

As Introduced

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Representatives Kishman, Williams

Cosponsors: Representatives Salvo, Robb Blasdel, Deeter, Workman, Gross, Willis, Johnson, Ray, Odioso, Thomas, J., White, A., King, Oelslager, Newman

To amend sections 2151.421 and 2151.99 of the
Revised Code to enact V.J.'s Law to require
mandatory reporters of child abuse or neglect to
report to both a peace officer and the public
children services agency.

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

Section 1. That sections 2151.421 and 2151.99 of the
Revised Code be amended to read as follows:

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 knowingly fail to
immediately report that knowledge or reasonable cause to suspect
to the entity or persons specified in this division. Except as

otherwise provided in this division or section 5120.173 of the
Revised Code, the person making the report shall make it to both
a peace officer and 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. If the person making the report is an
administrator or employee of a public children services agency,
the administrator or employee shall make it to 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) 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 51
through prayer in accordance with the tenets of a well- 52
recognized religion; employee of a county department of job and 53
family services who is a professional and who works with 54
children and families; superintendent or regional administrator 55
employed by the department of youth services; superintendent, 56
board member, or employee of a county board of developmental 57
disabilities; investigative agent contracted with by a county 58
board of developmental disabilities; employee of the department 59
of developmental disabilities; employee of a facility or home 60
that provides respite care in accordance with section 5123.171 61
of the Revised Code; employee of an entity that provides 62
homemaker services; employee of a qualified organization as 63
defined in section 2151.90 of the Revised Code; a host family as 64
defined in section 2151.90 of the Revised Code; foster 65
caregiver; a person performing the duties of an assessor 66
pursuant to Chapter 3107. or 5103. of the Revised Code; third 67
party employed by a public children services agency to assist in 68
providing child or family related services; court appointed 69
special advocate; or guardian ad litem. 70

(c) If two or more health care professionals, after 71
providing health care services to a child, determine or suspect 72
that the child has been or is being abused or neglected, the 73
health care professionals may designate one of the health care 74
professionals to report the abuse or neglect. A single report 75
made under this division to both a peace officer and the public 76
children services agency -shall meet the reporting requirements 77
of division (A) (1) of this section. 78

(2) Except as provided in division (A) (3) of this section, 79
an attorney, physician, or advanced practice registered nurse is 80
not required to make a report pursuant to division (A) (1) of 81

this section concerning any communication the attorney, 82
physician, or advanced practice registered nurse receives from a 83
client or patient in an attorney-client, physician-patient, or 84
advanced practice registered nurse-patient relationship, if, in 85
accordance with division (A) or (B) of section 2317.02 of the 86
Revised Code, the attorney, physician, or advanced practice 87
registered nurse could not testify with respect to that 88
communication in a civil or criminal proceeding. 89

(3) The client or patient in an attorney-client, 90
physician-patient, or advanced practice registered nurse-patient 91
relationship described in division (A) (2) of this section is 92
deemed to have waived any testimonial privilege under division 93
(A) or (B) of section 2317.02 of the Revised Code with respect 94
to any communication the attorney, physician, or advanced 95
practice registered nurse receives from the client or patient in 96
that relationship, and the attorney, physician, or advanced 97
practice registered nurse shall make a report pursuant to 98
division (A) (1) of this section with respect to that 99
communication, if all of the following apply: 100

(a) The client or patient, at the time of the 101
communication, is a child under eighteen years of age or is a 102
person under twenty-one years of age with a developmental 103
disability or physical impairment. 104

(b) The attorney, physician, or advanced practice 105
registered nurse knows, or has reasonable cause to suspect based 106
on facts that would cause a reasonable person in similar 107
position to suspect that the client or patient has suffered or 108
faces a threat of suffering any physical or mental wound, 109
injury, disability, or condition of a nature that reasonably 110
indicates abuse or neglect of the client or patient. 111

(c) The abuse or neglect does not arise out of the 112
client's or patient's attempt to have an abortion without the 113
notification of her parents, guardian, or custodian in 114
accordance with section 2151.85 of the Revised Code. 115

(4) (a) No cleric and no person, other than a volunteer, 116
designated by any church, religious society, or faith acting as 117
a leader, official, or delegate on behalf of the church, 118
religious society, or faith who is acting in an official or 119
professional capacity, who knows, or has reasonable cause to 120
believe based on facts that would cause a reasonable person in a 121
similar position to believe, that a child under eighteen years 122
of age, or a person under twenty-one years of age with a 123
developmental disability or physical impairment, has suffered or 124
faces a threat of suffering any physical or mental wound, 125
injury, disability, or condition of a nature that reasonably 126
indicates abuse or neglect of the child, and who knows, or has 127
reasonable cause to believe based on facts that would cause a 128
reasonable person in a similar position to believe, that another 129
cleric or another person, other than a volunteer, designated by 130
a church, religious society, or faith acting as a leader, 131
official, or delegate on behalf of the church, religious 132
society, or faith caused, or poses the threat of causing, the 133
wound, injury, disability, or condition that reasonably 134
indicates abuse or neglect shall knowingly fail to immediately 135
report that knowledge or reasonable cause to believe to the 136
entity or persons specified in this division. Except as provided 137
in section 5120.173 of the Revised Code, the person making the 138
report shall make it to both a peace officer and the public 139
children services agency ~~or a peace officer~~ in the county in 140
which the child resides or in which the abuse or neglect is 141
occurring or has occurred. In the circumstances described in 142

section 5120.173 of the Revised Code, the person making the 143
report shall make it to the entity specified in that section. 144

(b) Except as provided in division (A)(4)(c) of this 145
section, a cleric is not required to make a report pursuant to 146
division (A)(4)(a) of this section concerning any communication 147
the cleric receives from a penitent in a cleric-penitent 148
relationship, if, in accordance with division (C) of section 149
2317.02 of the Revised Code, the cleric could not testify with 150
respect to that communication in a civil or criminal proceeding. 151

(c) The penitent in a cleric-penitent relationship 152
described in division (A)(4)(b) of this section is deemed to 153
have waived any testimonial privilege under division (C) of 154
section 2317.02 of the Revised Code with respect to any 155
communication the cleric receives from the penitent in that 156
cleric-penitent relationship, and the cleric shall make a report 157
pursuant to division (A)(4)(a) of this section with respect to 158
that communication, if all of the following apply: 159

(i) The penitent, at the time of the communication, is a 160
child under eighteen years of age or is a person under twenty- 161
one years of age with a developmental disability or physical 162
impairment. 163

(ii) The cleric knows, or has reasonable cause to believe 164
based on facts that would cause a reasonable person in a similar 165
position to believe, as a result of the communication or any 166
observations made during that communication, the penitent has 167
suffered or faces a threat of suffering any physical or mental 168
wound, injury, disability, or condition of a nature that 169
reasonably indicates abuse or neglect of the penitent. 170

(iii) The abuse or neglect does not arise out of the 171

penitent's attempt to have an abortion performed upon a child 172
under eighteen years of age or upon a person under twenty-one 173
years of age with a developmental disability or physical 174
impairment without the notification of her parents, guardian, or 175
custodian in accordance with section 2151.85 of the Revised 176
Code. 177

(d) Divisions (A)(4)(a) and (c) of this section do not 178
apply in a cleric-penitent relationship when the disclosure of 179
any communication the cleric receives from the penitent is in 180
violation of the sacred trust. 181

(e) As used in divisions (A)(1) and (4) of this section, 182
"cleric" and "sacred trust" have the same meanings as in section 183
2317.02 of the Revised Code. 184

(B) Anyone who knows, or has reasonable cause to suspect 185
based on facts that would cause a reasonable person in similar 186
circumstances to suspect, that a child under eighteen years of 187
age, or a person under twenty-one years of age with a 188
developmental disability or physical impairment, has suffered or 189
faces a threat of suffering any physical or mental wound, 190
injury, disability, or other condition of a nature that 191
reasonably indicates abuse or neglect of the child may report or 192
cause reports to be made of that knowledge or reasonable cause 193
to suspect to the entity or persons specified in this division. 194
Except as provided in section 5120.173 of the Revised Code, a 195
person making a report or causing a report to be made under this 196
division shall make it or cause it to be made to both a peace 197
officer and the public children services agency ~~or to a peace~~ 198
~~officer~~. In the circumstances described in section 5120.173 of 199
the Revised Code, a person making a report or causing a report 200
to be made under this division shall make it or cause it to be 201

made to the entity specified in that section. 202

(C) Any report made pursuant to division (A) or (B) of 203
this section shall be made forthwith either by telephone, in 204
person, or electronically and shall be followed by a written 205
report, if requested by the receiving agency or officer. The 206
written report shall contain: 207

(1) The names and addresses of the child and the child's 208
parents or the person or persons having custody of the child, if 209
known; 210

(2) The child's age and the nature and extent of the 211
child's injuries, abuse, or neglect that is known or reasonably 212
suspected or believed, as applicable, to have occurred or of the 213
threat of injury, abuse, or neglect that is known or reasonably 214
suspected or believed, as applicable, to exist, including any 215
evidence of previous injuries, abuse, or neglect; 216

(3) Any other information, including, but not limited to, 217
results and reports of any medical examinations, tests, or 218
procedures performed under division (D) of this section, that 219
might be helpful in establishing the cause of the injury, abuse, 220
or neglect that is known or reasonably suspected or believed, as 221
applicable, to have occurred or of the threat of injury, abuse, 222
or neglect that is known or reasonably suspected or believed, as 223
applicable, to exist. 224

(D) (1) Any person, who is required by division (A) of this 225
section to report child abuse or child neglect that is known or 226
reasonably suspected or believed to have occurred, may take or 227
cause to be taken color photographs of areas of trauma visible 228
on a child and, if medically necessary for the purpose of 229
diagnosing or treating injuries that are suspected to have 230

occurred as a result of child abuse or child neglect, perform or 231
cause to be performed radiological examinations and any other 232
medical examinations of, and tests or procedures on, the child. 233

(2) The results and any available reports of examinations, 234
tests, or procedures made under division (D)(1) of this section 235
shall be included in a report made pursuant to division (A) of 236
this section. Any additional reports of examinations, tests, or 237
procedures that become available shall be provided to the public 238
children services agency and any law enforcement agency 239
investigating the report, upon request. 240

(3) If a health care professional provides health care 241
services in a hospital, children's advocacy center, or emergency 242
medical facility to a child about whom a report has been made 243
under division (A) of this section, the health care professional 244
may take any steps that are reasonably necessary for the release 245
or discharge of the child to an appropriate environment. Before 246
the child's release or discharge, the health care professional 247
may obtain information, or consider information obtained, from 248
other entities or individuals that have knowledge about the 249
child. Nothing in division (D)(3) of this section shall be 250
construed to alter the responsibilities of any person under 251
sections 2151.27 and 2151.31 of the Revised Code. 252

(4) A health care professional may conduct medical 253
examinations, tests, or procedures on the siblings of a child 254
about whom a report has been made under division (A) of this 255
section and on other children who reside in the same home as the 256
child, if the professional determines that the examinations, 257
tests, or procedures are medically necessary to diagnose or 258
treat the siblings or other children in order to determine 259
whether reports under division (A) of this section are warranted 260

with respect to such siblings or other children. The results of 261
the examinations, tests, or procedures on the siblings and other 262
children may be included in a report made pursuant to division 263
(A) of this section. 264

(5) ~~Medical~~ Except with regard to a law enforcement agency 265
investigating a report made pursuant to division (A) of this 266
section, examinations, tests, or procedures conducted under 267
divisions (D) (1) and (4) of this section and decisions regarding 268
the release or discharge of a child under division (D) (3) of 269
this section do not constitute a law enforcement investigation 270
or activity. 271

(E) (1) When a peace officer receives a report made 272
pursuant to division (A) or (B) of this section, upon receipt of 273
the report, the peace officer who receives the report shall 274
refer the report to the appropriate public children services 275
agency, in accordance with requirements specified under division 276
(B) (6) of section 2151.4221 of the Revised Code, unless an 277
arrest is made at the time of the report that results in the 278
appropriate public children services agency being contacted 279
concerning the possible abuse or neglect of a child or the 280
possible threat of abuse or neglect of a child. 281

(2) When a public children services agency receives a 282
report pursuant to this division or division (A) or (B) of this 283
section, upon receipt of the report, the public children 284
services agency shall do all of the following: 285

(a) Comply with section 2151.422 of the Revised Code; 286

(b) If the county served by the agency is also served by a 287
children's advocacy center and the report alleges sexual abuse 288
of a child or another type of abuse of a child that is specified 289

in the memorandum of understanding that creates the center as 290
being within the center's jurisdiction, comply regarding the 291
report with the protocol and procedures for referrals and 292
investigations, with the coordinating activities, and with the 293
authority or responsibility for performing or providing 294
functions, activities, and services stipulated in the 295
interagency agreement entered into under section 2151.428 of the 296
Revised Code relative to that center; 297

(c) Unless an arrest is made at the time of the report 298
that results in the appropriate law enforcement agency being 299
contacted concerning the possible abuse or neglect of a child or 300
the possible threat of abuse or neglect of a child, and in 301
accordance with requirements specified under division (B) (6) of 302
section 2151.4221 of the Revised Code, notify the appropriate 303
law enforcement agency of the report promptly, but not later 304
than forty-eight hours after receipt of the report, if the 305
public children services agency received either of the 306
following: 307

(i) A report of abuse of a child; 308

(ii) A report of neglect of a child that alleges a type of 309
neglect identified by the department of children and youth in 310
rules adopted under division (L) (2) of this section. 311

(F) No peace officer shall remove a child about whom a 312
report is made pursuant to this section from the child's 313
parents, stepparents, or guardian or any other persons having 314
custody of the child without consultation with the public 315
children services agency, unless, in the judgment of the 316
officer, and, if the report was made by a physician or advanced 317
practice registered nurse, the physician or nurse, immediate 318
removal is considered essential to protect the child from 319

further abuse or neglect. The agency that must be consulted 320
shall be the agency conducting the investigation of the report 321
as determined pursuant to section 2151.422 of the Revised Code. 322

(G) (1) Except as provided in section 2151.422 of the 323
Revised Code or in an interagency agreement entered into under 324
section 2151.428 of the Revised Code that applies to the 325
particular report, the public children services agency shall 326
investigate, within twenty-four hours, each report of child 327
abuse or child neglect that is known or reasonably suspected or 328
believed to have occurred and of a threat of child abuse or 329
child neglect that is known or reasonably suspected or believed 330
to exist that is referred to it under this section to determine 331
the circumstances surrounding the injuries, abuse, or neglect or 332
the threat of injury, abuse, or neglect, the cause of the 333
injuries, abuse, neglect, or threat, and the person or persons 334
responsible. The investigation shall be made in cooperation with 335
the law enforcement agency and in accordance with the memorandum 336
of understanding prepared under sections 2151.4220 to 2151.4234 337
of the Revised Code. A representative of the public children 338
services agency shall, at the time of initial contact with the 339
person subject to the investigation, inform the person of the 340
specific complaints or allegations made against the person. The 341
information shall be given in a manner that is consistent with 342
division (I) (1) of this section and protects the rights of the 343
person making the report under this section. 344

A failure to make the investigation in accordance with the 345
memorandum is not grounds for, and shall not result in, the 346
dismissal of any charges or complaint arising from the report or 347
the suppression of any evidence obtained as a result of the 348
report and does not give, and shall not be construed as giving, 349
any rights or any grounds for appeal or post-conviction relief 350

to any person. The public children services agency shall report 351
each case to the uniform statewide automated child welfare 352
information system that the department of children and youth 353
shall maintain in accordance with section 5101.13 of the Revised 354
Code. The public children services agency shall submit a report 355
of its investigation, in writing, to the law enforcement agency. 356

(2) The public children services agency shall make any 357
recommendations to the county prosecuting attorney or city 358
director of law that it considers necessary to protect any 359
children that are brought to its attention. 360

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 361
(I) (3) of this section, any person, health care professional, 362
hospital, institution, school, health department, or agency 363
shall be immune from any civil or criminal liability for injury, 364
death, or loss to person or property that otherwise might be 365
incurred or imposed as a result of any of the following: 366

(i) Participating in the making of reports pursuant to 367
division (A) of this section or in the making of reports in good 368
faith, pursuant to division (B) of this section; 369

(ii) Participating in medical examinations, tests, or 370
procedures under division (D) of this section; 371

(iii) Providing information used in a report made pursuant 372
to division (A) of this section or providing information in good 373
faith used in a report made pursuant to division (B) of this 374
section; 375

(iv) Participating in a judicial proceeding resulting from 376
a report made pursuant to division (A) of this section or 377
participating in good faith in a proceeding resulting from a 378
report made pursuant to division (B) of this section. 379

(b) Immunity under division (H) (1) (a) (ii) of this section 380
shall not apply when a health care provider has deviated from 381
the standard of care applicable to the provider's profession. 382

(c) Notwithstanding section 4731.22 of the Revised Code, 383
the physician-patient privilege shall not be a ground for 384
excluding evidence regarding a child's injuries, abuse, or 385
neglect, or the cause of the injuries, abuse, or neglect in any 386
judicial proceeding resulting from a report submitted pursuant 387
to this section. 388

(2) In any civil or criminal action or proceeding in which 389
it is alleged and proved that participation in the making of a 390
report under this section was not in good faith or participation 391
in a judicial proceeding resulting from a report made under this 392
section was not in good faith, the court shall award the 393
prevailing party reasonable attorney's fees and costs and, if a 394
civil action or proceeding is voluntarily dismissed, may award 395
reasonable attorney's fees and costs to the party against whom 396
the civil action or proceeding is brought. 397

(I) (1) Except as provided in divisions (I) (4) and (N) of 398
this section and sections 2151.423 and 2151.4210 of the Revised 399
Code, a report made under this section is confidential. The 400
information provided in a report made pursuant to this section 401
and the name of the person who made the report shall not be 402
released for use, and shall not be used, as evidence in any 403
civil action or proceeding brought against the person who made 404
the report. Nothing in this division shall preclude the use of 405
reports of other incidents of known or suspected abuse or 406
neglect in a civil action or proceeding brought pursuant to 407
division (M) of this section against a person who is alleged to 408
have violated division (A) (1) of this section, provided that any 409

information in a report that would identify the child who is the 410
subject of the report or the maker of the report, if the maker 411
of the report is not the defendant or an agent or employee of 412
the defendant, has been redacted. In a criminal proceeding, the 413
report is admissible in evidence in accordance with the Rules of 414
Evidence and is subject to discovery in accordance with the 415
Rules of Criminal Procedure. 416

(2) (a) Except as provided in division (I) (2) (b) of this 417
section, no person shall permit or encourage the unauthorized 418
dissemination of the contents of any report made under this 419
section. 420

(b) A health care professional that obtains the same 421
information contained in a report made under this section from a 422
source other than the report may disseminate the information, if 423
its dissemination is otherwise permitted by law. 424

(3) A person who knowingly makes or causes another person 425
to make a false report under division (B) of this section that 426
alleges that any person has committed an act or omission that 427
resulted in a child being an abused child or a neglected child 428
is guilty of a violation of section 2921.14 of the Revised Code. 429

(4) If a report is made pursuant to division (A) or (B) of 430
this section and the child who is the subject of the report dies 431
for any reason at any time after the report is made, but before 432
the child attains eighteen years of age, the public children 433
services agency or peace officer to which the report was made or 434
referred, on the request of the child fatality review board, the 435
suicide fatality review committee, or the director of health 436
pursuant to guidelines established under section 3701.70 of the 437
Revised Code, shall submit a summary sheet of information 438
providing a summary of the report to the review board or review 439

committee of the county in which the deceased child resided at 440
the time of death or to the director. On the request of the 441
review board, review committee, or director, the agency or peace 442
officer may, at its discretion, make the report available to the 443
review board, review committee, or director. If the county 444
served by the public children services agency is also served by 445
a children's advocacy center and the report of alleged sexual 446
abuse of a child or another type of abuse of a child is 447
specified in the memorandum of understanding that creates the 448
center as being within the center's jurisdiction, the agency or 449
center shall perform the duties and functions specified in this 450
division in accordance with the interagency agreement entered 451
into under section 2151.428 of the Revised Code relative to that 452
advocacy center. 453

(5) Not later than five business days after the 454
determination of a disposition, a public children services 455
agency shall advise a person alleged to have inflicted abuse or 456
neglect on a child who is the subject of a report made pursuant 457
to this section, including a report alleging sexual abuse of a 458
child or another type of abuse of a child referred to a 459
children's advocacy center pursuant to an interagency agreement 460
entered into under section 2151.428 of the Revised Code, in 461
writing of the disposition of the investigation. The agency 462
shall not provide to the person any information that identifies 463
the person who made the report, statements of witnesses, or 464
police or other investigative reports. The written notice of 465
disposition shall be made in a form designated by the department 466
of job and family services and shall inform the person of the 467
right to appeal the disposition. 468

(J) Any report that is required by this section, other 469
than a report that is made to the state highway patrol as 470

described in section 5120.173 of the Revised Code, shall result 471
in protective services and emergency supportive services being 472
made available by the public children services agency on behalf 473
of the children about whom the report is made. The agency 474
required to provide the services shall be the agency conducting 475
the investigation of the report pursuant to section 2151.422 of 476
the Revised Code. If a child is determined to be a candidate for 477
prevention services, the agency also shall make efforts to 478
prevent neglect or abuse, to enhance a child's welfare, and to 479
preserve the family unit intact by referring a report for 480
assessment and provision of services to an agency providing 481
prevention services. 482

(K) (1) Except as provided in division (K) (4) or (5) of 483
this section, a person who is required to make a report under 484
division (A) of this section may make a reasonable number of 485
requests of the public children services agency that receives or 486
is referred the report, or of the children's advocacy center 487
that is referred the report if the report is referred to a 488
children's advocacy center pursuant to an interagency agreement 489
entered into under section 2151.428 of the Revised Code, to be 490
provided with the following information: 491

(a) Whether the agency or center has initiated an 492
investigation of the report; 493

(b) Whether the agency or center is continuing to 494
investigate the report; 495

(c) Whether the agency or center is otherwise involved 496
with the child who is the subject of the report; 497

(d) The general status of the health and safety of the 498
child who is the subject of the report; 499

(e) Whether the report has resulted in the filing of a 500
complaint in juvenile court or of criminal charges in another 501
court. 502

(2) (a) A person may request the information specified in 503
division (K) (1) of this section only if, at the time the report 504
is made, the person's name, address, and telephone number are 505
provided to the person who receives the report. 506

(b) When a peace officer or employee of a public children 507
services agency receives a report pursuant to division (A) or 508
(B) of this section the recipient of the report shall inform the 509
person of the right to request the information described in 510
division (K) (1) of this section. The recipient of the report 511
shall include in the initial child abuse or child neglect report 512
that the person making the report was so informed and, if 513
provided at the time of the making of the report, shall include 514
the person's name, address, and telephone number in the report. 515

(c) If the person making the report provides the person's 516
name and contact information on making the report, the public 517
children services agency that received or was referred the 518
report shall send a written notice via United States mail or 519
electronic mail, in accordance with the person's preference, to 520
the person not later than seven calendar days after receipt of 521
the report. The notice shall provide the status of the agency's 522
investigation into the report made, who the person may contact 523
at the agency for further information, and a description of the 524
person's rights under division (K) (1) of this section. 525

(d) Each request is subject to verification of the 526
identity of the person making the report. If that person's 527
identity is verified, the agency shall provide the person with 528
the information described in division (K) (1) of this section a 529

reasonable number of times, except that the agency shall not 530
disclose any confidential information regarding the child who is 531
the subject of the report other than the information described 532
in those divisions. 533

(3) A request made pursuant to division (K) (1) of this 534
section is not a substitute for any report required to be made 535
pursuant to division (A) of this section. 536

(4) If an agency other than the agency that received or 537
was referred the report is conducting the investigation of the 538
report pursuant to section 2151.422 of the Revised Code, the 539
agency conducting the investigation shall comply with the 540
requirements of division (K) of this section. 541

(5) A health care professional who made a report under 542
division (A) of this section, or on whose behalf such a report 543
was made as provided in division (A) (1) (c) of this section, may 544
authorize a person to obtain the information described in 545
division (K) (1) of this section if the person requesting the 546
information is associated with or acting on behalf of the health 547
care professional who provided health care services to the child 548
about whom the report was made. 549

(6) If the person making the report provides the person's 550
name and contact information on making the report, the public 551
children services agency that received or was referred the 552
report shall send a written notice via United States mail or 553
electronic mail, in accordance with the person's preference, to 554
the person not later than seven calendar days after the agency 555
closes the investigation into the case reported by the person. 556
The notice shall notify the person that the agency has closed 557
the investigation. 558

(L) (1) The director of children and youth shall adopt 559
rules in accordance with Chapter 119. of the Revised Code to 560
implement this section. The department of children and youth may 561
enter into a plan of cooperation with any other governmental 562
entity to aid in ensuring that children are protected from abuse 563
and neglect. The department shall make recommendations to the 564
attorney general that the department determines are necessary to 565
protect children from child abuse and child neglect. 566

(2) The director of children and youth shall adopt rules 567
in accordance with Chapter 119. of the Revised Code to identify 568
the types of neglect of a child that a public children services 569
agency shall be required to notify law enforcement of pursuant 570
to division (E) (2) (c) (ii) of this section. 571

(M) Whoever violates division (A) of this section is 572
liable for compensatory and exemplary damages to the child who 573
would have been the subject of the report that was not made or 574
who is the subject of a report that was made only to a peace 575
officer or public children services agency but not both when 576
reporting to both entities is required. A person who brings a 577
civil action or proceeding pursuant to this division against a 578
person who is alleged to have violated division (A) (1) of this 579
section may use in the action or proceeding reports of other 580
incidents of known or suspected abuse or neglect, provided that 581
any information in a report that would identify the child who is 582
the subject of the report or the maker of the report, if the 583
maker is not the defendant or an agent or employee of the 584
defendant, has been redacted. 585

(N) (1) As used in this division: 586

(a) "Out-of-home care" includes a nonchartered nonpublic 587
school if the alleged child abuse or child neglect, or alleged 588

threat of child abuse or child neglect, described in a report 589
received by a public children services agency allegedly occurred 590
in or involved the nonchartered nonpublic school and the alleged 591
perpetrator named in the report holds a certificate, permit, or 592
license issued by the state board of education under section 593
3301.071 or Chapter 3319. of the Revised Code. 594

(b) "Administrator, director, or other chief 595
administrative officer" means the superintendent of the school 596
district if the out-of-home care entity subject to a report made 597
pursuant to this section is a school operated by the district. 598

(2) No later than the end of the day following the day on 599
which a public children services agency receives a report of 600
alleged child abuse or child neglect, or a report of an alleged 601
threat of child abuse or child neglect, that allegedly occurred 602
in or involved an out-of-home care entity, the agency shall 603
provide written notice of the allegations contained in and the 604
person named as the alleged perpetrator in the report to the 605
administrator, director, or other chief administrative officer 606
of the out-of-home care entity that is the subject of the report 607
unless the administrator, director, or other chief 608
administrative officer is named as an alleged perpetrator in the 609
report. If the administrator, director, or other chief 610
administrative officer of an out-of-home care entity is named as 611
an alleged perpetrator in a report of alleged child abuse or 612
child neglect, or a report of an alleged threat of child abuse 613
or child neglect, that allegedly occurred in or involved the 614
out-of-home care entity, the agency shall provide the written 615
notice to the owner or governing board of the out-of-home care 616
entity that is the subject of the report. The agency shall not 617
provide witness statements or police or other investigative 618
reports. 619

(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.

(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. 2151.99. (A) (1) Except as otherwise provided in
division (A) (2) of this section, whoever violates division (D)
(2) or (3) of section 2151.313 or division (A) (4) or (I) (2) of
section 2151.421 of the Revised Code is guilty of a misdemeanor
of the fourth degree.

(2) Whoever violates division (A) (4) of section 2151.421
of the Revised Code knowing that a child has been abused or
neglected and knowing that the person who committed the abuse or
neglect was a 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, is guilty of a misdemeanor of the first
degree if the person who violates division (A) (4) of ~~this~~
section 2151.421 of the Revised Code and the person who
committed the abuse or neglect belong to the same church,
religious society, or faith.

(B) Whoever violates division (D) (1) of section 2151.313
of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates division (A) (1) of section 2151.421
of the Revised Code shall be punished as follows:

(1) Except as otherwise provided in division (C) (2) of

this section, the offender is guilty of a misdemeanor of the 679
fourth degree. 680

(2) The offender is guilty of a misdemeanor of the first 681
degree if the child who is the subject of the required report 682
that the offender fails to make, or who is the subject of a 683
report the offender made to only a peace officer or public 684
children services agency but not both when making a report to 685
both is required, suffers or faces the threat of suffering the 686
physical or mental wound, injury, disability, or condition that 687
would be the basis of the required report when the child is 688
under the direct care or supervision of the offender who is then 689
acting in the offender's official or professional capacity or 690
when the child is under the direct care or supervision of 691
another person over whom the offender while acting in the 692
offender's official or professional capacity has supervisory 693
control. 694

Section 2. That existing sections 2151.421 and 2151.99 of 695
the Revised Code are hereby repealed. 696

Section 3. This act shall be known as V.J.'s Law. 697