As Introduced

136th General Assembly
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2025-2026

H. B. No. 1043

Representative Johnson
Cosponsors: Representatives Plummer, McClain

To amend sections 2151.011, 2151.412, 2151.421, 2151.424, 2152.72, and 5180.41; to enact sections 5180.408, 5180.409, 5180.4010, 5180.4011, 5180.4012, 5180.4013, 5180.412, 5180.413, and 5180.414; and to repeal section 2151.429 of the Revised Code to establish the Child Welfare County Performance and Accountability Initiative to measure the performance of public children services agencies and to make other changes regarding child welfare.

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

Section 1. That sections 2151.011, 2151.412, 2151.421, 2151.424, 2152.72, and 5180.41 be amended and sections 5180.408, 5180.409, 5180.4010, 5180.4011, 5180.4012, 5180.4013, 5180.412, 5180.413, and 5180.414 of the Revised Code be enacted to read as follows:

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter

2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of children and youth that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) ~~"Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.~~

~~(5)~~ "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

~~(6)~~ (5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any

person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

~~(7)~~ (6) "Child day camp," "child care," "child care center," "part-time child care center," "type A family child care home," "licensed type B family child care home," "type B family child care home," "administrator of a child care center," "administrator of a type A family child care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

~~(8)~~ (7) "Child care provider" means an individual who is a child-care staff member or administrator of a child care center, a type A family child care home, or a type B family child care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of children and youth, department of developmental disabilities, or the early childhood programs of the department of education.

~~(9)~~ (8) "Commit" means to vest custody as ordered by the court.

~~(10)~~ (9) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent

child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

~~(11)~~ (10) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

~~(12)~~ (11) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

~~(13)~~ (12) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

~~(14)~~ (13) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

~~(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.~~

~~(16)~~ (14) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

~~(17)~~ (15) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise

parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

~~(18)~~ (16) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

~~(19)~~ (17) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

~~(20)~~ (18) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

~~(21)~~ (19) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

~~(22)~~ (20) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from

attendance at school for any of the reasons specified in section 3321.04 or 3321.042 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

~~(23)~~ (21) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

~~(24)~~ (22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

~~(25)~~ (23) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

~~(26)~~ (24) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

~~(27)~~ (25) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

~~(28)~~ (26) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child care centers, type

A family child care homes, type B family child care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

~~(29)~~ (27) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;

(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

~~(30)~~ (28) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of

a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

~~(31)~~ (29) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

~~(32)~~ (30) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

~~(33)~~ (31) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

~~(34)~~ (32) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child care center; type A family child care home; licensed type B family child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part

of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

~~(35)~~ (33) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

~~(36)~~ (34) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

~~(37)~~ (35) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

~~(38)~~ (36) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency

without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

~~(39)~~ (37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

~~(40)~~ (38) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

~~(41)~~ (39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

~~(42)~~ (40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

~~(43)~~ (41) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

~~(44)~~ (42) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

~~(45)~~ (43) "Resource caregiver" has the same meaning as in

section 5103.02 of the Revised Code.

~~(46)~~(44) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.

~~(47)~~(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

~~(48)~~(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of ~~mental health and addiction services~~ behavioral health under section 5119.34 of the Revised Code and that provides care for a child.

~~(49)~~(47) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

~~(50)~~(48) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

~~(51)~~(49) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

~~(52)~~(50) "School year" has the same meaning as in section 3313.62 of the Revised Code.

~~(53)~~ (51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

~~(54)~~ (52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

~~(55)~~ (53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(56)~~ (54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(57)~~ (55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

~~(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.~~

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.412. (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies:

(1) The agency filed a complaint pursuant to section 2151.27 of the Revised Code alleging that the child is an abused, neglected, or dependent child;

(2) The agency has temporary or permanent custody of the child;

(3) The child is living at home subject to an order for protective supervision;

(4) The child is in a planned permanent living arrangement.

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(4) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.

~~(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response.~~

~~(C)(1)~~ (B)(1) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 42 U.S.C. 670, et seq. (1980).

(2) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. ~~The rules for public children services agencies shall include the requirements for case plans maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an alternative response.~~ The agencies shall maintain case plans as required by those rules; however, the case plans shall not be subject to any other provision of this section except as specifically required by the rules.

~~(D)~~ (C) Each public children services agency and private child placing agency that is required by division (A) of this section to maintain a case plan shall file the case plan with the court prior to the child's adjudicatory hearing but no later than thirty days after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care. If the agency does not have sufficient information prior to the adjudicatory hearing to complete any part of the case plan, the agency shall specify in the case plan the additional information necessary to complete each part of the case plan and the steps that will be taken to obtain that information. All parts of the case plan shall be completed by the earlier of thirty days after the adjudicatory hearing or the date of the dispositional hearing for the child.

~~(E)~~ (D) Any agency that is required by division (A) of this section to prepare a case plan shall attempt to obtain an agreement among all parties, including, but not limited to, the

parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan. If all parties agree to the content of the case plan and the court approves it, the court shall journalize it as part of its dispositional order. If the agency cannot obtain an agreement upon the contents of the case plan or the court does not approve it, the parties shall present evidence on the contents of the case plan at the dispositional hearing. The court, based upon the evidence presented at the dispositional hearing and the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child.

~~(F)(1)~~ (E)(1) All parties, including the parents, guardian, or custodian of the child, are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the journalized case plan may be held in contempt of court.

(2) Any party may propose a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party. A party proposing a change to the case plan shall file the proposed change with the court and give notice of the proposed change in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days from the date the notice is sent to object to and request a hearing on the proposed change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the

request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(b) If it does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of division ~~(F)(2)~~ (E)(2) of this section, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(3) If an agency has reasonable cause to believe that a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm, to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child, or to believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that

the child is in danger of immediate or threatened physical or emotional harm from that person unless the agency makes an appropriate change in the child's case plan, it may implement the change without prior agreement or a court hearing and, before the end of the next day after the change is made, give all parties, the guardian ad litem of the child, and the court notice of the change. Before the end of the third day after implementing the change in the case plan, the agency shall file a statement of the change with the court and give notice of the filing accompanied by a copy of the statement to all parties and the guardian ad litem. All parties and the guardian ad litem shall have ten days from the date the notice is sent to object to and request a hearing on the change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of

the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

~~(G)(1)~~ (F)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody.

~~(H)~~ (G) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall be guided by the following general priorities:

(1) A child who is residing with or can be placed with the child's parents within a reasonable time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time;

(2) If both parents of the child have abandoned the child, have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in

the legal custody of a suitable member of the child's extended family;

(3) If a child described in division ~~(H)(2)~~ (G)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

~~(I)~~ (H) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the

child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or custodian participate in mandatory counseling;

(2) A requirement that the child's parents, guardian, or custodian participate in any supportive services that are required by or provided pursuant to the child's case plan.

~~(J)(1)~~ (I)(1) Prior to January 1, 2023, a case plan for a child in temporary custody may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division ~~(E)~~ (D) of this section.

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of children and youth, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division ~~(J)~~ (I) of this section.

~~(K)(1)~~ (J)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect

to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. Each prosecuting attorney or assistant prosecuting attorney who makes such a request shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check for each parent, guardian, custodian, prospective custodian, or prospective placement who is a subject of the request.

(3) A public children services agency, prosecuting attorney, or assistant prosecuting attorney that requests a criminal records check under division ~~(K)(1)~~ (J)(1) or (2) of this section shall do both of the following:

(a) Provide to each parent, guardian, custodian, prospective custodian, or prospective placement for whom a criminal records check is requested a copy of the form

prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section and obtain the completed form and impression sheet from the parent, guardian, custodian, prospective custodian, or prospective placement;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(4) A parent, guardian, custodian, prospective custodian, or prospective placement who is given a form and fingerprint impression sheet under division ~~(K)(3)(a)~~ (J)(3)(a) of this section and who fails to complete the form or provide fingerprint impressions may be held in contempt of court.

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

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

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; 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; coroner; administrator or employee of a child care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; employee of an entity that provides home visiting services under the help me grow program established by the department of children and youth pursuant to section 5180.21 of the Revised Code; superintendent or regional administrator

employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

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

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

registered nurse could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client, physician-patient, or advanced practice registered nurse-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney, physician, or advanced practice registered nurse receives from the client or patient in that relationship, and the attorney, physician, or advanced practice registered nurse shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

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

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

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

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

designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith ~~who is acting in an official or professional capacity~~, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

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

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

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

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

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

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

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

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

(5) The requirement for a person to make a report under division (A) of this section applies regardless of whether the person obtained the knowledge or reasonable cause to suspect abuse or neglect while acting in an official or professional capacity.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

~~(C)~~ (C)(1) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone, in person, or electronically and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

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

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

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

(2) Any report made pursuant to division (A) of this section by voicemail or electronic message shall include the electronic mail address of the person who made the report.

(3) If a public children services agency or peace officer receives a report under division (A) of this section by voicemail or electronic message, the recipient shall provide a nonautomated written electronic confirmation of receipt to the

person who made the report not later than twelve hours after the report is received.

(4) If a person required to report child abuse or neglect pursuant to division (A) of this section submits a report by voicemail or electronic message, that person's reporting obligation is considered satisfied only if one of the following occurs:

(a) The person receives the written confirmation required under division (C)(2) of this section.

(b) If the person does not receive the written confirmation required under division (C)(2) of this section, the person contacts the agency or officer again to confirm receipt of the original report not later than twelve hours after the deadline for the agency or officer to provide written confirmation.

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

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public

children services agency, upon request.

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

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

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

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.4221 of the Revised Code, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

Upon the implementation of the system established under section 5180.409 of the Revised Code, the public children services agency shall enter the referred report in the uniform statewide automatic child welfare system.

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

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

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

(c) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.4221 of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of children and youth in rules adopted under division (L)(2) of this section.

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

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or

child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report 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. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of children and youth shall maintain in accordance with section 5180.40 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

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

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

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

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

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

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

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

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

(2) In any civil or criminal action or proceeding in which

it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

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

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

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

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

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered

into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code. If a family is determined to benefit from prevention services, the agency also may make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services, if appropriate prevention services are available from

a local provider or other reasonable source.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report 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:

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

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

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

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

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

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

(b) 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 (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

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

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

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

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the

agency conducting the investigation shall comply with the requirements of division (K) of this section.

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

(6) 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 the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

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

(2) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services

agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

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

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

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

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

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged

threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

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

(O) As used in this section:

(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. "Health care professional" includes all of the following: a physician, including a hospital intern or resident; a dentist; a podiatrist; a registered nurse, including such a nurse who is an advanced practice registered nurse; a licensed practical nurse; a home care nurse; a licensed psychologist; a speech-language pathologist; an audiologist; a person engaged in social work or the practice of professional counseling; and an 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~~ that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(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. 2151.424. (A) If a child has been placed in a

certified foster home or is in the custody of, or has been placed with, a kinship caregiver as defined in section 5180.50 of the Revised Code, a court, prior to conducting any hearing pursuant to division ~~(F)(2)~~(E)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or kinship caregiver shall have the right to be heard.

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division ~~(F)(2)~~(E)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to be heard.

(C) The notice and the opportunity to be heard do not make the foster caregiver, kinship caregiver, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted.

Sec. 2152.72. (A) This section applies only to a child who is or previously has been adjudicated a delinquent child for an act to which any of the following applies:

(1) The act is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 of the Revised Code.

(2) The act is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder.

(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child.

(4) The act would be an offense of violence that is a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.1411 of the Revised Code or in another section of the Revised Code that relates to the wearing or carrying of body armor during the commission of the act for which the child was adjudicated a delinquent child.

(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following:

(a) A written report describing the child's social history;

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the

court, unless the records pertaining to the acts have been sealed pursuant to section 2151.356 of the Revised Code;

(c) A written report describing any other violent act committed by the child of which the entity is aware;

(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by an independent social worker, social worker, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist licensed under that chapter. The entity shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers or prospective adoptive parents other than the substantial and material conclusions.

(2) Notwithstanding sections 2151.356 to 2151.358 of the Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to those sections and an entity knows the records have been sealed, the entity shall provide the foster caregivers or prospective adoptive parents a written statement that the records of a prior adjudication have been sealed.

(C)(1) The entity that places the child in a certified foster home or for adoption shall conduct a psychological examination of the child unless either of the following applies:

(a) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement, and division (C)(1)(b) of this section does not apply.

(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private child placing agency, the court shall provide the agency the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section. On receipt of the information described in division (B) of this section, the agency shall provide to the court written

acknowledgment that the agency received the information. The court shall keep the acknowledgment and provide a copy to the agency. On the motion of the agency, the court may terminate the order granting temporary or permanent custody of the child to that agency, if the court does not provide the information described in division (B) of this section.

(3) If one of the following entities is placing a child in a certified foster home or for adoption with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity shall provide the agency with the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section:

(a) The department of youth services if the placement is pursuant to any section of the Revised Code including section 2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code;

(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division (B) of this section shall provide the entity described in divisions (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers or

prospective adoptive parents. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home or for adoption with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers or prospective adoptive parents unless the entity receives written acknowledgment that the agency provided the information.

(E) If a child is placed in a certified foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division ~~(F)(3)~~ (E)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the certified foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the certified foster home.

(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a written acknowledgment that the foster caregiver or prospective adoptive parents received the information. The entity shall keep the acknowledgment and provide a copy to the foster caregiver or prospective adoptive parents.

(G) No person employed by an entity subject to this section and made responsible by that entity for the child's placement in a certified foster home or for adoption shall fail

to provide the foster caregivers or prospective adoptive parents with the information required by divisions (B) and (C) of this section.

(H) It is not a violation of any duty of confidentiality provided for in the Revised Code or a code of professional responsibility for a person or government entity to provide the substantial and material conclusions and recommendations of a psychiatric or psychological examination, or an examination to detect mental and emotional disorders, in accordance with division (B)(1)(d) or (C) of this section.

(I) As used in this section:

(1) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

Sec. 5180.408. (A) As used in sections 5180.408 to 5180.4013 of the Revised Code:

(1) "Dismiss" means a determination by a public children services agency not to accept information received by the agency for assessment or investigation.

(2) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(3) "Screening" means the process of receiving and recording information related to a child's welfare by a public children services agency to determine whether the information should be accepted for assessment or investigation or should be dismissed.

(B) Upon the receipt of information regarding the care,

protection, or alleged abuse, neglect, or dependency of a child, a public children services agency shall conduct a screening and do one of the following:

(1) Accept the information for assessment or investigation;

(2) Dismiss the information.

(C) A public children services agency shall not dismiss information received regarding any of the following:

(1) A child less than one year of age;

(2) A child with a developmental disability;

(3) A family in which ten or more children under eighteen years of age reside in the home;

(4) A family in which four or more children under five years of age reside in the home.

Sec. 5180.409. Not later than one year after the effective date of this section, the department of children and youth shall develop and implement a system to automatically record and log in the uniform statewide automated child welfare information system each report of information that a public children services agency receives, regardless of the screening result. For a report involving a child who does not have a case record in the information system, the system required under this section shall create a new case record and attach the call record to the case record. For a report involving a child who is the subject of a previous report of information or case record, the system required under this section shall immediately identify and locate any previous report or case record and attach the report to the case record.

Sec. 5180.4010. The department of children and youth shall review each public children services agency's compliance with all applicable screening standards and requirements at least annually.

Sec. 5180.4011. (A) Not later than the first day of March of each year, the department of children and youth shall prepare and submit a report to the general assembly in accordance with section 101.68 of the Revised Code and the governor that includes all of the following information for the preceding calendar year:

(1) The aggregate number of reports of information received by public children services agencies;

(2) The aggregate number of reports of information accepted for assessment or investigation upon conducting a screening;

(3) The aggregate number of reports of information dismissed upon conducting a screening;

(4) The results of the department's compliance reviews conducted under section 5180.4010 of the Revised Code for each public children services agency.

(B) The report shall not include any individually identifiable information regarding a child, family, report, assessment, or investigation and shall not disclose information beyond the aggregate numbers and compliance review findings under division (A) of this section.

Sec. 5180.4012. (A) Before receiving, recording, or screening a report of information regarding the welfare of a child, a public children services employee shall complete training on the statewide automated child welfare information

system. After the first year of employment, the employee shall complete a refresher training in each subsequent year of employment.

(B) Training required under this section shall not be waived under any circumstance.

Sec. 5180.4013. (A) Each public children services agency shall participate in screening decision reviews conducted by the department of children in youth. Participation shall include providing requested documentation, responding to inquiries from the department, attending review meetings, and implementing corrective actions required by the department.

(B) The department may review any screening decision made by a public children services agency and may issue guidance, clarification, corrective actions, or directives necessary to promote statewide consistency, ensure compliance with applicable laws and regulations, and support adherence to the standards established by the department under division (D) of this section.

(C) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5180.41. (A) As used in this section and section 5180.411 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds and subject to section 5180.412 of the Revised Code, the department of children and youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5180.411 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the

total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. 5180.412. (A) The department of children and youth shall establish and implement the child welfare county performance and accountability initiative to measure the performance of public children services agencies and promote improved outcomes for children served by the agencies.

(B) Using the methodology developed under division (C) of

this section, the department shall review all of the following performance measures for each county:

(1) The percentage of children who enter the care or custody of a public children services agency, based on the total number of children residing in the county;

(2) The percentage of children who enter the care or custody of an agency within one year of exiting the care or custody of an agency for the same or a similar circumstance, based on the total number of children who entered care or custody within the past year;

(3) The median length of stay in a children's residential center;

(4) The median length of stay in a group home for children;

(5) The median length of stay in any out-of-home care setting;

(6) The percentage of children residing in a home setting, including a foster home or with a kinship caregiver, based on the total number of children under an agency's care or custody;

(7) The percentage of children residing in a residential facility, based on the total number of children under an agency's care or custody;

(8) The percentage of Title IV-E eligible children residing in a qualified residential treatment program, based on the total number of children under an agency's care or custody;

(9) Participation in and compliance with screening decision reviews conducted by the department in accordance with section 5180.4013 of the Revised Code and rules adopted under

that section.

(10) Any additional performance measure the department determines necessary and adopts by rule in accordance with Chapter 119. of the Revised Code.

(C)(1) The department shall develop a comprehensive scoring methodology to determine the statewide median level of performance and an optimal level of performance, as determined by national data and trends, for each performance measure listed in division (B) of this section, and that determines each county's overall performance level based on its results across those measures. The methodology shall include safeguards to prevent harmful incentives, ensure fairness across counties, and provide for risk adjustment where appropriate. The safeguards shall include, but are not limited to, all of the following:

(a) Consistent statewide placement definitions, data audits, and reviews of unusual data patterns to safeguard against practices that would inaccurately represent county performance;

(b) Consideration of safety indicators, including abuse or neglect while under agency care, placement stability, and permanency outcomes, together with oversight of case planning, visitation, family participation, access to services, and the child's views and preferences, when appropriate, to ensure that performance assessments do not favor premature case closures that are not aligned with child safety and permanency needs;

(c) Risk adjustment for children with specialized needs, including appropriate stratification based on factors such as age, disability, behavioral health conditions, medical complexity, trauma history, placement history, sibling group

placement considerations, and treatment needs;

(d) A weighted multi-measure evaluation process to prevent any single measure from determining overall performance;

(e) A safety override requiring enhanced review whenever significant safety failures, abuse or neglect while under agency care, serious case review deficiencies, or material data concerns are identified, regardless of the county's performance level.

(2) Before implementing the methodology developed under this division and not later than ninety days after the effective date of this section, the department shall meet with the chairpersons of the finance committees of the house of representatives and the senate to review the methodology.

(3) The department may review and update the methodology developed under this division whenever it determines that doing so is necessary and shall, at a minimum, review the methodology annually, making any updates the department determines are necessary.

(D) Each month, the department shall evaluate each county's performance on each measure listed in division (B) of this section and determine the county's overall performance level in accordance with the methodology developed under division (C) of this section. Based on the percentage of performance measures for which the county meets or exceeds the statewide median, as calculated within the county's overall performance level, the department shall assign the county one of the following performance levels:

(1) Green: seventy-five per cent or more;

(2) Yellow: fifty per cent to seventy-four per cent;

(3) Orange: twenty-five per cent to forty-nine per cent;

(4) Red: zero to twenty-four per cent.

(E) A county assigned to the green level is eligible to receive performance incentive funds earmarked for that purpose from the state child protection allocation fund under section 5180.41 of the Revised Code. The department shall develop a methodology to determine the distribution of the performance incentive funds. The methodology shall provide for all counties assigned to the green level to receive an equal share of the performance incentive funds and for a portion of the funds to be reserved for additional awards to counties that meet or exceed one or more optimal performance levels established by the department. The methodology shall provide for greater amounts of additional awards to be distributed to counties that meet or exceed the optimal performance level for a greater number of performance measures. The department shall annually review the methodology to ensure the availability of funds and to determine whether the methodology continues to ensure fairness and avoid harmful incentives.

(F) For a county assigned to the yellow level, the department shall conduct ongoing monitoring and offer technical assistance to support improvement in any performance measure that is below the statewide median.

(G)(1) For a county assigned to the orange level, the department shall do all of the following:

(a) Place the county on formal warning status, indicating that the county will be assigned to the red level if it fails to fulfill its corrective action plan or if its performance declines such that it no longer meets the statewide median in

additional performance measures or in its overall performance level.

(b) Issue a corrective action plan that meets the requirements of division (G)(2) of this section;

(c) Conduct enhanced monitoring and offer technical assistance to support improvement in any performance measure that is below the statewide median or to assist the county in fulfilling its corrective action plan.

(2) A corrective action plan shall include all of the following:

(a) Identification of the performance measures for which the county is performing below the statewide median;

(b) The root causes of the underperformance;

(c) The required performance targets and the expected timeline for meeting those targets;

(d) The personnel responsible for implementing the corrective action plan.

(3) A county that fails to comply with a corrective action plan within the expected timeline shall be assigned to the red level, regardless of its overall performance level.

(H)(1) For a county assigned to the red level, the department shall do all of the following:

(a) Place the county on a formal warning status, indicating that the county is at risk of having a portion of its state child protection allocation withheld if it remains in the red level for an entire quarter for continued underperformance;

(b) If a corrective action plan has not yet been issued,

issue a corrective action plan that meets the requirements of division (G)(2) of this section;

(c) Conduct intensive monitoring and offer technical assistance to support improvement in any performance measure that is below the statewide median or to assist the county in fulfilling its corrective action plan;

(d) Withhold a portion of the state child protection allocation that would otherwise be distributed to the county under section 5180.41 of the Revised Code in accordance with divisions (H)(2) to (7) of this section.

(2) Subject to division (H)(4) of this section and not earlier than one year after the initial implementation of the methodology developed under division (C) of this section, the department shall withhold a portion of a county's state child protection allocation after the county has spent an entire quarter in the red level. A county is considered to have spent an entire quarter in the red level only if it remains in the red level for all three months of that quarter. To determine the amount to be withheld, the department shall calculate the county's average performance level for the quarter based on its monthly performance levels and shall apply graduated withholding levels according to the number of consecutive quarters the county has remained in the red level, including any consecutive quarters occurring during the one-year period immediately following the implementation of the methodology developed under division (C) of this section, using a uniform methodology. In no case shall the total withholding exceed ten per cent of the county's state child protection allocation.

(3) Before imposing a withholding under this division, the department shall do all of the following:

(a) Review and audit the county's data used to determine its performance level, including the dates of case openings and closures, out-of-home care classifications, placement changes, missing or incomplete data, and any unusual data patterns.

(b) Provide the county with the data described in division (H)(3)(a) of this section;

(c) Allow the county an opportunity to review the data and identify any errors or extraordinary circumstances;

(d) Upon the county's request, conduct a secondary review of the department's determination and findings.

(4) The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing unforeseen emergency circumstances under which it may grant an exception to the requirement to impose a withholding under this division. Such circumstances may include, but are not limited to, any of the following:

(a) A public health emergency;

(b) A natural disaster;

(c) An unanticipated intake event that results in a substantial and immediate demand on a public children services agency's resources relative to the agency's capacity and would significantly impair the agency's ability to maintain its performance levels or carry out its duties.

Any exception granted under this division shall not extend beyond one year at a time. Prior to granting an exception, the department shall provide notice to the chairpersons of the finance committees of the house of representatives and the senate.

(5) The department shall terminate a withholding under this division when a county is no longer assigned to the red level or has fulfilled its corrective action plan.

(6) A county subject to a withholding under this division shall maintain expenditures for child welfare services at not less than the level of expenditures for child welfare services during the immediately preceding state fiscal year. The county shall replace any funds withheld under this division with funds from other available sources to ensure that expenditures for child welfare services do not decrease as a result of the withholding.

(7) Any funds withheld under this division shall be retained by the department and used to assist the county, in accordance with division (H)(1)(c) of this section, in achieving performance levels sufficient to no longer be assigned to the red level.

(I) Nothing in this section or rules adopted under it limits the department of job and family services and the department of children and youth from carrying out the agencies' existing authority under sections 5101.22 to 5101.24 of the Revised Code.

(J) As used in this section, "children's residential center," "group home for children," and "residential facility" have the same meanings as in section 5103.05 of the Revised Code and "foster home" has the same meaning as in section 5103.02 of the Revised Code.

Sec. 5180.413. (A) The department of children and youth shall issue a report on a quarterly basis on the child welfare county performance and accountability initiative established

under section 5180.412 of the Revised Code. Each report shall include all of the following information:

(1) A summary of the methodology used by the department to review performance and, if the methodology has been updated since the preceding quarterly report, a summary of the changes made to the methodology;

(2) A summary of each county's performance for the preceding quarter, including the county's performance level, the results for each performance measure, whether a corrective action plan has been issued for the county and if so, the status of the corrective action plan, whether the county has received performance incentive funds, whether the county is subject to a withholding of a portion of a county's state child protection allocation and if so, the amount of the withholding, and whether the county has been granted an exception to a withholding and if so, the expiration date of the exception.

(2) The average statewide median for each performance measure;

(3) Notable statewide and county-specific data trends.

(B) Each report shall be sent to all of the following:

(1) The board of county commissioners of each county;

(2) The executive director of each public children services agency;

(3) Each member of the general assembly.

Sec. 5180.414. Not later than one year after implementing child welfare county performance and accountability initiative under section 5180.412 of the Revised Code, the department of children and youth shall issue a report evaluating the

effectiveness of the initiative. The department shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

Section 2. That existing sections 2151.011, 2151.412, 2151.421, 2151.424, 2152.72, and 5180.41 and section 2151.429 of the Revised Code are hereby repealed.

Section 3. That section 2151.429 of the Revised Code is hereby repealed.

Section 4. Not later than ninety days after the effective date of this section, the Department of Children and Youth shall develop and submit to the General Assembly recommendations regarding minimum statewide standards for screening and evaluating information received by public children services agencies regarding a child's welfare. The recommendations shall include all of the following:

(A) Standards for screening and accepting information involving allegations of child abuse, neglect, or dependency under a variety of circumstances;

(B) Standards for interacting with and evaluating information received from persons required to make reports under section 2151.421 of the Revised Code;

(C) Standards for requiring enhanced oversight through team decision-making processes and supervisory review, including reviews of risk and vulnerability, before information may be dismissed in any of the following circumstances:

(1) The child is less than six years of age and has previously been the subject of a substantiated report of abuse or neglect.

(2) The child, or a sibling of the child, has been the subject of a substantiated or indicated report of a fatality or near fatality.

(3) The child or young adult under twenty-one years of age has a disability or increased vulnerability due to a physical or mental health condition.

(4) The report involves alleged unsafe home conditions, medical neglect, or emotional neglect and the child or family is substantially isolated from outside resources or community supports.

(5) Three or more reports of information concerning the child are received within a thirty-day period.

(6) A report of information is received within one hundred twenty days after the closure of a juvenile court case involving the child.

Section 5. The Department of Children and Youth, in consultation with the Public Children Services Association of Ohio, the Ohio Job and Family Services Directors' Association, and any other stakeholders the Department determines appropriate, shall review, evaluate, and recommend updates to the current child welfare case transfer procedure. The Department shall convene the first meeting not later than thirty days after the effective date of this section.

Not later than one hundred eighty days after the effective date of this section, the Department shall complete the review and evaluation, make recommendations to the General Assembly regarding updates to the case transfer procedure, and meet with the chairpersons of the relevant committees in the House of Representatives and the Senate to provide information on the

recommendations. 2011