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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Williams and Brewer

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SUMMARY

- Grants juvenile courts, law enforcement agencies, and child protection liaisons access to the Statewide Automated Child Welfare Information System (SACWIS) and permits criminal courts to obtain information in SACWIS upon request to a public children services agency (PCSA).
- Requires a PCSA to report each case of child abuse or neglect in SACWIS immediately and to automatically notify certain entities when it enters a report.
- Requires a PCSA to update each case in SACWIS on at least a bi-weekly basis.
- Requires records of notifications and response deadlines for inquiries from PCSAs, law enforcement agencies, courts, public schools, and medical personnel regarding children and families to be included in SACWIS.
- Requires the Department of Children and Youth to provide SACWIS training and submit a quarterly report to the General Assembly.
- Requires each public school to appoint a child protection liaison to perform specified duties regarding child abuse or neglect cases involving any of the school's students.
- Designates the bill as "Kei'Mani's Law."

DETAILED ANALYSIS

Statewide Automated Child Welfare Information System

The bill makes changes to the law regarding the Statewide Automated Child Welfare Information System (SACWIS), which is a case management system that tracks reports of child abuse or neglect, placement information for children in foster care, court activity and case plans, and services provided to children and families. Title IV-E of the Social Security Act authorizes funding for states to develop and operate data collection and information retrieval systems for

child welfare programs and enacts requirements for these systems.¹ State laws must align with these federal requirements. Together, these laws govern the information contained in SACWIS and the confidentiality and accessibility of the information.

Access

The bill allows juvenile courts, law enforcement agencies, and child protection liaisons (see “**Child protection liaison**,” below) to access and enter information in SACWIS when doing so is directly related to an assessment, an investigation, or services involving a child or family, or when it is permitted by state or federal law. The Department of Job and Family Services, the Department of Children and Youth (DCY), public children services agencies (PCSAs), private child placing agencies, private noncustodial agencies, Title IV-E agencies, and prosecuting attorneys already have access for these purposes under existing law.²

The bill also permits criminal courts to obtain information in SACWIS upon request to a PCSA. When such a request is made, the PCSA must either provide relevant information regarding a case pending before the court or limit the court’s SACWIS access to that information in accordance with DCY rules.³

The bill requires DCY to adopt rules under Chapter 119 of the Revised Code governing how criminal courts and child protection liaisons may access, enter, and use the information in SACWIS.⁴

PCSA duties

Under existing law, a PCSA must investigate a report of child abuse or neglect within 24 hours after receiving it and must report each case in SACWIS. The bill requires the PCSA to make this report immediately.⁵ The bill also requires a PCSA to automatically notify the following entities when it enters a report of child abuse or neglect:

- The law enforcement agency with jurisdiction over the case;
- The school district or school attended by the child who is the subject of the report;
- The county prosecuting attorney, if the agency determines the notification is necessary to protect the child.⁶

¹ 42 United States Code (U.S.C.) 674(a)(3)(C).

² R.C. 5180.402(A)(1). A law enforcement agency is defined as a police department, sheriff’s office, the state highway patrol, or any federal, state, or local governmental body that enforces criminal laws and employs individuals with statutory arrest powers. R.C. 5180.402(C)(1).

³ R.C. 5180.402(B).

⁴ R.C. 5180.404(A).

⁵ R.C. 2151.421(G)(1).

⁶ R.C. 5180.408(A).

The bill requires DCY to ensure that SACWIS has the capability to provide these automatic notifications.⁷

Additionally, the bill requires a PCSA to update each case in SACWIS at least bi-weekly. The PCSA must keep an entry active until it confirms that one or more of the following has occurred:

- An investigation has determined that a report of child abuse or neglect is unsubstantiated;
- A child's case plan has been resolved and the child has been reunified with one or both parents or has had an adoption finalized or closed;
- Services for the child or family are no longer needed or being provided, and the agency has ended its involvement with the family.⁸

Records

Existing law requires SACWIS to include certain records, such as investigations involving children and families, information about children in out-of-home care, and care and treatment provided to children and families. It also must contain any additional information that state or federal law requires DCY or a PCSA to maintain. The bill adds a new requirement for SACWIS to include records of real-time notifications and response deadlines for inquiries from PCSAs, law enforcement, courts, public schools, and medical personnel regarding children and families.⁹

The bill requires the information contained in SACWIS to comply with all privacy and security standards under state and federal law, including the HIPAA Privacy Rule and the Family Educational Rights and Privacy Act of 1974 (commonly known as FERPA). Ohio law mirrors federal HIPAA and federal FERPA laws, which govern the confidentiality of protected health information and student educational records, respectively.¹⁰ As referenced above, among the requirements for receiving federal funding for SACWIS is that states are subject to confidentiality requirements regarding child abuse and neglect reports and records under the Child Abuse Prevention and Treatment Act (CAPTA).¹¹

Training

The bill requires DCY to provide mandatory training to all individuals and entities with access to SACWIS. The training must cover all aspects of using and accessing the system, including requirements related to privacy and confidentiality.¹²

⁷ R.C. 5180.408(B).

⁸ R.C. 5180.409.

⁹ R.C. 5180.40(A)(3).

¹⁰ R.C. 5180.401(B); 45 Code of Federal Regulations 164.512, 20 U.S.C. 1232g, R.C. 3319.321, and Chapter 3798, not in the bill.

¹¹ 42 U.S.C. 5106a(b)(2)(B)(viii) and (ix).

¹² R.C. 5180.403(B).

DCY report

The bill requires DCY to submit a quarterly report to the Ohio General Assembly on SACWIS. The report must certify compliance with all SACWIS requirements under existing law and the bill, including those related to records, access and confidentiality, training, automatic notifications, and case record updates. The report also must provide updates on SACWIS performance.¹³

Child protection liaison

The bill requires each public school to appoint a child protection liaison to perform specified duties regarding any case of child abuse or neglect involving one of the school's students. That requirement applies to each school district, community school, STEM school, and college-preparatory boarding school.

Under the bill, each liaison must:

1. Receive, monitor, and respond to the school's notifications under SACWIS and any other correspondence or communication from a PCSA or a law enforcement agency;
2. Serve as the point of contact between the school and a PCSA, law enforcement agency, county prosecuting attorney, and court; and
3. Monitor the progression and resolution of a case.

The liaison must use SACWIS as needed to fulfill the liaison's duties in accordance with DCY's rules regarding SACWIS.

Finally, upon appointment and annually thereafter, each child protection liaison must complete a training program developed by DCY. The training must include a comprehensive overview of Ohio's child protection process, including the liaison's role in the process and the use of SACWIS. DCY must ensure that the training is updated annually to include any new developments in child protection law. This training is separate from and in addition to DCY's mandatory training regarding SACWIS use and access (see "**Training**," above).¹⁴

Designation

The act is designated as "Kei'Mani's Law."¹⁵

¹³ R.C. 5180.4011.

¹⁴ R.C. 3313.961, 3314.03(A)(11)(d), 3326.11, 3328.24, and 5180.4010.

¹⁵ Section 3.

HISTORY

Action	Date
Introduced	02-18-26
