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**H.B. 635**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Plummer and Young

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### SUMMARY

#### **Crimes involving children and the elderly**

- Expands the offense of endangering children to prohibit a person who is temporarily caring for a child from, without the express consent of the child's parent, guardian, or custodian, negligently placing the child in the care of an offender who has been convicted of or pleaded guilty to child endangerment.
- Expands aggravated murder to include purposefully causing the death of a person under 18 years of age, rather than 13 as in current law.
- Adds a mandatory ten-year prison term for victims of felonious assault who are under 18 or over 65 years of age and suffer permanent disabling harm.

#### **SACWIS entry by law enforcement for domestic violence**

- Requires law enforcement agencies to enter into the uniform statewide automated child welfare information system (SACWIS) all alleged incidents of domestic violence.

#### **Child welfare agency requirements**

- Requires public children service agency (PCSA) case plans for children under three years old in temporary custody to require child and family participation in the Help Me Grow program and, if the child is eligible, in early intervention services under Part C of the federal Individuals with Disabilities Education Act (IDEA).
- Requires a PCSA to conduct weekly in-person visits with any child in the PCSA's custody if the child is under five years old or has a developmental disability.
- Increases the minimum frequency of PCSA visits with a child in a residential facility to weekly, from monthly as in current law; requires the Department of Children and Youth

(DCY) to monitor PCSAs for compliance; and makes PCSA access to funding to incentivize best practices dependent on compliance.

- Requires a PCSA that is investigating a report of child abuse or neglect or has filed a complaint alleging that the child is an abused, neglected, or dependent child to search SACWIS for previous reports of alleged domestic violence involving the child.
- Requires, if a PCSA receives a report of child abuse or neglect and the child resides in another county or in both the county served by the receiving PCSA and another county, the PCSAs to share information, work together to determine the lead agency, and jointly investigate until a lead agency is determined.
- Requires a PCSA to use the traditional response for *any* physical abuse, rather than for physical abuse that results in serious injury or creates a serious and immediate risk to a child's health and safety as in current law.
- Requires, for PCSA caseworker in-service training, a course on disability assessment and specifies that the existing course requirement on interviewing persons must include analytical skills to improve interviewing skills.

### **Child welfare whistleblower protections**

- Prohibits an employer from taking any disciplinary or retaliatory action against an employee who shares information with a federal, state, or local government entity regarding a child to protect the child's welfare.

### **DCY child welfare electronic dashboard**

- Requires DCY to develop a public electronic dashboard to publish, by county, specified child welfare data, publish it monthly, and submit a copy to each board of county commissioners monthly.

### **Child Protection Reform Act**

- Names the bill the "Child Protection Reform Act."

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## **DETAILED ANALYSIS**

### **Crimes involving children and the elderly**

#### **Endangering children**

The bill expands the offense of endangering children to prohibit a person who has been granted temporary care or supervision of a child by the child's parent, guardian, or custodian from, without the express consent of the child's parent, guardian, or custodian, negligently leaving the child in the care, custody, or control of another individual who has previously been convicted of or pleaded guilty to endangering children, a first degree misdemeanor.<sup>1</sup>

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<sup>1</sup> R.C. 2919.22.

## **Minor victim of aggravated murder**

The bill expands the offense of aggravated murder to include purposefully causing the death of another who is under the age of 18 at the time of the commission of the offense. Current law applies this prohibition to people under the age of 13.<sup>2</sup>

## **Additional sentence for felonious assault involving minor or elderly person**

Under the bill, an offender will be sentenced to an additional mandatory ten-year prison term for victims of felonious assault who are under the age of 18 or over the age of 65 and suffer permanent disabling harm as a result of the offense.<sup>3</sup>

## **Law enforcement for domestic violence**

Under Ohio law, SACWIS is Ohio's statewide automated child welfare information system operated by the Department of Children and Youth (DCY) in partnership with county public children service agencies (PCSAs). It serves as a comprehensive child welfare case management system. Information contained in SACWIS is confidential and may be disclosed only as permitted by federal and Ohio law and rules.<sup>4</sup> The bill requires a law enforcement agency to enter into SACWIS all alleged incidents of domestic violence that it responded to in the preceding week. The entry must include the address where the alleged offense occurred.<sup>5</sup> At present, while PCSAs are required by rule to provide information to law enforcement agencies from SACWIS, those agencies do not have authority to access or enter information in SACWIS.<sup>6</sup>

## **Child welfare agency requirements**

### **Case plans for children under three years old**

Under existing law, a PCSA or private child placing agency (PCPA) must prepare and maintain a case plan for any child to whom the agency is providing services. Case plans identify a family's strengths and concerns and list objectives and strategies to reduce risks that led to the family's involvement with the child welfare system. The bill adds that all case plans for children under three years old in temporary custody must require child and family participation in the Help Me Grow program and, if the child is eligible, participation in early intervention services under Part C of the federal Individuals with Disabilities Education Act (IDEA).<sup>7</sup>

The Help Me Grow program is Ohio's evidenced-based parent support program that encourages early prenatal and well-baby care, as well as parenting education to promote the

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<sup>2</sup> R.C. 2903.01.

<sup>3</sup> R.C. 2903.11, 2929.13(F)(21), 2929.14(B)(10), and 2941.1426.

<sup>4</sup> R.C. 5180.401 and 5180.403, not in the bill; Ohio Administrative Code (O.A.C.) 5180:2-33-21.

<sup>5</sup> R.C. 2151.4235(A); R.C. 5180.40, not in the bill.

<sup>6</sup> R.C. 5180.402, not in the bill; O.A.C. 5180:2-33-70.

<sup>7</sup> R.C. 2151.412.

comprehensive health and development of children. Part C of IDEA provides early intervention services for infants and toddlers with disabilities and their families.<sup>8</sup>

## **Weekly in-person visits**

### **Children under five or with a developmental disability**

The bill requires a PCSA to conduct weekly in-person visits with a child who is in the PCSA's custody if the child is under five years old or has a developmental disability. The purpose of the weekly visits is to determine the child's well-being.<sup>9</sup>

### **Children in residential facilities**

The bill increases the minimum frequency of visits a PCSA or PCPA is required to make with a child in a residential facility. Under the bill, a PCSA or PCPA with custody of a child who is under the care or supervision of a residential facility must conduct weekly, rather than monthly as in current law, in-person visits to the residential facility to determine the child's well-being. The agency must report each visit, in addition to maintaining documentation of each visit and reporting concerns about the child as in continuing law.

Additionally, DCY must monitor whether a PCSA or PCPA is complying with the bill's visitation requirements for children in residential facilities. DCY must submit a quarterly compliance report to the county commissioners of the county where the residential facility is located. If a PCSA or PCPA is compliant, the county is to receive access to funding appropriated from the General Revenue Fund to incentivize best practices. If a PCSA or PCPA is not in compliance, the county may not receive access to that funding.<sup>10</sup>

### **SACWIS examination for domestic violence entries**

The bill requires a PCSA that is investigating a report of child abuse or neglect or has filed a complaint with a juvenile court alleging that the child is an abused, neglected, or dependent child to examine SACWIS to determine if a law enforcement agency has previously documented any alleged domestic violence offense involving the child (see above, "**Law enforcement for domestic violence**").<sup>11</sup>

## **PCSA cooperation and information sharing**

### **Dual jurisdiction and lead agency determination**

Under the bill, if a PCSA receives a report of child abuse or neglect and the child resides in a county other than the county served by that PCSA or lives in both the county served by the PCSA that received the report and another county, all the following apply:

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<sup>8</sup> R.C. 5180.21 and 5180.30, not in the bill.

<sup>9</sup> R.C. 5153.16(A)(25).

<sup>10</sup> R.C. 2151.467, with conforming changes in R.C. 2151.468.

<sup>11</sup> R.C. 2151.4235.

- The PCSA that received the report must immediately notify the PCSA served by the other county;
- The PCSAs must jointly determine which agency will serve as the lead agency. The PCSAs must make this determination before a case is filed in court; and
- The PCSAs must jointly investigate the report until they determine which agency will serve as the lead agency.<sup>12</sup>

### **Joint investigations**

The bill requires a PCSA that jointly investigates a report of child abuse or neglect with another PCSA to share case information with the other agency as needed or requested, regardless of whether the PCSAs have determined which PCSA is to serve as the lead agency. If custody or supervision of a child transfers from one PCSA to another, the PCSA that previously had custody or supervision of the child must transfer all information regarding the child, including any case plan, to the other PCSA and share all information that is necessary to serve the child's well-being. The bill states that nothing in existing law prevents a PCSA from cooperating or sharing case management duties or other responsibilities with another PCSA as necessary.<sup>13</sup>

### **Differential response approach**

Under continuing law, a PCSA, after categorizing a report as abuse or neglect, responds to each report using the differential response approach, in which it pursues either a traditional response or an alternative response. A traditional response encourages engagement with the family in (1) a comprehensive evaluation of the child's current and future safety needs and (2) a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. In contrast, an alternative response does not include a determination whether abuse or neglect occurred. In current law, a PCSA must use the traditional response under certain circumstances, including physical abuse that results in serious injury or creates a serious and immediate risk to a child's health and safety. Under the bill, *any* physical abuse requires a traditional response approach.<sup>14</sup>

### **In-service caseworker training**

The bill makes changes to existing law governing PCSA in-service caseworker training during a caseworker's first year of employment. In addition to the training courses required in continuing law, the bill requires a course on disability assessment and specifies that the existing course requirement on interviewing persons must include analytical skills to improve interviewing skills.<sup>15</sup>

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<sup>12</sup> R.C. 2151.421(E)(2) and (3) and (G)(2).

<sup>13</sup> R.C. 2151.4211.

<sup>14</sup> R.C. 2151.429.

<sup>15</sup> R.C. 5153.122.

## Disclosure of child welfare information by various entities

Under the bill, at the request of a PCSA or peace officer or when the disclosure is necessary to ensure a child's safety, the following entities must provide relevant information to the PCSA or peace officer concerning a report of child abuse or neglect without a subpoena:

- Another PCSA;
- Another peace officer or law enforcement agency;
- A health care professional or health care facility;
- Notwithstanding Ohio law governing student confidentiality,<sup>16</sup> a school district.

The bill states that the disclosure of protected health information by a covered entity is deemed permissible under the HIPAA Privacy Rule and Ohio law that mirrors federal HIPAA law. Under federal law, the HIPAA Privacy Rule allows covered entities, including health care providers, to disclose protected health information to government entities who receive child abuse and neglect reports.<sup>17</sup>

However, there is no similar exception for disclosure by a school district under Ohio law governing student confidentiality or the federal Family Educational Rights and Privacy Act (FERPA), which Ohio law mirrors.<sup>18</sup> Consequently, despite the bill's requirement that a school district make these disclosures, school districts remain subject to federal law limitations.

## Child welfare whistleblower protections

The bill prohibits an employer from taking any disciplinary or retaliatory action against an employee who shares information with a federal, state, or local government entity regarding a child in accordance with state or federal law to protect the child's welfare. Disciplinary or retaliatory action by the employer includes doing any of the following:

- Removing or suspending the person from employment;
- Withholding from the person salary increases or employee benefits to which the person is otherwise entitled;
- Transferring or reassigning the person;
- Denying the person a promotion that the person otherwise would have received;
- Reducing the person in pay or position.

If an employer takes any disciplinary or retaliatory action against a person who shares such information, the person may bring a civil action for appropriate injunctive relief in a court

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<sup>16</sup> R.C. 3319.321, not in the bill.

<sup>17</sup> R.C. 2151.421(E)(4) and 2151.423; 45 Code of Federal Regulations 164.512(b)(1)(iii) and R.C. Chapter 3798, not in the bill.

<sup>18</sup> 20 United States Code 1232g, not in the bill.

of common pleas in accordance with the Rules of Civil Procedure. In rendering a judgment for the person, the court may order, as it determines appropriate, reinstatement of the person to the same position the person held at the time of the disciplinary or retaliatory action, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these remedies. The court also may award the prevailing party all or a portion of the costs of litigation. If the person who brought the action prevails in the action, the court may award the prevailing person reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate.

The bill defines the following terms:

- "Employee" is any person who performs a service for wages or other remuneration for an employer.
- "Employer" is any governmental entity that employs one or more employees, including the state or any agency or instrumentality of the state, and any municipal corporation, county, township, school district, or any agency or instrumentality thereof.<sup>19</sup>

### **Child welfare electronic dashboard**

The bill requires DCY to develop a public electronic dashboard to publish, by county, the following data reported to DCY:

- The number of children residing in the county;
- The number of children in the custody of a PCSA or PCPA;
- The number of children in each placement type;
- The average length of stay for a child in each placement type.

DCY must publicly publish the data monthly and submit a copy of the data to each board of county commissioners monthly.<sup>20</sup>

### **Child Protection Reform Act**

The bill is named the "Child Protection Reform Act."<sup>21</sup>

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## **HISTORY**

Action	Date
Introduced	12-23-25

ANHB0635IN-136/ts

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<sup>19</sup> R.C. 2151.89.

<sup>20</sup> R.C. 5180.09.

<sup>21</sup> Section 4.