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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Kishman and Williams

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SUMMARY

- Requires mandatory reporters of child abuse or neglect to make reports to both the public children services agency (PCSA) and a peace officer, rather than either the PCSA or a peace officer.
- Adds the criminal intent of acting *knowingly* to the prohibition on a mandatory reporter failing to immediately report known or suspected child abuse or neglect.
- Requires that any law enforcement agency investigating a report, in addition to the PCSA, be provided, on request, any additional reports of medical examinations, tests, or procedures that were performed on the child regarding the alleged abuse or neglect.
- Makes mandatory reporters criminally and civilly liable for failure to report to both a peace officer and the PCSA.
- Similarly requires voluntary reporters to report to both a peace officer and the PCSA.
- Specifies that the continuing law requirement that the PCSA notify the appropriate law enforcement agency of a report be done promptly, but no later than 48 hours after receiving the report.
- Names the bill “V.J.’s Law.”

DETAILED ANALYSIS

Mandatory reporting of child abuse or neglect

The bill makes changes to Ohio’s mandatory reporting law. Ohio law requires a person designated as a mandatory reporter, when acting in an official or professional capacity, to immediately report any knowledge or reasonable suspicion of child abuse or neglect to either the public children services agency (PCSA) or a peace officer in the county in which the child

resides or in which the abuse or neglect is occurring or has occurred. Anyone else who knows of or suspects child abuse or neglect *may* make such a report.

Dual reporting requirements

The bill, named “V.J.’s Law,” requires mandatory reporters of child abuse or neglect to make reports to **both** the PCSA **and** a peace officer instead of one or the other. If the reporter is an administrator or employee of a PCSA, they must make the report to a peace officer only.¹

Under continuing law, a PCSA is a county agency that administers child welfare services. A peace officer is a sheriff, deputy sheriff, constable, police officer, marshal, deputy marshal, or State Highway Patrol trooper.²

Evidence available to law enforcement

The bill adds that any law enforcement agency that is investigating a report of abuse or neglect must be provided, on request, any additional reports of medical examinations, tests, or procedures that were performed on the child for the purpose of treating or diagnosing the alleged abuse or neglect. Existing law requires only that these additional reports be provided to the PCSA. Further, the bill creates an exemption for law enforcement investigation of a report of child abuse or neglect, to the continuing law provision that such medical examinations, tests, or procedures do not constitute a law enforcement investigation or activity.³

Criminal liability

The bill adds the criminal mental state of acting *knowingly* to the prohibition on a mandatory reporter failing to immediately report known or suspected child abuse or neglect.⁴ Therefore, to be criminally liable under the bill, the person must have knowingly failed to immediately report.⁵

A mandatory reporter who knowingly fails to immediately report known or suspected child abuse or neglect is guilty of a fourth degree misdemeanor. A reporter is guilty of a first degree misdemeanor, however, if the known or suspected child abuse or neglect occurs while the child is under the direct care or supervision of the reporter acting in an official or professional capacity, or another person over whom the reporter has supervisory control, and the reporter knowingly did not report.

¹ R.C. 2151.421(A); Section 3. “Knowingly,” as a level of criminal intent, means acting with knowledge; consciously; intelligently; willfully; intentionally (*Black’s Law Dictionary*, 5th ed.).

² R.C. 2151.421(O)(4); R.C. 5120.173, 5153.01(A), and 5153.02, not in the bill.

³ R.C. 2151.421(D)(2) and (5).

⁴ Ohio law requires, for criminal offenses created after March 23, 2015, that the law specify the degree of mental culpability required for commission of the offense. R.C. 2901.20.

⁵ R.C. 2151.421(A)(1) and (4).

Additionally, the bill makes it a first degree misdemeanor if the mandatory reporter reports only to a peace officer or to a PCSA, but not both.⁶ A fourth degree misdemeanor is punishable by up to 30 days in jail and a fine of up to \$250. A first degree misdemeanor is punishable by up to 180 days in jail and a fine of up to \$1,000.⁷

Civil liability

A mandatory reporter who fails to report known or suspected child abuse or neglect is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. The bill extends this liability to include a mandatory reporter who fails to report known or suspected abuse or neglect to both a peace officer and the PCSA.⁸

Permissive reporting of child abuse or neglect

Existing law allows any person, who is not a mandatory reporter acting in an official or professional capacity, who knows or suspects child abuse or neglect to make, or cause to be made, a report of child abuse or neglect. Similar to the changes for mandatory reporters, the bill requires that permissive reporters make the report to both a peace officer and the PCSA.⁹

Law enforcement notification

Continuing law requires a PCSA that receives a report of child abuse or neglect from either a mandatory reporter or a permissive reporter to notify the appropriate law enforcement agency if it has received either (1) a child abuse report or (2) a child neglect report if the PCSA implements a legally authorized out-of-home placement due to the neglect. The notification is not required if an arrest is made at the time of a report that results in the appropriate law enforcement agency being contacted concerning the possible child abuse or neglect or threat of child abuse or neglect. DCY rules require the PCSA to notify law enforcement within seven days of screening the report. The bill narrows that timeframe and requires the PCSA to notify the appropriate law enforcement agency of the report promptly, but no later than 48 hours after receiving the report.¹⁰

HISTORY

Action	Date
Introduced	06-10-25

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⁶ R.C. 2151.99(A)(2) and (C).

⁷ R.C. 2929.24(A) and 2929.28(A)(2)(a), not in the bill.

⁸ R.C. 2151.421(M).

⁹ R.C. 2151.421(B).

¹⁰ R.C. 2151.421(E)(2)(c); Ohio Administrative Code 5180:2-36-12(C).