As Introduced

136th General Assembly
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H. B. No. 908

Representative Jarrells

Cosponsors: Representatives Brennan, Brewer, Upchurch, McNally, Lett, Robinson

To amend sections 307.626 and 3701.045 and to enact sections 2151.4212, 2151.4214, and 2151.4216 of the Revised Code to enact Cassidy's Law regarding information sharing related to child welfare.

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

Section 1. That sections 307.626 and 3701.045 be amended and sections 2151.4212, 2151.4214, and 2151.4216 of the Revised Code be enacted to read as follows:

Sec. 307.626. (A) By the first day of April of each year, the person convening the child fatality review board shall prepare and submit to the ~~Ohio~~ department of health a report that summarizes the following information with respect to the child deaths that were reviewed by the review board in the previous calendar year:

(1) The cause of death;

(2) Factors contributing to death;

(3) Age;

(4) Sex;

(5) Race;

(6) The geographic location of death;

(7) The year of death.

The report shall specify the number of child deaths that were not reviewed during the previous calendar year.

The report shall include recommendations to address cross-system inadequacies or gaps that may have contributed to child deaths. The report also may include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

~~(B)~~ (B)(1) Reports prepared under division (A) of this section shall be considered public records under section 149.43 of the Revised Code.

(2) As soon as practicable after receiving a report submitted under this section, the department of health shall make the report available on the internet web site that the department maintains. Reports made available under this division shall be organized by county and region.

(C) The child fatality review board shall submit individual data with respect to each child death review into the ~~Ohio~~ department of health child death review database or the national child death review database. The individual data shall include the information specified in division (A) of this section and any other information the board considers relevant to the review. Individual data related to a child death review that is contained in the ~~Ohio~~ department of health child death review database is not a public record under section 149.43 of

the Revised Code.

Sec. 2151.4212. (A) As used in this section:

(1) "Disability or special needs" means a physical, sensory, intellectual, developmental, behavioral, or neurological condition that is congenital, acquired, or chronic in nature, impairs a child's daily functioning, safety, or ability to meet age-appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development, and requires the child to receive additional care, intervention, support, supervision, accommodations, or services.

(2) "Professional" means an individual who is trained or experienced and holds a license or certification in good standing in the fields of child welfare, medicine, psychology, social work, or any related field and may be involved in caring for or recommending the placement of a child. A "professional" includes a physician, psychologist, therapist, counselor, or guardian ad litem.

(B) Prior to issuing any order related to the permanent placement or final reunification with a parent or caregiver of a child who is under the age of five or has a disability or special needs, including a grant of permanent custody under section 2151.414 of the Revised Code or an order or disposition upon the termination of a temporary custody order under section 2151.415 of the Revised Code, a court shall consider feedback or recommendations by one or more professionals, as appropriate, for the following purposes:

(1) To determine whether the permanent placement or final reunification is appropriate;

(2) With regard to reunification with a parent or caregiver, to consider the ability of the parent or caregiver to manage the increased stress and demands associated with caring for a child who is under the age of five or has a disability or special needs.

Sec. 2151.4214. (A) As used in this section, "law enforcement agency" and "peace officer" have the same meanings as in section 2151.3515 of the Revised Code.

(B) A public children services agency and law enforcement agencies within the county served by the agency may collaborate to share, by electronic means or digital communication, reports regarding each residence to which a peace officer was called in the previous twenty-four hours to respond to an incident or situation involving allegations of a domestic dispute, assault, or use of a weapon, regardless of whether a child is present in the home at the time of the response. The report shall include the address of the residence, a summary of the peace officer's findings, and any actions that the peace officer took.

(C) The public children services agency may use and aggregate the reports it receives under division (B) of this section to determine whether the address corresponds to an active case or a case that was closed in the previous six months regarding a child who is or was alleged or adjudicated to be an abused, neglected, or dependent child. If an address corresponds to an active case or a case that was closed in the previous six months, the agency may use the information received to make determinations and take appropriate actions regarding the safety and well-being of the child.

Sec. 2151.4216. The department of children and youth, in collaboration with the department of health, shall develop and

implement a continuous public awareness campaign to inform citizens of this state of the signs of child abuse and neglect and how to report suspected child abuse and neglect.

Sec. 3701.045. (A) The department of health, in consultation with the department of children and youth and any bodies acting as child fatality review boards on October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review

boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code;

(6) Establish guidelines, materials, and training to help county or regional child fatality review boards in disseminating annual reports to individuals, public and private entities, community stakeholders, and other community partners engaged in efforts to improve child welfare or prevent child deaths.

(B) On or before the thirtieth day of September of each year, the department of health and the department of children and youth jointly shall prepare ~~and publish~~ a report organizing and setting forth all of the ~~data~~ following:

(1) Data from the department of health child death review database or the national child death review database~~, data~~ ;

(2) Data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year~~, and recommendations~~ ;

(3) Recommendations to address cross-system inadequacies or gaps identified by county or regional child fatality review boards in their annual reports for the previous calendar year;

(4) Recommendations for any changes to law and policy that might prevent future deaths. ~~The~~

The department of health and the department of children and youth jointly shall provide a copy of the report to the governor, ~~the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate~~each member of the general assembly, each county or regional child fatality review board,

and each county or regional family and children first council.

Each department also shall publish a copy of the report on the internet web site that the department maintains.

Section 2. That existing sections 307.626 and 3701.045 of the Revised Code are hereby repealed.

Section 3. This act shall be known as Cassidy's Law.