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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, Abrams, Brennan, Click, Craig, Daniels, Dovilla, Ghanbari, Lampton, LaRe, Lett, Mathews, A., Russo, Santucci, Sigrist, Swearingen, Synenberg, Thomas, C., Troy, Young

To amend sections 2151.421 and 2151.99 of the Revised Code to enact V.J.'s Law to require health care professionals to report child abuse or neglect 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 18
to the entity or persons specified in this division. Except as 19
otherwise provided in this division or section 5120.173 of the 20
Revised Code, the person making the report shall make it to the 21
public children services agency or a peace officer in the county 22
in which the child resides or in which the abuse or neglect is 23
occurring or has occurred. If the person making the report is a 24
peace officer, the officer shall make it to the public children 25
services agency in the county in which the child resides or in 26
which the abuse or neglect is occurring or has occurred. In the 27
circumstances described in section 5120.173 of the Revised Code, 28
the person making the report shall make it to the entity 29
specified in that section. In the circumstances described in 30
division (A) (1) (c) of this section, the health care professional 31
or professionals shall make it to the entities specified in that 32
division. 33

(b) Division (A) (1) (a) of this section applies to any 34
person who is an attorney; ~~health care professional;~~ 35
practitioner of a limited branch of medicine as specified in 36
section 4731.15 of the Revised Code; licensed school 37
psychologist; independent marriage and family therapist or 38
marriage and family therapist; coroner; administrator or 39
employee of a child care center; administrator or employee of a 40
residential camp, child day camp, or private, nonprofit 41
therapeutic wilderness camp; administrator or employee of a 42
certified child care agency or other public or private children 43
services agency; school teacher; school employee; school 44
authority; peace officer; humane society agent; dog warden, 45
deputy dog warden, or other person appointed to act as an animal 46
control officer for a municipal corporation or township in 47
accordance with state law, an ordinance, or a resolution; 48

person, other than a cleric, rendering spiritual treatment 49
through prayer in accordance with the tenets of a well- 50
recognized religion; employee of a county department of job and 51
family services who is a professional and who works with 52
children and families; superintendent or regional administrator 53
employed by the department of youth services; superintendent, 54
board member, or employee of a county board of developmental 55
disabilities; investigative agent contracted with by a county 56
board of developmental disabilities; employee of the department 57
of developmental disabilities; employee of a facility or home 58
that provides respite care in accordance with section 5123.171 59
of the Revised Code; employee of an entity that provides 60
homemaker services; employee of a qualified organization as 61
defined in section 2151.90 of the Revised Code; a host family as 62
defined in section 2151.90 of the Revised Code; foster 63
caregiver; a person performing the duties of an assessor 64
pursuant to Chapter 3107. or 5103. of the Revised Code; third 65
party employed by a public children services agency to assist in 66
providing child or family related services; court appointed 67
special advocate; or guardian ad litem. 68

(c) If No health care professional who is acting in an 69
official or professional capacity and knows, or has reasonable 70
cause to suspect based on facts that would cause a reasonable 71
person in a similar position to suspect, that a child under 72
eighteen years of age, or a person under twenty-one years of age 73
with a developmental disability or physical impairment, has 74
suffered or faces a threat of suffering any physical or mental 75
wound, injury, disability, or condition of a nature that 76
reasonably indicates abuse or neglect of the child shall 77
knowingly fail to immediately report that knowledge or 78
reasonable cause to suspect to the entity or persons specified 79

in this division. Except as otherwise provided in this division 80
or section 5120.173 of the Revised Code, the health care 81
professional or professionals making the report shall make it to 82
both a peace officer and the public children services agency in 83
the county in which the child resides or in which the abuse or 84
neglect is occurring or has occurred. In the circumstances 85
described in section 5120.173 of the Revised Code, the person 86
making the report shall make it to the entity specified in that 87
section. 88

If two or more health care professionals, after providing 89
health care services to a child, determine or suspect that the 90
child has been or is being abused or neglected, the health care 91
professionals may designate one of the health care professionals 92
to report the abuse or neglect. A single report made under this 93
division to both a peace officer and the public children 94
services agency -shall meet the reporting requirements of 95
division (A) (1) of this section. 96

(2) Except as provided in division (A) (3) of this section, 97
an attorney, physician, or advanced practice registered nurse is 98
not required to make a report pursuant to division (A) (1) of 99
this section concerning any communication the attorney, 100
physician, or advanced practice registered nurse receives from a 101
client or patient in an attorney-client, physician-patient, or 102
advanced practice registered nurse-patient relationship, if, in 103
accordance with division (A) or (B) of section 2317.02 of the 104
Revised Code, the attorney, physician, or advanced practice 105
registered nurse could not testify with respect to that 106
communication in a civil or criminal proceeding. 107

(3) The client or patient in an attorney-client, 108
physician-patient, or advanced practice registered nurse-patient 109

relationship described in division (A) (2) of this section is 110
deemed to have waived any testimonial privilege under division 111
(A) or (B) of section 2317.02 of the Revised Code with respect 112
to any communication the attorney, physician, or advanced 113
practice registered nurse receives from the client or patient in 114
that relationship, and the attorney, physician, or advanced 115
practice registered nurse shall make a report pursuant to 116
division (A) (1) of this section with respect to that 117
communication, if all of the following apply: 118

(a) The client or patient, at the time of the 119
communication, is a child under eighteen years of age or is a 120
person under twenty-one years of age with a developmental 121
disability or physical impairment. 122

(b) The attorney, physician, or advanced practice 123
registered nurse knows, or has reasonable cause to suspect based 124
on facts that would cause a reasonable person in similar 125
position to suspect that the client or patient has suffered or 126
faces a threat of suffering any physical or mental wound, 127
injury, disability, or condition of a nature that reasonably 128
indicates abuse or neglect of the client or patient. 129

(c) The abuse or neglect does not arise out of the 130
client's or patient's attempt to have an abortion without the 131
notification of her parents, guardian, or custodian in 132
accordance with section 2151.85 of the Revised Code. 133

(4) (a) No cleric and no person, other than a volunteer, 134
designated by any church, religious society, or faith acting as 135
a leader, official, or delegate on behalf of the church, 136
religious society, or faith who is acting in an official or 137
professional capacity, who knows, or has reasonable cause to 138
believe based on facts that would cause a reasonable person in a 139

similar position to believe, that a child under eighteen years 140
of age, or a person under twenty-one years of age with a 141
developmental disability or physical impairment, has suffered or 142
faces a threat of suffering any physical or mental wound, 143
injury, disability, or condition of a nature that reasonably 144
indicates abuse or neglect of the child, and who knows, or has 145
reasonable cause to believe based on facts that would cause a 146
reasonable person in a similar position to believe, that another 147
cleric or another person, other than a volunteer, designated by 148
a church, religious society, or faith acting as a leader, 149
official, or delegate on behalf of the church, religious 150
society, or faith caused, or poses the threat of causing, the 151
wound, injury, disability, or condition that reasonably 152
indicates abuse or neglect shall knowingly fail to immediately 153
report that knowledge or reasonable cause to believe to the 154
entity or persons specified in this division. Except as provided 155
in division (A) (1) (c) of this section or section 5120.173 of the 156
Revised Code, the person making the report shall make it to the 157
public children services agency or a peace officer in the county 158
in which the child resides or in which the abuse or neglect is 159
occurring or has occurred. In the circumstances described in 160
section 5120.173 of the Revised Code, the person making the 161
report shall make it to the entity specified in that section. In 162
the circumstances described in division (A) (1) (c) of this 163
section, the health care professional or professionals shall 164
make it to the entities specified in that section. 165

(b) Except as provided in division (A) (4) (c) of this 166
section, a cleric is not required to make a report pursuant to 167
division (A) (4) (a) of this section concerning any communication 168
the cleric receives from a penitent in a cleric-penitent 169
relationship, if, in accordance with division (C) of section 170

2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding. 171
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(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: 173
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(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. 181
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(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. 185
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(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. 192
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(d) Divisions (A) (4) (a) and (c) of this section do not 199

apply in a cleric-penitent relationship when the disclosure of 200
any communication the cleric receives from the penitent is in 201
violation of the sacred trust. 202

(e) As used in divisions (A) (1) and (4) of this section, 203
"cleric" and "sacred trust" have the same meanings as in section 204
2317.02 of the Revised Code. 205

(B) Anyone who knows, or has reasonable cause to suspect 206
based on facts that would cause a reasonable person in similar 207
circumstances to suspect, that a child under eighteen years of 208
age, or a person under twenty-one years of age with a 209
developmental disability or physical impairment, has suffered or 210
faces a threat of suffering any physical or mental wound, 211
injury, disability, or other condition of a nature that 212
reasonably indicates abuse or neglect of the child may report or 213
cause reports to be made of that knowledge or reasonable cause 214
to suspect to the entity or persons specified in this division. 215
Except as provided in division (A) (1) (c) of this section or 216
section 5120.173 of the Revised Code, a person making a report 217
or causing a report to be made under this division shall make it 218
or cause it to be made to the public children services agency or 219
to a peace officer. In the circumstances described in section 220
5120.173 of the Revised Code, a person making a report or 221
causing a report to be made under this division shall make it or 222
cause it to be made to the entity specified in that section. In 223
the circumstances described in division (A) (1) (c) of this 224
section, the health care professional or professionals shall 225
make it to the entities specified in that division. 226

(C) Any report made pursuant to division (A) or (B) of 227
this section shall be made forthwith either by telephone, in 228
person, or electronically and shall be followed by a written 229

report, if requested by the receiving agency or officer. The 230
written report shall contain: 231

(1) The names and addresses of the child and the child's 232
parents or the person or persons having custody of the child, if 233
known; 234

(2) The child's age and the nature and extent of the 235
child's injuries, abuse, or neglect that is known or reasonably 236
suspected or believed, as applicable, to have occurred or of the 237
threat of injury, abuse, or neglect that is known or reasonably 238
suspected or believed, as applicable, to exist, including any 239
evidence of previous injuries, abuse, or neglect; 240

(3) Any other information, including, but not limited to, 241
results and reports of any medical examinations, tests, or 242
procedures performed under division (D) of this section, that 243
might be helpful in establishing the cause of the injury, abuse, 244
or neglect that is known or reasonably suspected or believed, as 245
applicable, to have occurred or of the threat of injury, abuse, 246
or neglect that is known or reasonably suspected or believed, as 247
applicable, to exist. 248

(D) (1) Any person, who is required by division (A) of this 249
section to report child abuse or child neglect that is known or 250
reasonably suspected or believed to have occurred, may take or 251
cause to be taken color photographs of areas of trauma visible 252
on a child and, if medically necessary for the purpose of 253
diagnosing or treating injuries that are suspected to have 254
occurred as a result of child abuse or child neglect, perform or 255
cause to be performed radiological examinations and any other 256
medical examinations of, and tests or procedures on, the child. 257

(2) The results and any available reports of examinations, 258

tests, or procedures made under division (D) (1) of this section 259
shall be included in a report made pursuant to division (A) of 260
this section. Any additional reports of examinations, tests, or 261
procedures that become available shall be provided to the public 262
children services agency and any law enforcement agency 263
investigating the report, upon request. 264

(3) If a health care professional provides health care 265
services in a hospital, children's advocacy center, or emergency 266
medical facility to a child about whom a report has been made 267
under division (A) of this section, the health care professional 268
may take any steps that are reasonably necessary for the release 269
or discharge of the child to an appropriate environment. Before 270
the child's release or discharge, the health care professional 271
may obtain information, or consider information obtained, from 272
other entities or individuals that have knowledge about the 273
child. Nothing in division (D) (3) of this section shall be 274
construed to alter the responsibilities of any person under 275
sections 2151.27 and 2151.31 of the Revised Code. 276

(4) A health care professional may conduct medical 277
examinations, tests, or procedures on the siblings of a child 278
about whom a report has been made under division (A) of this 279
section and on other children who reside in the same home as the 280
child, if the professional determines that the examinations, 281
tests, or procedures are medically necessary to diagnose or 282
treat the siblings or other children in order to determine 283
whether reports under division (A) of this section are warranted 284
with respect to such siblings or other children. The results of 285
the examinations, tests, or procedures on the siblings and other 286
children may be included in a report made pursuant to division 287
(A) of this section. 288

(5) ~~Medical~~ Except with regard to a law enforcement agency 289
investigating a report made pursuant to division (A) of this 290
section, examinations, tests, or procedures conducted under 291
divisions (D) (1) and (4) of this section and decisions regarding 292
the release or discharge of a child under division (D) (3) of 293
this section do not constitute a law enforcement investigation 294
or activity. 295

(E) (1) When a peace officer receives a report made 296
pursuant to division (A) or (B) of this section, upon receipt of 297
the report, the peace officer who receives the report shall 298
refer the report to the appropriate public children services 299
agency, in accordance with requirements specified under division 300
(B) (6) of section 2151.4221 of the Revised Code, unless an 301
arrest is made at the time of the report that results in the 302
appropriate public children services agency being contacted 303
concerning the possible abuse or neglect of a child or the 304
possible threat of abuse or neglect of a child. 305

(2) When a public children services agency receives a 306
report pursuant to this division or division (A) or (B) of this 307
section, upon receipt of the report, the public children 308
services agency shall do all of the following: 309

(a) Comply with section 2151.422 of the Revised Code; 310

(b) If the county served by the agency is also served by a 311
children's advocacy center and the report alleges sexual abuse 312
of a child or another type of abuse of a child that is specified 313
in the memorandum of understanding that creates the center as 314
being within the center's jurisdiction, comply regarding the 315
report with the protocol and procedures for referrals and 316
investigations, with the coordinating activities, and with the 317
authority or responsibility for performing or providing 318

functions, activities, and services stipulated in the 319
interagency agreement entered into under section 2151.428 of the 320
Revised Code relative to that center; 321

(c) Unless an arrest is made at the time of the report 322
that results in the appropriate law enforcement agency being 323
contacted concerning the possible abuse or neglect of a child or 324
the possible threat of abuse or neglect of a child, and in 325
accordance with requirements specified under division (B) (6) of 326
section 2151.4221 of the Revised Code, notify the appropriate 327
law enforcement agency of the report promptly, but not later 328
than forty-eight hours after receipt of the report, if the 329
public children services agency received either of the 330
following: 331

(i) A report of abuse of a child; 332

(ii) A report of neglect of a child that alleges a type of 333
neglect identified by the department of children and youth in 334
rules adopted under division (L) (2) of this section. 335

(F) No peace officer shall remove a child about whom a 336
report is made pursuant to this section from the child's 337
parents, stepparents, or guardian or any other persons having 338
custody of the child without consultation with the public 339
children services agency, unless, in the judgment of the 340
officer, and, if the report was made by a physician or advanced 341
practice registered nurse, the physician or nurse, immediate 342
removal is considered essential to protect the child from 343
further abuse or neglect. The agency that must be consulted 344
shall be the agency conducting the investigation of the report 345
as determined pursuant to section 2151.422 of the Revised Code. 346

(G) (1) Except as provided in section 2151.422 of the 347

Revised Code or in an interagency agreement entered into under 348
section 2151.428 of the Revised Code that applies to the 349
particular report, the public children services agency shall 350
investigate, within twenty-four hours, each report of child 351
abuse or child neglect that is known or reasonably suspected or 352
believed to have occurred and of a threat of child abuse or 353
child neglect that is known or reasonably suspected or believed 354
to exist that is referred to it under this section to determine 355
the circumstances surrounding the injuries, abuse, or neglect or 356
the threat of injury, abuse, or neglect, the cause of the 357
injuries, abuse, neglect, or threat, and the person or persons 358
responsible. The investigation shall be made in cooperation with 359
the law enforcement agency and in accordance with the memorandum 360
of understanding prepared under sections 2151.4220 to 2151.4234 361
of the Revised Code. A representative of the public children 362
services agency shall, at the time of initial contact with the 363
person subject to the investigation, inform the person of the 364
specific complaints or allegations made against the person. The 365
information shall be given in a manner that is consistent with 366
division (I)(1) of this section and protects the rights of the 367
person making the report under this section. 368

A failure to make the investigation in accordance with the 369
memorandum is not grounds for, and shall not result in, the 370
dismissal of any charges or complaint arising from the report or 371
the suppression of any evidence obtained as a result of the 372
report and does not give, and shall not be construed as giving, 373
any rights or any grounds for appeal or post-conviction relief 374
to any person. The public children services agency shall report 375
each case to the uniform statewide automated child welfare 376
information system that the department of children and youth 377
shall maintain in accordance with section 5101.13 of the Revised 378

Code. The public children services agency shall submit a report 379
of its investigation, in writing, to the law enforcement agency. 380

(2) The public children services agency shall make any 381
recommendations to the county prosecuting attorney or city 382
director of law that it considers necessary to protect any 383
children that are brought to its attention. 384

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 385
(I) (3) of this section, any person, health care professional, 386
hospital, institution, school, health department, or agency 387
shall be immune from any civil or criminal liability for injury, 388
death, or loss to person or property that otherwise might be 389
incurred or imposed as a result of any of the following: 390

(i) Participating in the making of reports pursuant to 391
division (A) of this section or in the making of reports in good 392
faith, pursuant to division (B) of this section; 393

(ii) Participating in medical examinations, tests, or 394
procedures under division (D) of this section; 395

(iii) Providing information used in a report made pursuant 396
to division (A) of this section or providing information in good 397
faith used in a report made pursuant to division (B) of this 398
section; 399

(iv) Participating in a judicial proceeding resulting from 400
a report made pursuant to division (A) of this section or 401
participating in good faith in a proceeding resulting from a 402
report made pursuant to division (B) of this section. 403

(b) Immunity under division (H) (1) (a) (ii) of this section 404
shall not apply when a health care provider has deviated from 405
the standard of care applicable to the provider's profession. 406

(c) Notwithstanding section 4731.22 of the Revised Code, 407
the physician-patient privilege shall not be a ground for 408
excluding evidence regarding a child's injuries, abuse, or 409
neglect, or the cause of the injuries, abuse, or neglect in any 410
judicial proceeding resulting from a report submitted pursuant 411
to this section. 412

(2) In any civil or criminal action or proceeding in which 413
it is alleged and proved that participation in the making of a 414
report under this section was not in good faith or participation 415
in a judicial proceeding resulting from a report made under this 416
section was not in good faith, the court shall award the 417
prevailing party reasonable attorney's fees and costs and, if a 418
civil action or proceeding is voluntarily dismissed, may award 419
reasonable attorney's fees and costs to the party against whom 420
the civil action or proceeding is brought. 421

(I)(1) Except as provided in divisions (I)(4) and (N) of 422
this section and sections 2151.423 and 2151.4210 of the Revised 423
Code, a report made under this section is confidential. The 424
information provided in a report made pursuant to this section 425
and the name of the person who made the report shall not be 426
released for use, and shall not be used, as evidence in any 427
civil action or proceeding brought against the person who made 428
the report. Nothing in this division shall preclude the use of 429
reports of other incidents of known or suspected abuse or 430
neglect in a civil action or proceeding brought pursuant to 431
division (M) of this section against a person who is alleged to 432
have violated division (A)(1) of this section, provided that any 433
information in a report that would identify the child who is the 434
subject of the report or the maker of the report, if the maker 435
of the report is not the defendant or an agent or employee of 436
the defendant, has been redacted. In a criminal proceeding, the 437

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 468
served by the public children services agency is also served by 469
a children's advocacy center and the report of alleged sexual 470
abuse of a child or another type of abuse of a child is 471
specified in the memorandum of understanding that creates the 472
center as being within the center's jurisdiction, the agency or 473
center shall perform the duties and functions specified in this 474
division in accordance with the interagency agreement entered 475
into under section 2151.428 of the Revised Code relative to that 476
advocacy center. 477

(5) Not later than five business days after the 478
determination of a disposition, a public children services 479
agency shall advise a person alleged to have inflicted abuse or 480
neglect on a child who is the subject of a report made pursuant 481
to this section, including a report alleging sexual abuse of a 482
child or another type of abuse of a child referred to a 483
children's advocacy center pursuant to an interagency agreement 484
entered into under section 2151.428 of the Revised Code, in 485
writing of the disposition of the investigation. The agency 486
shall not provide to the person any information that identifies 487
the person who made the report, statements of witnesses, or 488
police or other investigative reports. The written notice of 489
disposition shall be made in a form designated by the department 490
of job and family services and shall inform the person of the 491
right to appeal the disposition. 492

(J) Any report that is required by this section, other 493
than a report that is made to the state highway patrol as 494
described in section 5120.173 of the Revised Code, shall result 495
in protective services and emergency supportive services being 496
made available by the public children services agency on behalf 497
of the children about whom the report is made. The agency 498

required to provide the services shall be the agency conducting 499
the investigation of the report pursuant to section 2151.422 of 500
the Revised Code. If a child is determined to be a candidate for 501
prevention services, the agency also shall make efforts to 502
prevent neglect or abuse, to enhance a child's welfare, and to 503
preserve the family unit intact by referring a report for 504
assessment and provision of services to an agency providing 505
prevention services. 506

(K) (1) Except as provided in division (K) (4) or (5) of 507
this section, a person who is required to make a report under 508
division (A) of this section may make a reasonable number of 509
requests of the public children services agency that receives or 510
is referred the report, or of the children's advocacy center 511
that is referred the report if the report is referred to a 512
children's advocacy center pursuant to an interagency agreement 513
entered into under section 2151.428 of the Revised Code, to be 514
provided with the following information: 515

(a) Whether the agency or center has initiated an 516
investigation of the report; 517

(b) Whether the agency or center is continuing to 518
investigate the report; 519

(c) Whether the agency or center is otherwise involved 520
with the child who is the subject of the report; 521

(d) The general status of the health and safety of the 522
child who is the subject of the report; 523

(e) Whether the report has resulted in the filing of a 524
complaint in juvenile court or of criminal charges in another 525
court. 526

(2) (a) A person may request the information specified in 527

division (K) (1) of this section only if, at the time the report 528
is made, the person's name, address, and telephone number are 529
provided to the person who receives the report. 530

(b) When a peace officer or employee of a public children 531
services agency receives a report pursuant to division (A) or 532
(B) of this section the recipient of the report shall inform the 533
person of the right to request the information described in 534
division (K) (1) of this section. The recipient of the report 535
shall include in the initial child abuse or child neglect report 536
that the person making the report was so informed and, if 537
provided at the time of the making of the report, shall include 538
the person's name, address, and telephone number in the report. 539

(c) If the person making the report provides the person's 540
name and contact information on making the report, the public 541
children services agency that received or was referred the 542
report shall send a written notice via United States mail or 543
electronic mail, in accordance with the person's preference, to 544
the person not later than seven calendar days after receipt of 545
the report. The notice shall provide the status of the agency's 546
investigation into the report made, who the person may contact 547
at the agency for further information, and a description of the 548
person's rights under division (K) (1) of this section. 549

(d) Each request is subject to verification of the 550
identity of the person making the report. If that person's 551
identity is verified, the agency shall provide the person with 552
the information described in division (K) (1) of this section a 553
reasonable number of times, except that the agency shall not 554
disclose any confidential information regarding the child who is 555
the subject of the report other than the information described 556
in those divisions. 557

(3) A request made pursuant to division (K) (1) of this 558
section is not a substitute for any report required to be made 559
pursuant to division (A) of this section. 560

(4) If an agency other than the agency that received or 561
was referred the report is conducting the investigation of the 562
report pursuant to section 2151.422 of the Revised Code, the 563
agency conducting the investigation shall comply with the 564
requirements of division (K) of this section. 565

(5) A health care professional who made a report ~~under~~ 566
~~division (A) of this section,~~ or on whose behalf such a report 567
was made ~~as provided in~~, under division (A) (1) (c) of this 568
section, may authorize a person to obtain the information 569
described in division (K) (1) of this section if the person 570
requesting the information is associated with or acting on 571
behalf of the health care professional who provided health care 572
services to the child about whom the report was made. 573

(6) If the person making the report provides the person's 574
name and contact information on making the report, the public 575
children services agency that received or was referred the 576
report shall send a written notice via United States mail or 577
electronic mail, in accordance with the person's preference, to 578
the person not later than seven calendar days after the agency 579
closes the investigation into the case reported by the person. 580
The notice shall notify the person that the agency has closed 581
the investigation. 582

(L) (1) The director of children and youth shall adopt 583
rules in accordance with Chapter 119. of the Revised Code to 584
implement this section. The department of children and youth may 585
enter into a plan of cooperation with any other governmental 586
entity to aid in ensuring that children are protected from abuse 587

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 or who is the subject of a report that was made only to a peace officer or public children services agency but not both when reporting to both entities is required. 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. 618

(b) "Administrator, director, or other chief 619
administrative officer" means the superintendent of the school 620
district if the out-of-home care entity subject to a report made 621
pursuant to this section is a school operated by the district. 622

(2) No later than the end of the day following the day on 623
which a public children services agency receives a report of 624
alleged child abuse or child neglect, or a report of an alleged 625
threat of child abuse or child neglect, that allegedly occurred 626
in or involved an out-of-home care entity, the agency shall 627
provide written notice of the allegations contained in and the 628
person named as the alleged perpetrator in the report to the 629
administrator, director, or other chief administrative officer 630
of the out-of-home care entity that is the subject of the report 631
unless the administrator, director, or other chief 632
administrative officer is named as an alleged perpetrator in the 633
report. If the administrator, director, or other chief 634
administrative officer of an out-of-home care entity is named as 635
an alleged perpetrator in a report of alleged child abuse or 636
child neglect, or a report of an alleged threat of child abuse 637
or child neglect, that allegedly occurred in or involved the 638
out-of-home care entity, the agency shall provide the written 639
notice to the owner or governing board of the out-of-home care 640
entity that is the subject of the report. The agency shall not 641
provide witness statements or police or other investigative 642
reports. 643

(3) No later than three days after the day on which a 644
public children services agency that conducted the investigation 645
as determined pursuant to section 2151.422 of the Revised Code 646
makes a disposition of an investigation involving a report of 647

alleged child abuse or child neglect, or a report of an alleged 648
threat of child abuse or child neglect, that allegedly occurred 649
in or involved an out-of-home care entity, the agency shall send 650
written notice of the disposition of the investigation to the 651
administrator, director, or other chief administrative officer 652
and the owner or governing board of the out-of-home care entity. 653
The agency shall not provide witness statements or police or 654
other investigative reports. 655

(0) As used in this section: 656

(1) "Children's advocacy center" and "sexual abuse of a 657
child" have the same meanings as in section 2151.425 of the 658
Revised Code. 659

(2) "Health care professional" means an individual who 660
provides health-related services. "Health care professional" 661
includes all of the following: a physician, including a hospital 662
intern or resident; a dentist; a podiatrist; a registered nurse, 663
including such a nurse who is an advanced practice registered 664
nurse; a licensed practical nurse; a home care nurse; a licensed 665
psychologist; a speech-language pathologist; an audiologist; a 666
person engaged in social work or the practice of professional 667
counseling; and an employee of a home health agency. "Health 668
care professional" does not include a practitioner of a limited 669
branch of medicine as specified in section 4731.15 of the 670
Revised Code, licensed school psychologist, independent marriage 671
and family therapist or marriage and family therapist, or 672
coroner. 673

(3) "Investigation" means the public children services 674
agency's response to an accepted report of child abuse or 675
neglect through either an alternative response or a traditional 676
response. 677

(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 fourth degree.

(2) The offender is guilty of a misdemeanor of the first degree if the child who is the subject of the required report

that the offender fails to make, or who is the subject of a 707
report the offender made to only a peace officer or public 708
children services agency but not both when making a report to 709
both is required, suffers or faces the threat of suffering the 710
physical or mental wound, injury, disability, or condition that 711
would be the basis of the required report when the child is 712
under the direct care or supervision of the offender who is then 713
acting in the offender's official or professional capacity or 714
when the child is under the direct care or supervision of 715
another person over whom the offender while acting in the 716
offender's official or professional capacity has supervisory 717
control. 718

Section 2. That existing sections 2151.421 and 2151.99 of 719
the Revised Code are hereby repealed. 720

Section 3. This act shall be known as V.J.'s Law. 721