

As Introduced

136th General Assembly

Regular Session

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H. B. No. 371

Representatives Plummer, Young

To amend section 2151.421 of the Revised Code to
make elected officials mandatory reporters of
child abuse and neglect.

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

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

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

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occurring or has occurred. If the person making the report is a 22
peace officer, the officer shall make it to the public children 23
services agency in the county in which the child resides or in 24
which the abuse or neglect is occurring or has occurred. In the 25
circumstances described in section 5120.173 of the Revised Code, 26
the person making the report shall make it to the entity 27
specified in that section. 28

(b) Division (A)(1)(a) of this section applies to any 29
person who is an attorney; health care professional; 30
practitioner of a limited branch of medicine as specified in 31
section 4731.15 of the Revised Code; licensed school 32
psychologist; independent marriage and family therapist or 33
marriage and family therapist; coroner; administrator or 34
employee of a child care center; administrator or employee of a 35
residential camp, child day camp, or private, nonprofit 36
therapeutic wilderness camp; administrator or employee of a 37
certified child care agency or other public or private children 38
services agency; school teacher; school employee; school 39
authority; peace officer; humane society agent; dog warden, 40
deputy dog warden, or other person appointed to act as an animal 41
control officer for a municipal corporation or township in 42
accordance with state law, an ordinance, or a resolution; 43
person, other than a cleric, rendering spiritual treatment 44
through prayer in accordance with the tenets of a well- 45
recognized religion; employee of a county department of job and 46
family services who is a professional and who works with 47
children and families; superintendent or regional administrator 48
employed by the department of youth services; superintendent, 49
board member, or employee of a county board of developmental 50
disabilities; investigative agent contracted with by a county 51
board of developmental disabilities; employee of the department 52

of developmental disabilities; employee of a facility or home 53
that provides respite care in accordance with section 5123.171 54
of the Revised Code; employee of an entity that provides 55
homemaker services; employee of a qualified organization as 56
defined in section 2151.90 of the Revised Code; a host family as 57
defined in section 2151.90 of the Revised Code; foster 58
caregiver; a person performing the duties of an assessor 59
pursuant to Chapter 3107. or 5103. of the Revised Code; third 60
party employed by a public children services agency to assist in 61
providing child or family related services; court appointed 62
special advocate; or guardian ad litem. 63

(c) If two or more health care professionals, after 64
providing health care services to a child, determine or suspect 65
that the child has been or is being abused or neglected, the 66
health care professionals may designate one of the health care 67
professionals to report the abuse or neglect. A single report 68
made under this division shall meet the reporting requirements 69
of division (A) (1) of this section. 70

(2) Except as provided in division (A) (3) of this section, 71
an attorney, physician, or advanced practice registered nurse is 72
not required to make a report pursuant to division (A) (1) of 73
this section concerning any communication the attorney, 74
physician, or advanced practice registered nurse receives from a 75
client or patient in an attorney-client, physician-patient, or 76
advanced practice registered nurse-patient relationship, if, in 77
accordance with division (A) or (B) of section 2317.02 of the 78
Revised Code, the attorney, physician, or advanced practice 79
registered nurse could not testify with respect to that 80
communication in a civil or criminal proceeding. 81

(3) The client or patient in an attorney-client, 82

physician-patient, or advanced practice registered nurse-patient 83
relationship described in division (A)(2) of this section is 84
deemed to have waived any testimonial privilege under division 85
(A) or (B) of section 2317.02 of the Revised Code with respect 86
to any communication the attorney, physician, or advanced 87
practice registered nurse receives from the client or patient in 88
that relationship, and the attorney, physician, or advanced 89
practice registered nurse shall make a report pursuant to 90
division (A)(1) of this section with respect to that 91
communication, if all of the following apply: 92

(a) The client or patient, at the time of the 93
communication, is a child under eighteen years of age or is a 94
person under twenty-one years of age with a developmental 95
disability or physical impairment. 96

(b) The attorney, physician, or advanced practice 97
registered nurse knows, or has reasonable cause to suspect based 98
on facts that would cause a reasonable person in similar 99
position to suspect that the client or patient has suffered or 100
faces a threat of suffering any physical or mental wound, 101
injury, disability, or condition of a nature that reasonably 102
indicates abuse or neglect of the client or patient. 103

(c) The abuse or neglect does not arise out of the 104
client's or patient's attempt to have an abortion without the 105
notification of her parents, guardian, or custodian in 106
accordance with section 2151.85 of the Revised Code. 107

(4) (a) No cleric and no person, other than a volunteer, 108
designated by any church, religious society, or faith acting as 109
a leader, official, or delegate on behalf of the church, 110
religious society, or faith who is acting in an official or 111
professional capacity, who knows, or has reasonable cause to 112

believe based on facts that would cause a reasonable person in a 113
similar position to believe, that a child under eighteen years 114
of age, or a person under twenty-one years of age with a 115
developmental disability or physical impairment, has suffered or 116
faces a threat of suffering any physical or mental wound, 117
injury, disability, or condition of a nature that reasonably 118
indicates abuse or neglect of the child, and who knows, or has 119
reasonable cause to believe based on facts that would cause a 120
reasonable person in a similar position to believe, that another 121
cleric or another person, other than a volunteer, designated by 122
a church, religious society, or faith acting as a leader, 123
official, or delegate on behalf of the church, religious 124
society, or faith caused, or poses the threat of causing, the 125
wound, injury, disability, or condition that reasonably 126
indicates abuse or neglect shall fail to immediately report that 127
knowledge or reasonable cause to believe to the entity or 128
persons specified in this division. Except as provided in 129
section 5120.173 of the Revised Code, the person making the 130
report shall make it to the public children services agency or a 131
peace officer in the county in which the child resides or in 132
which the abuse or neglect is occurring or has occurred. In the 133
circumstances described in section 5120.173 of the Revised Code, 134
the person making the report shall make it to the entity 135
specified in that section. 136

(b) Except as provided in division (A) (4) (c) of this 137
section, a cleric is not required to make a report pursuant to 138
division (A) (4) (a) of this section concerning any communication 139
the cleric receives from a penitent in a cleric-penitent 140
relationship, if, in accordance with division (C) of section 141
2317.02 of the Revised Code, the cleric could not testify with 142
respect to that communication in a civil or criminal proceeding. 143

(c) The penitent in a cleric-penitent relationship 144
described in division (A) (4) (b) of this section is deemed to 145
have waived any testimonial privilege under division (C) of 146
section 2317.02 of the Revised Code with respect to any 147
communication the cleric receives from the penitent in that 148
cleric-penitent relationship, and the cleric shall make a report 149
pursuant to division (A) (4) (a) of this section with respect to 150
that communication, if all of the following apply: 151

(i) The penitent, at the time of the communication, is a 152
child under eighteen years of age or is a person under twenty- 153
one years of age with a developmental disability or physical 154
impairment. 155

(ii) The cleric knows, or has reasonable cause to believe 156
based on facts that would cause a reasonable person in a similar 157
position to believe, as a result of the communication or any 158
observations made during that communication, the penitent has 159
suffered or faces a threat of suffering any physical or mental 160
wound, injury, disability, or condition of a nature that 161
reasonably indicates abuse or neglect of the penitent. 162

(iii) The abuse or neglect does not arise out of the 163
penitent's attempt to have an abortion performed upon a child 164
under eighteen years of age or upon a person under twenty-one 165
years of age with a developmental disability or physical 166
impairment without the notification of her parents, guardian, or 167
custodian in accordance with section 2151.85 of the Revised 168
Code. 169

(d) Divisions (A) (4) (a) and (c) of this section do not 170
apply in a cleric-penitent relationship when the disclosure of 171
any communication the cleric receives from the penitent is in 172
violation of the sacred trust. 173

(e) As used in divisions (A) (1) and (4) of this section, 174
"cleric" and "sacred trust" have the same meanings as in section 175
2317.02 of the Revised Code. 176

(5) (a) An elected official who knows, or has reasonable 177
cause to suspect based on facts that would cause a reasonable 178
person in a similar position to suspect, that a child under 179
eighteen years of age, or a person under twenty-one years of age 180
with a developmental disability or physical impairment, has 181
suffered or faces a threat of suffering any physical or mental 182
wound, injury, disability, or condition of a nature that 183
reasonably indicates abuse or neglect of the child shall 184
immediately report that knowledge, or reasonable cause to 185
suspect. Except as otherwise provided in this division or 186
section 5120.173 of the Revised Code, the elected official 187
making the report shall make it to the public children services 188
agency or a peace officer in the county in which the child 189
resides or in which the abuse or neglect is occurring or has 190
occurred. If the elected official making the report is a peace 191
officer, the officer shall make it to the public children 192
services agency in the county in which the child resides or in 193
which the abuse or neglect is occurring or has occurred. In the 194
circumstances described in section 5120.173 of the Revised Code, 195
the elected official making the report shall make it to the 196
entity specified in that section. 197

(b) An elected official who is also a person described in 198
division (A) (1) (b) of this section shall make a report pursuant 199
to division (A) (5) of this section regardless of whether the 200
elected official is acting in an official or professional 201
capacity as a person described in division (A) (1) (b) of this 202
section. 203

(B) Anyone who knows, or has reasonable cause to suspect 204
based on facts that would cause a reasonable person in similar 205
circumstances to suspect, that a child under eighteen years of 206
age, or a person under twenty-one years of age with a 207
developmental disability or physical impairment, has suffered or 208
faces a threat of suffering any physical or mental wound, 209
injury, disability, or other condition of a nature that 210
reasonably indicates abuse or neglect of the child may report or 211
cause reports to be made of that knowledge or reasonable cause 212
to suspect to the entity or persons specified in this division. 213
Except as provided in section 5120.173 of the Revised Code, a 214
person making a report or causing a report to be made under this 215
division shall make it or cause it to be made to the public 216
children services agency or to a peace officer. In the 217
circumstances described in section 5120.173 of the Revised Code, 218
a person making a report or causing a report to be made under 219
this division shall make it or cause it to be made to the entity 220
specified in that section. 221

(C) Any report made pursuant to division (A) or (B) of 222
this section shall be made forthwith either by telephone, in 223
person, or electronically and shall be followed by a written 224
report, if requested by the receiving agency or officer. The 225
written report shall contain: 226

(1) The names and addresses of the child and the child's 227
parents or the person or persons having custody of the child, if 228
known; 229

(2) The child's age and the nature and extent of the 230
child's injuries, abuse, or neglect that is known or reasonably 231
suspected or believed, as applicable, to have occurred or of the 232
threat of injury, abuse, or neglect that is known or reasonably 233

suspected or believed, as applicable, to exist, including any 234
evidence of previous injuries, abuse, or neglect; 235

(3) Any other information, including, but not limited to, 236
results and reports of any medical examinations, tests, or 237
procedures performed under division (D) of this section, that 238
might be helpful in establishing the cause of the injury, abuse, 239
or neglect that is known or reasonably suspected or believed, as 240
applicable, to have occurred or of the threat of injury, abuse, 241
or neglect that is known or reasonably suspected or believed, as 242
applicable, to exist. 243

(D) (1) Any person, who is required by division (A) of this 244
section to report child abuse or child neglect that is known or 245
reasonably suspected or believed to have occurred, may take or 246
cause to be taken color photographs of areas of trauma visible 247
on a child and, if medically necessary for the purpose of 248
diagnosing or treating injuries that are suspected to have 249
occurred as a result of child abuse or child neglect, perform or 250
cause to be performed radiological examinations and any other 251
medical examinations of, and tests or procedures on, the child. 252

(2) The results and any available reports of examinations, 253
tests, or procedures made under division (D) (1) of this section 254
shall be included in a report made pursuant to division (A) of 255
this section. Any additional reports of examinations, tests, or 256
procedures that become available shall be provided to the public 257
children services agency, upon request. 258

(3) If a health care professional provides health care 259
services in a hospital, children's advocacy center, or emergency 260
medical facility to a child about whom a report has been made 261
under division (A) of this section, the health care professional 262
may take any steps that are reasonably necessary for the release 263

or discharge of the child to an appropriate environment. Before 264
the child's release or discharge, the health care professional 265
may obtain information, or consider information obtained, from 266
other entities or individuals that have knowledge about the 267
child. Nothing in division (D) (3) of this section shall be 268
construed to alter the responsibilities of any person under 269
sections 2151.27 and 2151.31 of the Revised Code. 270

(4) A health care professional may conduct medical 271
examinations, tests, or procedures on the siblings of a child 272
about whom a report has been made under division (A) of this 273
section and on other children who reside in the same home as the 274
child, if the professional determines that the examinations, 275
tests, or procedures are medically necessary to diagnose or 276
treat the siblings or other children in order to determine 277
whether reports under division (A) of this section are warranted 278
with respect to such siblings or other children. The results of 279
the examinations, tests, or procedures on the siblings and other 280
children may be included in a report made pursuant to division 281
(A) of this section. 282

(5) Medical examinations, tests, or procedures conducted 283
under divisions (D) (1) and (4) of this section and decisions 284
regarding the release or discharge of a child under division (D) 285
(3) of this section do not constitute a law enforcement 286
investigation or activity. 287

(E) (1) When a peace officer receives a report made 288
pursuant to division (A) or (B) of this section, upon receipt of 289
the report, the peace officer who receives the report shall 290
refer the report to the appropriate public children services 291
agency, in accordance with requirements specified under division 292
(B) (6) of section 2151.4221 of the Revised Code, unless an 293

arrest is made at the time of the report that results in the 294
appropriate public children services agency being contacted 295
concerning the possible abuse or neglect of a child or the 296
possible threat of abuse or neglect of a child. 297

(2) When a public children services agency receives a 298
report pursuant to this division or division (A) or (B) of this 299
section, upon receipt of the report, the public children 300
services agency shall do all of the following: 301

(a) Comply with section 2151.422 of the Revised Code; 302

(b) If the county served by the agency is also served by a 303
children's advocacy center and the report alleges sexual abuse 304
of a child or another type of abuse of a child that is specified 305
in the memorandum of understanding that creates the center as 306
being within the center's jurisdiction, comply regarding the 307
report with the protocol and procedures for referrals and 308
investigations, with the coordinating activities, and with the 309
authority or responsibility for performing or providing 310
functions, activities, and services stipulated in the 311
interagency agreement entered into under section 2151.428 of the 312
Revised Code relative to that center; 313

(c) Unless an arrest is made at the time of the report 314
that results in the appropriate law enforcement agency being 315
contacted concerning the possible abuse or neglect of a child or 316
the possible threat of abuse or neglect of a child, and in 317
accordance with requirements specified under division (B) (6) of 318
section 2151.4221 of the Revised Code, notify the appropriate 319
law enforcement agency of the report, if the public children 320
services agency received either of the following: 321

(i) A report of abuse of a child; 322

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

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

(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the

person subject to the investigation, inform the person of the 354
specific complaints or allegations made against the person. The 355
information shall be given in a manner that is consistent with 356
division (I)(1) of this section and protects the rights of the 357
person making the report under this section. 358

A failure to make the investigation in accordance with the 359
memorandum is not grounds for, and shall not result in, the 360
dismissal of any charges or complaint arising from the report or 361
the suppression of any evidence obtained as a result of the 362
report and does not give, and shall not be construed as giving, 363
any rights or any grounds for appeal or post-conviction relief 364
to any person. The public children services agency shall report 365
each case to the uniform statewide automated child welfare 366
information system that the department of children and youth 367
shall maintain in accordance with section 5101.13 of the Revised 368
Code. The public children services agency shall submit a report 369
of its investigation, in writing, to the law enforcement agency. 370

(2) The public children services agency shall make any 371
recommendations to the county prosecuting attorney or city 372
director of law that it considers necessary to protect any 373
children that are brought to its attention. 374

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 375
(I) (3) of this section, any person, health care professional, 376
hospital, institution, school, health department, or agency 377
shall be immune from any civil or criminal liability for injury, 378
death, or loss to person or property that otherwise might be 379
incurred or imposed as a result of any of the following: 380

(i) Participating in the making of reports pursuant to 381
division (A) of this section or in the making of reports in good 382
faith, pursuant to division (B) of this section; 383

(ii) Participating in medical examinations, tests, or 384
procedures under division (D) of this section; 385

(iii) Providing information used in a report made pursuant 386
to division (A) of this section or providing information in good 387
faith used in a report made pursuant to division (B) of this 388
section; 389

(iv) Participating in a judicial proceeding resulting from 390
a report made pursuant to division (A) of this section or 391
participating in good faith in a proceeding resulting from a 392
report made pursuant to division (B) of this section. 393

(b) Immunity under division (H) (1) (a) (ii) of this section 394
shall not apply when a health care provider has deviated from 395
the standard of care applicable to the provider's profession. 396

(c) Notwithstanding section 4731.22 of the Revised Code, 397
the physician-patient privilege shall not be a ground for 398
excluding evidence regarding a child's injuries, abuse, or 399
neglect, or the cause of the injuries, abuse, or neglect in any 400
judicial proceeding resulting from a report submitted pursuant 401
to this section. 402

(2) In any civil or criminal action or proceeding in which 403
it is alleged and proved that participation in the making of a 404
report under this section was not in good faith or participation 405
in a judicial proceeding resulting from a report made under this 406
section was not in good faith, the court shall award the 407
prevailing party reasonable attorney's fees and costs and, if a 408
civil action or proceeding is voluntarily dismissed, may award 409
reasonable attorney's fees and costs to the party against whom 410
the civil action or proceeding is brought. 411

(I) (1) Except as provided in divisions (I) (4) and (N) of 412

this section and sections 2151.423 and 2151.4210 of the Revised 413
Code, a report made under this section is confidential. The 414
information provided in a report made pursuant to this section 415
and the name of the person who made the report shall not be 416
released for use, and shall not be used, as evidence in any 417
civil action or proceeding brought against the person who made 418
the report. Nothing in this division shall preclude the use of 419
reports of other incidents of known or suspected abuse or 420
neglect in a civil action or proceeding brought pursuant to 421
division (M) of this section against a person who is alleged to 422
have violated division (A) (1) of this section, provided that any 423
information in a report that would identify the child who is the 424
subject of the report or the maker of the report, if the maker 425
of the report is not the defendant or an agent or employee of 426
the defendant, has been redacted. In a criminal proceeding, the 427
report is admissible in evidence in accordance with the Rules of 428
Evidence and is subject to discovery in accordance with the 429
Rules of Criminal Procedure. 430

(2) (a) Except as provided in division (I) (2) (b) of this 431
section, no person shall permit or encourage the unauthorized 432
dissemination of the contents of any report made under this 433
section. 434

(b) A health care professional that obtains the same 435
information contained in a report made under this section from a 436
source other than the report may disseminate the information, if 437
its dissemination is otherwise permitted by law. 438

(3) A person who knowingly makes or causes another person 439
to make a false report under division (B) of this section that 440
alleges that any person has committed an act or omission that 441
resulted in a child being an abused child or a neglected child 442

is guilty of a violation of section 2921.14 of the Revised Code. 443

(4) If a report is made pursuant to division (A) or (B) of 444
this section and the child who is the subject of the report dies 445
for any reason at any time after the report is made, but before 446
the child attains eighteen years of age, the public children 447
services agency or peace officer to which the report was made or 448
referred, on the request of the child fatality review board, the 449
suicide fatality review committee, or the director of health 450
pursuant to guidelines established under section 3701.70 of the 451
Revised Code, shall submit a summary sheet of information 452
providing a summary of the report to the review board or review 453
committee of the county in which the deceased child resided at 454
the time of death or to the director. On the request of the 455
review board, review committee, or director, the agency or peace 456
officer may, at its discretion, make the report available to the 457
review board, review committee, or director. If the county 458
served by the public children services agency is also served by 459
a children's advocacy center and the report of alleged sexual 460
abuse of a child or another type of abuse of a child is 461
specified in the memorandum of understanding that creates the 462
center as being within the center's jurisdiction, the agency or 463
center shall perform the duties and functions specified in this 464
division in accordance with the interagency agreement entered 465
into under section 2151.428 of the Revised Code relative to that 466
advocacy center. 467

(5) Not later than five business days after the 468
determination of a disposition, a public children services 469
agency shall advise a person alleged to have inflicted abuse or 470
neglect on a child who is the subject of a report made pursuant 471
to this section, including a report alleging sexual abuse of a 472
child or another type of abuse of a child referred to a 473

children's advocacy center pursuant to an interagency agreement 474
entered into under section 2151.428 of the Revised Code, in 475
writing of the disposition of the investigation. The agency 476
shall not provide to the person any information that identifies 477
the person who made the report, statements of witnesses, or 478
police or other investigative reports. The written notice of 479
disposition shall be made in a form designated by the department 480
of job and family services and shall inform the person of the 481
right to appeal the disposition. 482

(J) Any report that is required by this section, other 483
than a report that is made to the state highway patrol as 484
described in section 5120.173 of the Revised Code, shall result 485
in protective services and emergency supportive services being 486
made available by the public children services agency on behalf 487
of the children about whom the report is made. The agency 488
required to provide the services shall be the agency conducting 489
the investigation of the report pursuant to section 2151.422 of 490
the Revised Code. If a child is determined to be a candidate for 491
prevention services, the agency also shall make efforts to 492
prevent neglect or abuse, to enhance a child's welfare, and to 493
preserve the family unit intact by referring a report for 494
assessment and provision of services to an agency providing 495
prevention services. 496

(K) (1) Except as provided in division (K) (4) or (5) of 497
this section, a person who is required to make a report under 498
division (A) of this section may make a reasonable number of 499
requests of the public children services agency that receives or 500
is referred the report, or of the children's advocacy center 501
that is referred the report if the report is referred to a 502
children's advocacy center pursuant to an interagency agreement 503
entered into under section 2151.428 of the Revised Code, to be 504

provided with the following information: 505

(a) Whether the agency or center has initiated an 506
investigation of the report; 507

(b) Whether the agency or center is continuing to 508
investigate the report; 509

(c) Whether the agency or center is otherwise involved 510
with the child who is the subject of the report; 511

(d) The general status of the health and safety of the 512
child who is the subject of the report; 513

(e) Whether the report has resulted in the filing of a 514
complaint in juvenile court or of criminal charges in another 515
court. 516

(2) (a) A person may request the information specified in 517
division (K) (1) of this section only if, at the time the report 518
is made, the person's name, address, and telephone number are 519
provided to the person who receives the report. 520

(b) When a peace officer or employee of a public children 521
services agency receives a report pursuant to division (A) or 522
(B) of this section the recipient of the report shall inform the 523
person of the right to request the information described in 524
division (K) (1) of this section. The recipient of the report 525
shall include in the initial child abuse or child neglect report 526
that the person making the report was so informed and, if 527
provided at the time of the making of the report, shall include 528
the person's name, address, and telephone number in the report. 529

(c) If the person making the report provides the person's 530
name and contact information on making the report, the public 531
children services agency that received or was referred the 532

report shall send a written notice via United States mail or 533
electronic mail, in accordance with the person's preference, to 534
the person not later than seven calendar days after receipt of 535
the report. The notice shall provide the status of the agency's 536
investigation into the report made, who the person may contact 537
at the agency for further information, and a description of the 538
person's rights under division (K)(1) of this section. 539

(d) Each request is subject to verification of the 540
identity of the person making the report. If that person's 541
identity is verified, the agency shall provide the person with 542
the information described in division (K)(1) of this section a 543
reasonable number of times, except that the agency shall not 544
disclose any confidential information regarding the child who is 545
the subject of the report other than the information described 546
in those divisions. 547

(3) A request made pursuant to division (K)(1) of this 548
section is not a substitute for any report required to be made 549
pursuant to division (A) of this section. 550

(4) If an agency other than the agency that received or 551
was referred the report is conducting the investigation of the 552
report pursuant to section 2151.422 of the Revised Code, the 553
agency conducting the investigation shall comply with the 554
requirements of division (K) of this section. 555

(5) A health care professional who made a report under 556
division (A) of this section, or on whose behalf such a report 557
was made as provided in division (A)(1)(c) of this section, may 558
authorize a person to obtain the information described in 559
division (K)(1) of this section if the person requesting the 560
information is associated with or acting on behalf of the health 561
care professional who provided health care services to the child 562

about whom the report was made. 563

(6) If the person making the report provides the person's 564
name and contact information on making the report, the public 565
children services agency that received or was referred the 566
report shall send a written notice via United States mail or 567
electronic mail, in accordance with the person's preference, to 568
the person not later than seven calendar days after the agency 569
closes the investigation into the case reported by the person. 570
The notice shall notify the person that the agency has closed 571
the investigation. 572

(L) (1) The director of children and youth shall adopt 573
rules in accordance with Chapter 119. of the Revised Code to 574
implement this section. The department of children and youth may 575
enter into a plan of cooperation with any other governmental 576
entity to aid in ensuring that children are protected from abuse 577
and neglect. The department shall make recommendations to the 578
attorney general that the department determines are necessary to 579
protect children from child abuse and child neglect. 580

(2) The director of children and youth shall adopt rules 581
in accordance with Chapter 119. of the Revised Code to identify 582
the types of neglect of a child that a public children services 583
agency shall be required to notify law enforcement of pursuant 584
to division (E) (2) (c) (ii) of this section. 585

(M) Whoever violates division (A) of this section is 586
liable for compensatory and exemplary damages to the child who 587
would have been the subject of the report that was not made. A 588
person who brings a civil action or proceeding pursuant to this 589
division against a person who is alleged to have violated 590
division (A) (1) of this section may use in the action or 591
proceeding reports of other incidents of known or suspected 592

abuse or neglect, provided that any information in a report that 593
would identify the child who is the subject of the report or the 594
maker of the report, if the maker is not the defendant or an 595
agent or employee of the defendant, has been redacted. 596

(N) (1) As used in this division: 597

(a) "Out-of-home care" includes a nonchartered nonpublic 598
school if the alleged child abuse or child neglect, or alleged 599
threat of child abuse or child neglect, described in a report 600
received by a public children services agency allegedly occurred 601
in or involved the nonchartered nonpublic school and the alleged 602
perpetrator named in the report holds a certificate, permit, or 603
license issued by the state board of education under section 604
3301.071 or Chapter 3319. of the Revised Code. 605

(b) "Administrator, director, or other chief 606
administrative officer" means the superintendent of the school 607
district if the out-of-home care entity subject to a report made 608
pursuant to this section is a school operated by the district. 609

(2) No later than the end of the day following the day on 610
which a public children services agency receives a report of 611
alleged child abuse or child neglect, or a report of an alleged 612
threat of child abuse or child neglect, that allegedly occurred 613
in or involved an out-of-home care entity, the agency shall 614
provide written notice of the allegations contained in and the 615
person named as the alleged perpetrator in the report to the 616
administrator, director, or other chief administrative officer 617
of the out-of-home care entity that is the subject of the report 618
unless the administrator, director, or other chief 619
administrative officer is named as an alleged perpetrator in the 620
report. If the administrator, director, or other chief 621
administrative officer of an out-of-home care entity is named as 622

an alleged perpetrator in a report of alleged child abuse or 623
child neglect, or a report of an alleged threat of child abuse 624
or child neglect, that allegedly occurred in or involved the 625
out-of-home care entity, the agency shall provide the written 626
notice to the owner or governing board of the out-of-home care 627
entity that is the subject of the report. The agency shall not 628
provide witness statements or police or other investigative 629
reports. 630

(3) No later than three days after the day on which a 631
public children services agency that conducted the investigation 632
as determined pursuant to section 2151.422 of the Revised Code 633
makes a disposition of an investigation involving a report of 634
alleged child abuse or child neglect, or a report of an alleged 635
threat of child abuse or child neglect, that allegedly occurred 636
in or involved an out-of-home care entity, the agency shall send 637
written notice of the disposition of the investigation to the 638
administrator, director, or other chief administrative officer 639
and the owner or governing board of the out-of-home care entity. 640
The agency shall not provide witness statements or police or 641
other investigative reports. 642

(O) As used in this section: 643

(1) "Children's advocacy center" and "sexual abuse of a 644
child" have the same meanings as in section 2151.425 of the 645
Revised Code. 646

(2) "Elected official" means an elected officer of the 647
state or any political subdivision, other than a member of a 648
central committee of a political party. 649

(3) "Health care professional" means an individual who 650
provides health-related services. "Health care professional" 651

includes all of the following: a physician, including a hospital 652
intern or resident; a dentist; a podiatrist; a registered nurse, 653
including such a nurse who is an advanced practice registered 654
nurse; a licensed practical nurse; a home care nurse; a licensed 655
psychologist; a speech-language pathologist; an audiologist; a 656
person engaged in social work or the practice of professional 657
counseling; and an employee of a home health agency. "Health 658
care professional" does not include a practitioner of a limited 659
branch of medicine as specified in section 4731.15 of the 660
Revised Code, licensed school psychologist, independent marriage 661
and family therapist or marriage and family therapist, or 662
coroner. 663

~~(3)~~(4) "Investigation" means the public children services 664
agency's response to an accepted report of child abuse or 665
neglect through either an alternative response or a traditional 666
response. 667

~~(4)~~(5) "Peace officer" means a sheriff, deputy sheriff, 668
constable, police officer of a township or joint police 669
district, marshal, deputy marshal, municipal police officer, or 670
a state highway patrol trooper. 671

Section 2. That existing section 2151.421 of the Revised 672
Code is hereby repealed. 673