

H. B. No. 92
As Introduced

_____ moved to amend as follows:

Delete lines 10 through 657

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After line 657, insert:

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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
occurring or has occurred. If the person making the report is a

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peace officer, the officer shall make it to the public children 20
services agency in the county in which the child resides or in 21
which the abuse or neglect is occurring or has occurred. In the 22
circumstances described in section 5120.173 of the Revised Code, 23
the person making the report shall make it to the entity 24
specified in that section. 25

(b) Division (A) (1) (a) of this section applies to any 26
person who is an attorney; health care professional; 27
practitioner of a limited branch of medicine as specified in 28
section 4731.15 of the Revised Code; licensed school 29
psychologist; independent marriage and family therapist or 30
marriage and family therapist; coroner; administrator or 31
employee of a child day-care center; administrator or employee 32
of a residential camp, child day camp, or private, nonprofit 33
therapeutic wilderness camp; administrator or employee of a 34
certified child care agency or other public or private children 35
services agency; school teacher; school employee; school 36
authority; peace officer; humane society agent; dog warden, 37
deputy dog warden, or other person appointed to act as an animal 38
control officer for a municipal corporation or township in 39
accordance with state law, an ordinance, or a resolution; 40
person, other than a cleric, rendering spiritual treatment 41
through prayer in accordance with the tenets of a well- 42
recognized religion; employee of a county department of job and 43
family services who is a professional and who works with 44
children and families; superintendent or regional administrator 45
employed by the department of youth services; superintendent, 46
board member, or employee of a county board of developmental 47
disabilities; investigative agent contracted with by a county 48
board of developmental disabilities; employee of the department 49
of developmental disabilities; employee of a facility or home 50

that provides respite care in accordance with section 5123.171 51
of the Revised Code; employee of an entity that provides 52
homemaker services; employee of a qualified organization as 53
defined in section 2151.90 of the Revised Code; a host family as 54
defined in section 2151.90 of the Revised Code; foster 55
caregiver; a person performing the duties of an assessor 56
pursuant to Chapter 3107. or 5103. of the Revised Code; third 57
party employed by a public children services agency to assist in 58
providing child or family related services; court appointed 59
special advocate; or guardian ad litem. 60

(c) If two or more health care professionals, after 61
providing health care services to a child, determine or suspect 62
that the child has been or is being abused or neglected, the 63
health care professionals may designate one of the health care 64
professionals to report the abuse or neglect. A single report 65
made under this division shall meet the reporting requirements 66
of division (A)(1) of this section. 67

(2) Except as provided in division (A)(3) of this section, 68
an attorney or a physician is not required to make a report 69
pursuant to division (A)(1) of this section concerning any 70
communication the attorney or physician receives from a client 71
or patient in an attorney-client or physician-patient 72
relationship, if, in accordance with division (A) or (B) of 73
section 2317.02 of the Revised Code, the attorney or physician 74
could not testify with respect to that communication in a civil 75
or criminal proceeding. 76

(3) The client or patient in an attorney-client or 77
physician-patient relationship described in division (A)(2) of 78
this section is deemed to have waived any testimonial privilege 79
under division (A) or (B) of section 2317.02 of the Revised Code 80

with respect to any communication the attorney or physician 81
receives from the client or patient in that attorney-client or 82
physician-patient relationship, and the attorney or physician 83
shall make a report pursuant to division (A)(1) of this section 84
with respect to that communication, if all of the following 85
apply: 86

(a) The client or patient, at the time of the 87
communication, is a child under eighteen years of age or is a 88
person under twenty-one years of age with a developmental 89
disability or physical impairment. 90

(b) The attorney or physician knows, or has reasonable 91
cause to suspect based on facts that would cause a reasonable 92
person in similar position to suspect that the client or patient 93
has suffered or faces a threat of suffering any physical or 94
mental wound, injury, disability, or condition of a nature that 95
reasonably indicates abuse or neglect of the client or patient. 96

(c) The abuse or neglect does not arise out of the 97
client's or patient's attempt to have an abortion without the 98
notification of her parents, guardian, or custodian in 99
accordance with section 2151.85 of the Revised Code. 100

(4) (a) No cleric and no person, other than a volunteer, 101
designated by any church, religious society, or faith acting as 102
a leader, official, or delegate on behalf of the church, 103
religious society, or faith who is acting in an official or 104
professional capacity, who knows, or has reasonable cause to 105
believe based on facts that would cause a reasonable person in a 106
similar position to believe, that a child under eighteen years 107
of age, or a person under twenty-one years of age with a 108
developmental disability or physical impairment, has suffered or 109
faces a threat of suffering any physical or mental wound, 110

injury, disability, or condition of a nature that reasonably 111
indicates abuse or neglect of the child, and who knows, or has 112
reasonable cause to believe based on facts that would cause a 113
reasonable person in a similar position to believe, that another 114
cleric or another person, other than a volunteer, designated by 115
a church, religious society, or faith acting as a leader, 116
official, or delegate on behalf of the church, religious 117
society, or faith caused, or poses the threat of causing, the 118
wound, injury, disability, or condition that reasonably 119
indicates abuse or neglect shall fail to immediately report that 120
knowledge or reasonable cause to believe to the entity or 121
persons specified in this division. Except as provided in 122
section 5120.173 of the Revised Code, the person making the 123
report shall make it to the public children services agency or a 124
peace officer in the county in which the child resides or in 125
which the abuse or neglect is occurring or has occurred. In the 126
circumstances described in section 5120.173 of the Revised Code, 127
the person making the report shall make it to the entity 128
specified in that section. 129

(b) Except as provided in division (A) (4) (c) of this 130
section, a cleric is not required to make a report pursuant to 131
division (A) (4) (a) of this section concerning any communication 132
the cleric receives from a penitent in a cleric-penitent 133
relationship, if, in accordance with division (C) of section 134
2317.02 of the Revised Code, the cleric could not testify with 135
respect to that communication in a civil or criminal proceeding. 136

(c) The penitent in a cleric-penitent relationship 137
described in division (A) (4) (b) of this section is deemed to 138
have waived any testimonial privilege under division (C) of 139
section 2317.02 of the Revised Code with respect to any 140
communication the cleric receives from the penitent in that 141

cleric-penitent relationship, and the cleric shall make a report 142
pursuant to division (A) (4) (a) of this section with respect to 143
that communication, if all of the following apply: 144

(i) The penitent, at the time of the communication, is a 145
child under eighteen years of age or is a person under twenty- 146
one years of age with a developmental disability or physical 147
impairment. 148

(ii) The cleric knows, or has reasonable cause to believe 149
based on facts that would cause a reasonable person in a similar 150
position to believe, as a result of the communication or any 151
observations made during that communication, the penitent has 152
suffered or faces a threat of suffering any physical or mental 153
wound, injury, disability, or condition of a nature that 154
reasonably indicates abuse or neglect of the penitent. 155

(iii) The abuse or neglect does not arise out of the 156
penitent's attempt to have an abortion performed upon a child 157
under eighteen years of age or upon a person under twenty-one 158
years of age with a developmental disability or physical 159
impairment without the notification of her parents, guardian, or 160
custodian in accordance with section 2151.85 of the Revised 161
Code. 162

(d) Divisions (A) (4) (a) and (c) of this section do not 163
apply in a cleric-penitent relationship when the disclosure of 164
any communication the cleric receives from the penitent is in 165
violation of the sacred trust. 166

(e) As used in divisions (A) (1) and (4) of this section, 167
"cleric" and "sacred trust" have the same meanings as in section 168
2317.02 of the Revised Code. 169

(B) Anyone who knows, or has reasonable cause to suspect 170

based on facts that would cause a reasonable person in similar 171
circumstances to suspect, that a child under eighteen years of 172
age, or a person under twenty-one years of age with a 173
developmental disability or physical impairment, has suffered or 174
faces a threat of suffering any physical or mental wound, 175
injury, disability, or other condition of a nature that 176
reasonably indicates abuse or neglect of the child may report or 177
cause reports to be made of that knowledge or reasonable cause 178
to suspect to the entity or persons specified in this division. 179
Except as provided in section 5120.173 of the Revised Code, a 180
person making a report or causing a report to be made under this 181
division shall make it or cause it to be made to the public 182
children services agency or to a peace officer. In the 183
circumstances described in section 5120.173 of the Revised Code, 184
a person making a report or causing a report to be made under 185
this division shall make it or cause it to be made to the entity 186
specified in that section. 187

(C) Any report made pursuant to division (A) or (B) of 188
this section shall be made forthwith either by telephone or in 189
person and shall be followed by a written report, if requested 190
by the receiving agency or officer. The written report shall 191
contain: 192

(1) The names and addresses of the child and the child's 193
parents or the person or persons having custody of the child, if 194
known; 195

(2) The child's age and the nature and extent of the 196
child's injuries, abuse, or neglect that is known or reasonably 197
suspected or believed, as applicable, to have occurred or of the 198
threat of injury, abuse, or neglect that is known or reasonably 199
suspected or believed, as applicable, to exist, including any 200

evidence of previous injuries, abuse, or neglect; 201

(3) Any other information, including, but not limited to, 202
results and reports of any medical examinations, tests, or 203
procedures performed under division (D) of this section, that 204
might be helpful in establishing the cause of the injury, abuse, 205
or neglect that is known or reasonably suspected or believed, as 206
applicable, to have occurred or of the threat of injury, abuse, 207
or neglect that is known or reasonably suspected or believed, as 208
applicable, to exist. 209

(D) (1) Any person, who is required by division (A) of this 210
section to report child abuse or child neglect that is known or 211
reasonably suspected or believed to have occurred, may take or 212
cause to be taken color photographs of areas of trauma visible 213
on a child and, if medically necessary for the purpose of 214
diagnosing or treating injuries that are suspected to have 215
occurred as a result of child abuse or child neglect, perform or 216
cause to be performed radiological examinations and any other 217
medical examinations of, and tests or procedures on, the child. 218

(2) The results and any available reports of examinations, 219
tests, or procedures made under division (D) (1) of this section 220
shall be included in a report made pursuant to division (A) of 221
this section. Any additional reports of examinations, tests, or 222
procedures that become available shall be provided to the public 223
children services agency, upon request. 224

(3) If a health care professional provides health care 225
services in a hospital, children's advocacy center, or emergency 226
medical facility to a child about whom a report has been made 227
under division (A) of this section, the health care professional 228
may take any steps that are reasonably necessary for the release 229
or discharge of the child to an appropriate environment. Before 230

the child's release or discharge, the health care professional 231
may obtain information, or consider information obtained, from 232
other entities or individuals that have knowledge about the 233
child. Nothing in division (D) (3) of this section shall be 234
construed to alter the responsibilities of any person under 235
sections 2151.27 and 2151.31 of the Revised Code. 236

(4) A health care professional may conduct medical 237
examinations, tests, or procedures on the siblings of a child 238
about whom a report has been made under division (A) of this 239
section and on other children who reside in the same home as the 240
child, if the professional determines that the examinations, 241
tests, or procedures are medically necessary to diagnose or 242
treat the siblings or other children in order to determine 243
whether reports under division (A) of this section are warranted 244
with respect to such siblings or other children. The results of 245
the examinations, tests, or procedures on the siblings and other 246
children may be included in a report made pursuant to division 247
(A) of this section. 248

(5) Medical examinations, tests, or procedures conducted 249
under divisions (D) (1) and (4) of this section and decisions 250
regarding the release or discharge of a child under division (D) 251
(3) of this section do not constitute a law enforcement 252
investigation or activity. 253

(E) (1) When a peace officer receives a report made 254
pursuant to division (A) or (B) of this section, upon receipt of 255
the report, the peace officer who receives the report shall 256
refer the report to the appropriate public children services 257
agency, unless an arrest is made at the time of the report that 258
results in the appropriate public children services agency being 259
contacted concerning the possible abuse or neglect of a child or 260

the possible threat of abuse or neglect of a child. 261

(2) When a public children services agency receives a 262
report pursuant to this division or division (A) or (B) of this 263
section, upon receipt of the report, the public children 264
services agency shall do both of the following: 265

(a) Comply with section 2151.422 of the Revised Code; 266

(b) If the county served by the agency is also served by a 267
children's advocacy center and the report alleges sexual abuse 268
of a child or another type of abuse of a child that is specified 269
in the memorandum of understanding that creates the center as 270
being within the center's jurisdiction, comply regarding the 271
report with the protocol and procedures for referrals and 272
investigations, with the coordinating activities, and with the 273
authority or responsibility for performing or providing 274
functions, activities, and services stipulated in the 275
interagency agreement entered into under section 2151.428 of the 276
Revised Code relative to that center. 277

(F) No peace officer shall remove a child about whom a 278
report is made pursuant to this section from the child's 279
parents, stepparents, or guardian or any other persons having 280
custody of the child without consultation with the public 281
children services agency, unless, in the judgment of the 282
officer, and, if the report was made by physician, the 283
physician, immediate removal is considered essential to protect 284
the child from further abuse or neglect. The agency that must be 285
consulted shall be the agency conducting the investigation of 286
the report as determined pursuant to section 2151.422 of the 287
Revised Code. 288

(G) (1) Except as provided in section 2151.422 of the 289

Revised Code or in an interagency agreement entered into under 290
section 2151.428 of the Revised Code that applies to the 291
particular report, the public children services agency shall 292
investigate, within twenty-four hours, each report of child 293
abuse or child neglect that is known or reasonably suspected or 294
believed to have occurred and of a threat of child abuse or 295
child neglect that is known or reasonably suspected or believed 296
to exist that is referred to it under this section to determine 297
the circumstances surrounding the injuries, abuse, or neglect or 298
the threat of injury, abuse, or neglect, the cause of the 299
injuries, abuse, neglect, or threat, and the person or persons 300
responsible. The investigation shall be made in cooperation with 301
the law enforcement agency and in accordance with the memorandum 302
of understanding prepared under division (K) of this section. A 303
representative of the public children services agency shall, at 304
the time of initial contact with the person subject to the 305
investigation, inform the person of the specific complaints or 306
allegations made against the person. The information shall be 307
given in a manner that is consistent with division (I)(1) of 308
this section and protects the rights of the person making the 309
report under this section. 310

A failure to make the investigation in accordance with the 311
memorandum is not grounds for, and shall not result in, the 312
dismissal of any charges or complaint arising from the report or 313
the suppression of any evidence obtained as a result of the 314
report and does not give, and shall not be construed as giving, 315
any rights or any grounds for appeal or post-conviction relief 316
to any person. The public children services agency shall report 317
each case to the uniform statewide automated child welfare 318
information system that the department of job and family 319
services shall maintain in accordance with section 5101.13 of 320

the Revised Code. The public children services agency shall 321
submit a report of its investigation, in writing, to the law 322
enforcement agency. 323

(2) The public children services agency shall make any 324
recommendations to the county prosecuting attorney or city 325
director of law that it considers necessary to protect any 326
children that are brought to its attention. 327

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 328
(I) (3) of this section, any person, health care professional, 329
hospital, institution, school, health department, or agency 330
shall be immune from any civil or criminal liability for injury, 331
death, or loss to person or property that otherwise might be 332
incurred or imposed as a result of any of the following: 333

(i) Participating in the making of reports pursuant to 334
division (A) of this section or in the making of reports in good 335
faith, pursuant to division (B) of this section; 336

(ii) Participating in medical examinations, tests, or 337
procedures under division (D) of this section; 338

(iii) Providing information used in a report made pursuant 339
to division (A) of this section or providing information in good 340
faith used in a report made pursuant to division (B) of this 341
section; 342

(iv) Participating in a judicial proceeding resulting from 343
a report made pursuant to division (A) of this section or 344
participating in good faith in a proceeding resulting from a 345
report made pursuant to division (B) of this section. 346

(b) Immunity under division (H) (1) (a) (ii) of this section 347
shall not apply when a health care provider has deviated from 348

the standard of care applicable to the provider's profession. 349

(c) Notwithstanding section 4731.22 of the Revised Code, 350
the physician-patient privilege shall not be a ground for 351
excluding evidence regarding a child's injuries, abuse, or 352
neglect, or the cause of the injuries, abuse, or neglect in any 353
judicial proceeding resulting from a report submitted pursuant 354
to this section. 355

(2) In any civil or criminal action or proceeding in which 356
it is alleged and proved that participation in the making of a 357
report under this section was not in good faith or participation 358
in a judicial proceeding resulting from a report made under this 359
section was not in good faith, the court shall award the 360
prevailing party reasonable attorney's fees and costs and, if a 361
civil action or proceeding is voluntarily dismissed, may award 362
reasonable attorney's fees and costs to the party against whom 363
the civil action or proceeding is brought. 364

(I) (1) Except as provided in divisions (I) (4) and (O) of 365
this section and sections 2151.423 and 2151.4210 of the Revised 366
Code, a report made under this section is confidential. The 367
information provided in a report made pursuant to this section 368
and the name of the person who made the report shall not be 369
released for use, and shall not be used, as evidence in any 370
civil action or proceeding brought against the person who made 371
the report. Nothing in this division shall preclude the use of 372
reports of other incidents of known or suspected abuse or 373
neglect in a civil action or proceeding brought pursuant to 374
division (N) of this section against a person who is alleged to 375
have violated division (A) (1) of this section, provided that any 376
information in a report that would identify the child who is the 377
subject of the report or the maker of the report, if the maker 378

of the report is not the defendant or an agent or employee of 379
the defendant, has been redacted. In a criminal proceeding, the 380
report is admissible in evidence in accordance with the Rules of 381
Evidence and is subject to discovery in accordance with the 382
Rules of Criminal Procedure. 383

(2) (a) Except as provided in division (I) (2) (b) of this 384
section, no person shall permit or encourage the unauthorized 385
dissemination of the contents of any report made under this 386
section. 387

(b) A health care professional that obtains the same 388
information contained in a report made under this section from a 389
source other than the report may disseminate the information, if 390
its dissemination is otherwise permitted by law. 391

(3) A person who knowingly makes or causes another person 392
to make a false report under division (B) of this section that 393
alleges that any person has committed an act or omission that 394
resulted in a child being an abused child or a neglected child 395
is guilty of a violation of section 2921.14 of the Revised Code. 396

(4) If a report is made pursuant to division (A) or (B) of 397
this section and the child who is the subject of the report dies 398
for any reason at any time after the report is made, but before 399
the child attains eighteen years of age, the public children 400
services agency or peace officer to which the report was made or 401
referred, on the request of the child fatality review board or 402
the director of health pursuant to guidelines established under 403
section 3701.70 of the Revised Code, shall submit a summary 404
sheet of information providing a summary of the report to the 405
review board of the county in which the deceased child resided 406
at the time of death or to the director. On the request of the 407
review board or director, the agency or peace officer may, at 408

its discretion, make the report available to the review board or 409
director. If the county served by the public children services 410
agency is also served by a children's advocacy center and the 411
report of alleged sexual abuse of a child or another type of 412
abuse of a child is specified in the memorandum of understanding 413
that creates the center as being within the center's 414
jurisdiction, the agency or center shall perform the duties and 415
functions specified in this division in accordance with the 416
interagency agreement entered into under section 2151.428 of the 417
Revised Code relative to that advocacy center. 418

(5) A public children services agency shall advise a 419
person alleged to have inflicted abuse or neglect on a child who 420
is the subject of a report made pursuant to this section, 421
including a report alleging sexual abuse of a child or another 422
type of abuse of a child referred to a children's advocacy 423
center pursuant to an interagency agreement entered into under 424
section 2151.428 of the Revised Code, in writing of the 425
disposition of the investigation. The agency shall not provide 426
to the person any information that identifies the person who 427
made the report, statements of witnesses, or police or other 428
investigative reports. 429

(J) Any report that is required by this section, other 430
than a report that is made to the state highway patrol as 431
described in section 5120.173 of the Revised Code, shall result 432
in protective services and emergency supportive services being 433
made available by the public children services agency on behalf 434
of the children about whom the report is made, in an effort to 435
prevent further neglect or abuse, to enhance their welfare, and, 436
whenever possible, to preserve the family unit intact. The 437
agency required to provide the services shall be the agency 438
conducting the investigation of the report pursuant to section 439

2151.422 of the Revised Code.	440
(K) (1) Each public children services agency shall prepare	441
a memorandum of understanding that is signed by all of the	442
following:	443
(a) If there is only one juvenile judge in the county, the	444
juvenile judge of the county or the juvenile judge's	445
representative;	446
(b) If there is more than one juvenile judge in the	447
county, a juvenile judge or the juvenile judges' representative	448
selected by the juvenile judges or, if they are unable to do so	449
for any reason, the juvenile judge who is senior in point of	450
service or the senior juvenile judge's representative;	451
(c) The county peace officer;	452
(d) All chief municipal peace officers within the county;	453
(e) Other law enforcement officers handling child abuse	454
and neglect cases in the county;	455
(f) The prosecuting attorney of the county;	456
(g) If the public children services agency is not the	457
county department of job and family services, the county	458
department of job and family services;	459
(h) The county humane society;	460
(i) If the public children services agency participated in	461
the execution of a memorandum of understanding under section	462
2151.426 of the Revised Code establishing a children's advocacy	463
center, each participating member of the children's advocacy	464
center established by the memorandum.	465
(2) A memorandum of understanding shall set forth the	466

normal operating procedure to be employed by all concerned 467
officials in the execution of their respective responsibilities 468
under this section and division (C) of section 2919.21, division 469
(B) (1) of section 2919.22, division (B) of section 2919.23, and 470
section 2919.24 of the Revised Code and shall have as two of its 471
primary goals the elimination of all unnecessary interviews of 472
children who are the subject of reports made pursuant to 473
division (A) or (B) of this section and, when feasible, 474
providing for only one interview of a child who is the subject 475
of any report made pursuant to division (A) or (B) of this 476
section. A failure to follow the procedure set forth in the 477
memorandum by the concerned officials is not grounds for, and 478
shall not result in, the dismissal of any charges or complaint 479
arising from any reported case of abuse or neglect or the 480
suppression of any evidence obtained as a result of any reported 481
child abuse or child neglect and does not give, and shall not be 482
construed as giving, any rights or any grounds for appeal or 483
post-conviction relief to any person. 484

(3) A memorandum of understanding shall include all of the 485
following: 486

(a) The roles and responsibilities for handling emergency 487
and nonemergency cases of abuse and neglect; 488

(b) Standards and procedures to be used in handling and 489
coordinating investigations of reported cases of child abuse and 490
reported cases of child neglect, methods to be used in 491
interviewing the child who is the subject of the report and who 492
allegedly was abused or neglected, and standards and procedures 493
addressing the categories of persons who may interview the child 494
who is the subject of the report and who allegedly was abused or 495
neglected. 496

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K) (1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

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

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

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

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

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

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

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

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

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

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

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the

report pursuant to section 2151.422 of the Revised Code, the 554
agency conducting the investigation shall comply with the 555
requirements of division (L) of this section. 556

(5) A health care professional who made a report under 557
division (A) of this section, or on whose behalf such a report 558
was made as provided in division (A)(1)(c) of this section, may 559
authorize a person to obtain the information described in 560
division (L)(1) of this section if the person requesting the 561
information is associated with or acting on behalf of the health 562
care professional who provided health care services to the child 563
about whom the report was made. 564

(M) The director of job and family services shall adopt 565
rules in accordance with Chapter 119. of the Revised Code to 566
implement this section. The department of job and family 567
services may enter into a plan of cooperation with any other 568
governmental entity to aid in ensuring that children are 569
protected from abuse and neglect. The department shall make 570
recommendations to the attorney general that the department 571
determines are necessary to protect children from child abuse 572
and child neglect. 573

(N) Whoever violates division (A) of this section is 574
liable for compensatory and exemplary damages to the child who 575
would have been the subject of the report that was not made. A 576
person who brings a civil action or proceeding pursuant to this 577
division against a person who is alleged to have violated 578
division (A)(1) of this section may use in the action or 579
proceeding reports of other incidents of known or suspected 580
abuse or neglect, provided that any information in a report that 581
would identify the child who is the subject of the report or the 582
maker of the report, if the maker is not the defendant or an 583

agent or employee of the defendant, has been redacted. 584

(O) (1) As used in this division: 585

(a) "Out-of-home care" includes a nonchartered nonpublic 586
school if the alleged child abuse or child neglect, or alleged 587
threat of child abuse or child neglect, described in a report 588
received by a public children services agency allegedly occurred 589
in or involved the nonchartered nonpublic school and the alleged 590
perpetrator named in the report holds a certificate, permit, or 591
license issued by the state board of education under section 592
3301.071 or Chapter 3319. of the Revised Code. 593

(b) "Administrator, director, or other chief 594
administrative officer" means the superintendent of the school 595
district if the out-of-home care entity subject to a report made 596
pursuant to this section is a school operated by the district. 597

(2) No later than the end of the day following the day on 598
which a public children services agency receives a report of 599
alleged child abuse or child neglect, or a report of an alleged 600
threat of child abuse or child neglect, that allegedly occurred 601
in or involved an out-of-home care entity, the agency shall 602
provide written notice of the allegations contained in and the 603
person named as the alleged perpetrator in the report to the 604
administrator, director, or other chief administrative officer 605
of the out-of-home care entity that is the subject of the report 606
unless the administrator, director, or other chief 607
administrative officer is named as an alleged perpetrator in the 608
report. If the administrator, director, or other chief 609
administrative officer of an out-of-home care entity is named as 610
an alleged perpetrator in a report of alleged child abuse or 611
child neglect, or a report of an alleged threat of child abuse 612
or child neglect, that allegedly occurred in or involved the 613

out-of-home care entity, the agency shall provide the written 614
notice to the owner or governing board of the out-of-home care 615
entity that is the subject of the report. The agency shall not 616
provide witness statements or police or other investigative 617
reports. 618

(3) No later than three days after the day on which a 619
public children services agency that conducted the investigation 620
as determined pursuant to section 2151.422 of the Revised Code 621
makes a disposition of an investigation involving a report of 622
alleged child abuse or child neglect, or a report of an alleged 623
threat of child abuse or child neglect, that allegedly occurred 624
in or involved an out-of-home care entity, the agency shall send 625
written notice of the disposition of the investigation to the 626
administrator, director, or other chief administrative officer 627
and the owner or governing board of the out-of-home care entity. 628
The agency shall not provide witness statements or police or 629
other investigative reports. 630

(P) As used in this section: 631

(1) "Children's advocacy center" and "sexual abuse of a 632
child" have the same meanings as in section 2151.425 of the 633
Revised Code. 634

(2) "Health care professional" means an individual who 635
provides health-related services including a physician, hospital 636
intern or resident, dentist, podiatrist, registered nurse, 637
licensed practical nurse, visiting nurse, licensed psychologist, 638
speech pathologist, audiologist, person engaged in social work 639
or the practice of professional counseling, and employee of a 640
home health agency. "Health care professional" does not include 641
a practitioner of a limited branch of medicine as specified in 642
section 4731.15 of the Revised Code, licensed school 643

psychologist, independent marriage and family therapist or 644
marriage and family therapist, or coroner. 645

(3) "Investigation" means the public children services 646
agency's response to an accepted report of child abuse or 647
neglect through either an alternative response or a traditional 648
response. 649

(4) "Peace officer" means a sheriff, deputy sheriff, 650
constable, police officer of a township or joint police 651
district, marshal, deputy marshal, municipal police officer, or 652
a state highway patrol trooper." 653

After line 687, insert: 654

"Section 3. Section 2151.421 of the Revised Code is 655
presented in this act as a composite of the section as amended 656
by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General 657
Assembly. The General Assembly, applying the principle stated in 658
division (B) of section 1.52 of the Revised Code that amendments 659
are to be harmonized if reasonably capable of simultaneous 660
operation, finds that the composite is the resulting version of 661
the section in effect prior to the effective date of the section 662
as presented in this act." 663

The motion was _____ agreed to.

SYNOPSIS 664

Technical amendment 665

R.C. 2151.421 666

Replaces an outdated version of R.C. 2151.421 in the bill, 667
having been amended by H.B. 24, H.B. 33, and H.B. 166 of the 668
133rd General Assembly, with the updated version of that 669
section. 670