, in accordance with the person's preference, to 680
the person not later than seven calendar days after the agency 681
closes the investigation into the case reported by the person. 682
The notice shall notify the person that the agency has closed 683
the investigation. 684

(L) (1) The director of job and family services shall adopt 685
rules in accordance with Chapter 119. of the Revised Code to 686
implement this section. The department of job and family 687
services may enter into a plan of cooperation with any other 688
governmental entity to aid in ensuring that children are 689
protected from abuse and neglect. The department shall make 690
recommendations to the attorney general that the department 691
determines are necessary to protect children from child abuse 692
and child neglect. 693

~~(N)~~ (2) Not later than ninety days after the effective 694
date of this amendment, the director of job and family services 695
shall adopt rules in accordance with Chapter 119. of the Revised 696
Code to identify the types of neglect of a child that a public 697
children services agency shall be required to notify law 698
enforcement of pursuant to division (E) (2) (c) (ii) of this 699

<u>section.</u>	700
<u>(M)</u> Whoever violates division (A) of this section is	701
liable for compensatory and exemplary damages to the child who	702
would have been the subject of the report that was not made. A	703
person who brings a civil action or proceeding pursuant to this	704
division against a person who is alleged to have violated	705
division (A) (1) of this section may use in the action or	706
proceeding reports of other incidents of known or suspected	707
abuse or neglect, provided that any information in a report that	708
would identify the child who is the subject of the report or the	709
maker of the report, if the maker is not the defendant or an	710
agent or employee of the defendant, has been redacted.	711
(O) (1) <u>(N) (1)</u> As used in this division:	712
(a) "Out-of-home care" includes a nonchartered nonpublic	713
school if the alleged child abuse or child neglect, or alleged	714
threat of child abuse or child neglect, described in a report	715
received by a public children services agency allegedly occurred	716
in or involved the nonchartered nonpublic school and the alleged	717
perpetrator named in the report holds a certificate, permit, or	718
license issued by the state board of education under section	719
3301.071 or Chapter 3319. of the Revised Code.	720
(b) "Administrator, director, or other chief	721
administrative officer" means the superintendent of the school	722
district if the out-of-home care entity subject to a report made	723
pursuant to this section is a school operated by the district.	724
(2) No later than the end of the day following the day on	725
which a public children services agency receives a report of	726
alleged child abuse or child neglect, or a report of an alleged	727
threat of child abuse or child neglect, that allegedly occurred	728

in or involved an out-of-home care entity, the agency shall 729
provide written notice of the allegations contained in and the 730
person named as the alleged perpetrator in the report to the 731
administrator, director, or other chief administrative officer 732
of the out-of-home care entity that is the subject of the report 733
unless the administrator, director, or other chief 734
administrative officer is named as an alleged perpetrator in the 735
report. If the administrator, director, or other chief 736
administrative officer of an out-of-home care entity is named as 737
an alleged perpetrator in a report of alleged child abuse or 738
child neglect, or a report of an alleged threat of child abuse 739
or child neglect, that allegedly occurred in or involved the 740
out-of-home care entity, the agency shall provide the written 741
notice to the owner or governing board of the out-of-home care 742
entity that is the subject of the report. The agency shall not 743
provide witness statements or police or other investigative 744
reports. 745

(3) No later than three days after the day on which a 746
public children services agency that conducted the investigation 747
as determined pursuant to section 2151.422 of the Revised Code 748
makes a disposition of an investigation involving a report of 749
alleged child abuse or child neglect, or a report of an alleged 750
threat of child abuse or child neglect, that allegedly occurred 751
in or involved an out-of-home care entity, the agency shall send 752
written notice of the disposition of the investigation to the 753
administrator, director, or other chief administrative officer 754
and the owner or governing board of the out-of-home care entity. 755
The agency shall not provide witness statements or police or 756
other investigative reports. 757

~~(P)~~ (O) As used in this section: 758

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

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

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

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

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

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

(2) If there is more than one juvenile judge in the

<u>county, a juvenile judge or the juvenile judges' representative</u>	788
<u>selected by the juvenile judges or, if they are unable to do so</u>	789
<u>for any reason, the juvenile judge who is senior in point of</u>	790
<u>service or the senior juvenile judge's representative upon the</u>	791
<u>judge's review and approval;</u>	792
<u>(3) The county peace officer;</u>	793
<u>(4) All chief municipal peace officers within the county;</u>	794
<u>(5) Other law enforcement officers handling child abuse</u>	795
<u>and neglect cases in the county;</u>	796
<u>(6) The prosecuting attorney of the county;</u>	797
<u>(7) If the public children services agency is not the</u>	798
<u>county department of job and family services, the county</u>	799
<u>department of job and family services;</u>	800
<u>(8) The county humane society;</u>	801
<u>(9) If the public children services agency participated in</u>	802
<u>the execution of a memorandum of understanding under section</u>	803
<u>2151.426 of the Revised Code establishing a children's advocacy</u>	804
<u>center, each participating member of the children's advocacy</u>	805
<u>center established by the memorandum.</u>	806
<u>(B) (1) The clerk of the court of common pleas in the</u>	807
<u>county may sign the memorandum of understanding prepared under</u>	808
<u>division (A) of this section.</u>	809
<u>(2) If the clerk signs the memorandum of understanding,</u>	810
<u>the clerk shall execute all relevant responsibilities as</u>	811
<u>required of officials specified in the memorandum.</u>	812
<u>Sec. 2151.4211. (A) A memorandum of understanding shall do</u>	813
<u>both of the following:</u>	814

(1) Set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code; 815
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(2) Have as two of its primary goals both of the following: 820
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(a) The elimination of all unnecessary interviews of children who are the subject of reports of child abuse or neglect; 822
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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. 825
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(B) A memorandum of understanding shall include all of the following: 827
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(1) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 829
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(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; 831
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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. 838
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(4) After the effective date of this section, a statement 843
that section 2151.423 of the Revised Code requires a public 844
children services agency to disclose confidential information 845
discovered during an investigation conducted pursuant to section 846
2151.421 or 2151.422 of the Revised Code to any federal, state, 847
or local government entity that needs the information to carry 848
out its responsibilities to protect children from abuse or 849
neglect. 850

(5) After the effective date of this section, a 851
description of the type of information that may be discovered 852
during an investigation conducted pursuant to section 2151.421 853
of the Revised Code that a law enforcement agency may share with 854
a public children services agency in order for the public 855
children services agency to carry out its responsibilities to 856
protect children from abuse or neglect. 857

(6) After the effective date of this section, a 858
description of how the information described in divisions (B) (4) 859
and (5) of this section is to be shared between a public 860
children services agency and a law enforcement agency. 861

(7) After the effective date of this section, and subject 862
to divisions (I) and (N) of section 2151.421 of the Revised 863
Code, a description of information that may be obtained from an 864
investigation under section 2151.421 of the Revised Code that a 865
law enforcement agency and a public children services agency is 866
permitted to, or prohibited from, disclosing to the public. 867

Sec. 2151.4212. Every official who signed a memorandum of 868
understanding under section 2151.4210 of the Revised Code shall 869
biennially do the following regarding the memorandum: 870

(A) Review and evaluate the memorandum for necessary 871

<u>updates to terms and procedures;</u>	872
<u>(B) Update the memorandum's terms and procedures, if the</u>	873
<u>concerned officials determine an update is necessary;</u>	874
<u>(C) Sign the reviewed memorandum;</u>	875
<u>(D) Submit the memorandum to the board of county</u>	876
<u>commissioners for approval.</u>	877
<u>Sec. 2151.4213. Failure to follow the procedure set forth</u>	878
<u>in the memorandum of understanding by the concerned officials is</u>	879
<u>not grounds for, and shall not result in, the dismissal of any</u>	880
<u>charges or complaint arising from any reported case of abuse or</u>	881
<u>neglect or the suppression of any evidence obtained as a result</u>	882
<u>of any reported child abuse or child neglect and does not give,</u>	883
<u>and shall not be construed as giving, any rights or any grounds</u>	884
<u>for appeal or post-conviction relief to any person.</u>	885
<u>Sec. 2151.4215. (A) On receipt of a county's memorandum of</u>	886
<u>understanding submitted to the board of county commissioners in</u>	887
<u>accordance with section 2151.4212 of the Revised Code, the board</u>	888
<u>shall review and evaluate if the memorandum meets the</u>	889
<u>requirements under sections 2151.4210 to 2151.4212 of the</u>	890
<u>Revised Code.</u>	891
<u>(B) (1) If the board determines the memorandum meets those</u>	892
<u>requirements, it shall adopt a resolution to approve the</u>	893
<u>memorandum.</u>	894
<u>(2) If the board determines the memorandum does not meet</u>	895
<u>those requirements, it shall notify the responsible public</u>	896
<u>children services agency that the memorandum does not meet</u>	897
<u>requirements and the memorandum shall be reviewed in accordance</u>	898
<u>with section 2151.4212 of the Revised Code.</u>	899

Sec. 2151.4216. The biennial review of a county memorandum 900
of understanding pursuant to division 2151.4212 of the Revised 901
Code and the biennial adoption of a resolution by the board of 902
county commissioners to approve the memorandum under section 903
2151.4215 of the Revised Code shall be completed by the thirty- 904
first day of December following the first full calendar year 905
after the effective date of this section, and by the thirty- 906
first day of December every other year thereafter. 907

Sec. 2151.4218. (A) The department of job and family 908
services shall create a model memorandum of understanding to 909
provide guidance to public children services agencies and other 910
concerned officials in creating a memorandum of understanding in 911
compliance with sections 2151.4210 to 2151.4216 of the Revised 912
Code. 913

(B) The model memorandum of understanding shall be updated 914
as the department determines is necessary. 915

Sec. 2151.4219. The department of job and family services 916
shall biennially audit the memorandum of understanding prepared 917
by each public children services agency to ensure compliance in 918
accordance with sections 2151.4210 to 2151.4216 of the Revised 919
Code. 920

Sec. 2151.4220. The department of job and family services 921
shall determine that a public children services agency is 922
compliant regarding the memorandum of understanding if the 923
department finds all of the following: 924

(A) The memorandum meets the requirements under sections 925
2151.4210 to 2151.4216 of the Revised Code. 926

(B) The memorandum has been either reviewed and signed or 927
reviewed, updated, and signed, as applicable, pursuant to 928

division 2151.4212 of the Revised Code and the department is in 929
agreement with the concerned officials' review and, if 930
applicable, update. 931

(C) The memorandum has been approved by resolution by the 932
board of county commissioners pursuant to section 2151.4215 of 933
the Revised Code. 934

Sec. 2151.4221. (A) If the department of job and family 935
services determines that a public children services agency is 936
not compliant under section 2151.4220 of the Revised Code, the 937
agency shall develop and submit a compliance assurance plan to 938
the department. 939

(B) The compliance assurance plan shall describe the steps 940
the agency and other concerned officials will take in order to 941
become compliant. 942

(C) The agency shall submit the compliance assurance plan 943
not later than sixty days after the department determines the 944
agency not compliant. 945

Sec. 2151.4222. A county's reviewed and signed, or 946
reviewed, updated, and signed, memorandum of understanding, as 947
applicable, shall go into effect and supersede any previous 948
memorandum upon the department of job and family services 949
determination that the memorandum is compliant under section 950
2151.4220 of the Revised Code. 951

Sec. 2151.4223. The department of job and family services 952
shall maintain on the department's web site a current list of 953
counties with memorandums of understanding that the department 954
has determined to be compliant under section 2151.4220 of the 955
Revised Code and a list of counties with memorandums that the 956
department has determined not to be compliant. 957

Sec. 2151.4224. The county memorandum of understanding 958
that is in effect in accordance with section 2151.4222 of the 959
Revised Code shall be posted to the general web site of the 960
county. 961

Sec. 3107.014. (A) Except as provided in division (B) of 962
this section, only an individual who meets all of the following 963
requirements may perform the duties of an assessor under 964
sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 965
3107.12, 5103.0324, and 5103.152 of the Revised Code: 966

(1) The individual must be in the employ of, appointed by, 967
or under contract with a court, public children services agency, 968
private child placing agency, or private noncustodial agency; 969

(2) The individual must be one of the following: 970

(a) A licensed professional clinical counselor, licensed 971
professional counselor, independent social worker, social 972
worker, independent marriage and family therapist, or marriage 973
and family therapist licensed under Chapter 4757. of the Revised 974
Code; 975

(b) A psychologist licensed under Chapter 4732. of the 976
Revised Code; 977

(c) A student working to earn a four-year, post-secondary 978
degree, or higher, in a social or behavior science, or both, who 979
conducts assessor's duties under the supervision of a licensed 980
professional clinical counselor, licensed professional 981
counselor, independent social worker, social worker, independent 982
marriage and family therapist, or marriage and family therapist 983
licensed under Chapter 4757. of the Revised Code or a 984
psychologist licensed under Chapter 4732. of the Revised Code. 985
Beginning July 1, 2009, a student is eligible under this 986

division only if the supervising licensed professional clinical	987
counselor, licensed professional counselor, independent social	988
worker, social worker, independent marriage and family	989
therapist, marriage and family therapist, or psychologist has	990
completed training in accordance with rules adopted under	991
section 3107.015 of the Revised Code.	992
(d) A civil service employee engaging in social work	993
without a license under Chapter 4757. of the Revised Code, as	994
permitted by division (A) (5) of section 4757.41 of the Revised	995
Code;	996
(e) A former employee of a public children services agency	997
who, while so employed, conducted the duties of an assessor <u>or</u>	998
<u>the duties of a PCSA caseworker or PCSA caseworker supervisor as</u>	999
<u>defined in section 5153.01 of the Revised Code;</u>	1000
(f) An employee of a court or public children services	1001
agency who is employed to conduct the duties of an assessor;	1002
<u>(g) A PCSA caseworker or PCSA caseworker supervisor as</u>	1003
<u>defined in section 5153.01 of the Revised Code;</u>	1004
<u>(h) An individual who holds at least a bachelor's degree</u>	1005
<u>in any of the following human services fields and has at least</u>	1006
<u>one year of experience working with families and children:</u>	1007
<u>(i) Social work;</u>	1008
<u>(ii) Sociology;</u>	1009
<u>(iii) Psychology;</u>	1010
<u>(iv) Guidance and counseling;</u>	1011
<u>(v) Education;</u>	1012
<u>(vi) Religious education;</u>	1013

<u>(vii) Business administration;</u>	1014
<u>(viii) Criminal justice;</u>	1015
<u>(ix) Public administration;</u>	1016
<u>(x) Child care administration;</u>	1017
<u>(xi) Nursing;</u>	1018
<u>(xii) Family studies;</u>	1019
<u>(xiii) Any other human services field related to working with children and families.</u>	1020 1021
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.	1022 1023
(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A) (3) of this section regardless of whether the individual meets the requirement of division (A) (2) of this section.	1024 1025 1026 1027 1028 1029 1030 1031 1032
(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.	1033 1034 1035 1036 1037 1038 1039
(D) Not later than January 1, 2008, the department of job	1040

and family services shall develop and maintain an assessor 1041
registry. The registry shall list all individuals who are 1042
employed, appointed by, or under contract with a court, public 1043
children services agency, private child placing agency, or 1044
private noncustodial agency and meet the requirements of an 1045
assessor as described in this section. A public children 1046
services agency, private child placing agency, private 1047
noncustodial agency, court, or any other person may contact the 1048
department to determine if an individual is listed in the 1049
assessor registry. An individual listed in the assessor registry 1050
shall immediately inform the department when that individual is 1051
no longer employed, appointed by, or under contract with a 1052
court, public children services agency, private child placing 1053
agency, or private noncustodial agency to perform the duties of 1054
an assessor as described in this section. The director of job 1055
and family services shall adopt rules in accordance with Chapter 1056
119. of the Revised Code necessary for the implementation, 1057
contents, and maintenance of the registry, and any sanctions 1058
related to the provision of information, or the failure to 1059
provide information, that is needed for the proper operation of 1060
the assessor registry. 1061

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 1062
the Revised Code: 1063

(A) "Youth" means a person who is any of the following: 1064

(1) Less than eighteen years of age; 1065

(2) An emancipated young adult; 1066

(3) Is in the temporary or permanent custody of a public 1067
children services agency, a planned permanent living 1068
arrangement, or in the Title-IV-E-eligible care and placement 1069

responsibility of a juvenile court or other governmental agency 1070
that provides Title IV-E reimbursable placement services. 1071

(B) "Emancipated young adult" has the same meaning as in 1072
section 5101.141 of the Revised Code. 1073

Sec. 5101.891. (A) There is created a youth and family 1074
ombudsman office under the department of job and family services 1075
consisting of the following: 1076

(1) A family ombudsman, who shall be appointed by the 1077
governor, to investigate complaints made by adults; 1078

(2) A youth ombudsman, who shall be appointed by the 1079
governor with advice from the overcoming hurdles in Ohio youth 1080
advisory board, to investigate complaints made by youth and to 1081
advocate for the best interests of children involved in concerns 1082
investigated by the office; 1083

(3) Not fewer than two regional ombudsmen; 1084

(4) Any necessary support staff. 1085

(B) The office shall investigate and resolve concerns made 1086
by or on behalf of children and families involved with public 1087
children services agencies, Title IV-E agencies, or private 1088
provider agencies that administer or oversee foster care or 1089
placement services for the children services system. The office 1090
shall ensure the independent and impartial review of youth, 1091
family, and community complaints or concerns. 1092

Sec. 5101.892. The youth and family ombudsman office shall 1093
perform all of the following duties: 1094

(A) Receive, investigate, and attempt to resolve 1095
complaints from citizens, including children in the custody of a 1096
public children services agency or in the care and placement of 1097

a Title IV-E agency, related to government services regarding 1098
child protective services, foster care, and adoption; 1099

(B) Establish procedures for receiving and resolving 1100
complaints, consistent with state and federal law; 1101

(C) Provide an annual report to the governor, speaker of 1102
the house of representatives, president of the senate, minority 1103
leadership of the house of representatives and senate, the 1104
director of job and family services, and representatives of the 1105
overcoming hurdles in Ohio youth advisory board. 1106

Sec. 5101.893. Not later than sixty days after release of 1107
the annual report described under section 5101.892 of the 1108
Revised Code, the overcoming hurdles in Ohio youth advisory 1109
board shall provide an evaluation of the report to the governor 1110
and the youth ombudsman of the youth and family ombudsman 1111
office. 1112

Sec. 5101.894. To the extent permitted by state or federal 1113
law, a representative of the youth and family ombudsman office 1114
may report to an appropriate authority any suspected violation 1115
of state law discovered during the course of a complaint review. 1116

Sec. 5101.895. The department of job and family services 1117
shall be responsible for all administrative undertakings for the 1118
youth and family ombudsman office, including the provision of 1119
offices, equipment, and supplies, as necessary. 1120

Sec. 5101.897. (A) No employee of the youth and family 1121
ombudsman office shall do any of the following: 1122

(1) Hold any office of trust or profit; 1123

(2) Engage in any occupation or business interfering or 1124
inconsistent with the duties of the office; 1125

- (3) Serve on any committee of any political party; 1126
- (4) Have any interest that is, or may be, in conflict with the interests and concerns of the office. 1127
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- (B) As used in this section, "office of trust or profit" means any of the following: 1129
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- (1) A federal or state elective office or an elective office of a political subdivision of the state; 1131
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- (2) A position on a board or commission of the state that is appointed by the governor; 1133
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- (3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code; 1135
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- (4) An office of the government of the United States that is appointed by the president of the United States. 1137
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- Sec. 5101.899.** (A) The youth and family ombudsman office shall have access to only the records of the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code and in the performance of its official duties, including any records maintained in the uniform statewide automated child welfare information system under section 5101.13 of the Revised Code. The office has the right to request of the director of job and family services necessary information from any work unit of the department having information. The collection, compilation, analysis, and dissemination of information by the office shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records. 1139
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- (B) The office shall have access to any necessary records 1153

in the control of a public children services agency, a Title IV- 1154
E agency, or a private provider agency that administers or 1155
oversees foster care or placement services for the children 1156
services system. 1157

(C) Files of the office and any records contained in those 1158
files are not public records subject to inspection or copying 1159
under section 149.43 of the Revised Code. Information contained 1160
in investigative and other files maintained by the office shall 1161
be disclosed only at the discretion of the office or if 1162
disclosure is required by a court order. 1163

Section 2. That existing sections 2151.142, 2151.421, and 1164
3107.014 of the Revised Code are hereby repealed. 1165

Section 3. Section 2151.421 of the Revised Code is 1166
presented in this act as a composite of the section as amended 1167
by both H.B. 92 and H.B. 110 of the 134th General Assembly. The 1168
General Assembly, applying the principle stated in division (B) 1169
of section 1.52 of the Revised Code that amendments are to be 1170
harmonized if reasonably capable of simultaneous operation, 1171
finds that the composite is the resulting version of the section 1172
in effect prior to the effective date of the section as 1173
presented in this act. 1174