

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 137**

**Representative Kent**

**Cosponsors: Representatives Ashford, Miller, Clyde, Manning, Rezabek, Celebrezze, Rogers, Anielski, Antonio, Arndt, Boccieri, Boggs, Boyd, Brenner, Brown, Carfagna, Craig, Cupp, Edwards, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hagan, Hambley, Holmes, Howse, Hughes, Ingram, Johnson, Kelly, Kick, Landis, Lanese, Lang, LaTourette, Leland, Lepore-Hagan, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Ryan, Schaffer, Scherer, Schuring, Sheehy, Smith, K., Smith, R., Sprague, Stein, Strahorn, Sweeney, Sykes, Thompson, West, Young**

---

**A BILL**

To amend section 2151.421 of the Revised Code to 1  
make peace officers mandatory reporters of child 2  
abuse or neglect and to expand the types of 3  
peace officers authorized to receive reports of 4  
child abuse and neglect. 5

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

**Section 1.** That section 2151.421 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2151.421.** (A) (1) (a) No person described in division 8  
(A) (1) (b) of this section who is acting in an official or 9  
professional capacity and knows, or has reasonable cause to 10  
suspect based on facts that would cause a reasonable person in a 11  
similar position to suspect, that a child under eighteen years 12  
of age, or a person under twenty-one years of age with a 13

developmental disability or physical impairment, has suffered or 14  
faces a threat of suffering any physical or mental wound, 15  
injury, disability, or condition of a nature that reasonably 16  
indicates abuse or neglect of the child shall fail to 17  
immediately report that knowledge or reasonable cause to suspect 18  
to the entity or persons specified in this division. Except as 19  
otherwise provided in this division or section 5120.173 of the 20  
Revised Code, the person making the report shall make it to the 21  
public children services agency or a ~~municipal or county~~ peace 22  
officer in the county in which the child resides or in which the 23  
abuse or neglect is occurring or has occurred. If the person 24  
making the report is a peace officer, the officer shall make it 25  
to the public children services agency in the county in which 26  
the child resides or in which the abuse or neglect is occurring 27  
or has occurred. In the circumstances described in section 28  
5120.173 of the Revised Code, the person making the report shall 29  
make it to the entity specified in that section. 30

(b) Division (A)(1)(a) of this section applies to any 31  
person who is an attorney; health care professional; 32  
practitioner of a limited branch of medicine as specified in 33  
section 4731.15 of the Revised Code; licensed school 34  
psychologist; independent marriage and family therapist or 35  
marriage and family therapist; coroner; administrator or 36  
employee of a child day-care center; administrator or employee 37  
of a residential camp, child day camp, or private, nonprofit 38  
therapeutic wilderness camp; administrator or employee of a 39  
certified child care agency or other public or private children 40  
services agency; school teacher; school employee; school 41  
authority; peace officer; agent of a county humane society; 42  
person, other than a cleric, rendering spiritual treatment 43  
through prayer in accordance with the tenets of a well- 44

recognized religion; employee of a county department of job and 45  
family services who is a professional and who works with 46  
children and families; superintendent or regional administrator 47  
employed by the department of youth services; superintendent, 48  
board member, or employee of a county board of developmental 49  
disabilities; investigative agent contracted with by a county 50  
board of developmental disabilities; employee of the department 51  
of developmental disabilities; employee of a facility or home 52  
that provides respite care in accordance with section 5123.171 53  
of the Revised Code; employee of an entity that provides 54  
homemaker services; a person performing the duties of an 55  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 56  
third party employed by a public children services agency to 57  
assist in providing child or family related services; court 58  
appointed special advocate; or guardian ad litem. 59

(c) If two or more health care professionals, after 60  
providing health care services to a child, determine or suspect 61  
that the child has been or is being abused or neglected, the 62  
health care professionals may designate one of the health care 63  
professionals to report the abuse or neglect. A single report 64  
made under this division shall meet the reporting requirements 65  
of division (A) (1) of this section. 66

(2) Except as provided in division (A) (3) of this section, 67  
an attorney or a physician is not required to make a report 68  
pursuant to division (A) (1) of this section concerning any 69  
communication the attorney or physician receives from a client 70  
or patient in an attorney-client or physician-patient 71  
relationship, if, in accordance with division (A) or (B) of 72  
section 2317.02 of the Revised Code, the attorney or physician 73  
could not testify with respect to that communication in a civil 74  
or criminal proceeding. 75

(3) The client or patient in an attorney-client or 76  
physician-patient relationship described in division (A) (2) of 77  
this section is deemed to have waived any testimonial privilege 78  
under division (A) or (B) of section 2317.02 of the Revised Code 79  
with respect to any communication the attorney or physician 80  
receives from the client or patient in that attorney-client or 81  
physician-patient relationship, and the attorney or physician 82  
shall make a report pursuant to division (A) (1) of this section 83  
with respect to that communication, if all of the following 84  
apply: 85

(a) The client or patient, at the time of the 86  
communication, is a child under eighteen years of age or is a 87  
person under twenty-one years of age with a developmental 88  
disability or physical impairment. 89

(b) The attorney or physician knows, or has reasonable 90  
cause to suspect based on facts that would cause a reasonable 91  
person in similar position to suspect that the client or patient 92  
has suffered or faces a threat of suffering any physical or 93  
mental wound, injury, disability, or condition of a nature that 94  
reasonably indicates abuse or neglect of the client or patient. 95

(c) The abuse or neglect does not arise out of the 96  
client's or patient's attempt to have an abortion without the 97  
notification of her parents, guardian, or custodian in 98  
accordance with section 2151.85 of the Revised Code. 99

(4) (a) No cleric and no person, other than a volunteer, 100  
designated by any church, religious society, or faith acting as 101  
a leader, official, or delegate on behalf of the church, 102  
religious society, or faith who is acting in an official or 103  
professional capacity, who knows, or has reasonable cause to 104  
believe based on facts that would cause a reasonable person in a 105

similar position to believe, that a child under eighteen years 106  
of age, or a person under twenty-one years of age with a 107  
developmental disability or physical impairment, has suffered or 108  
faces a threat of suffering any physical or mental wound, 109  
injury, disability, or condition of a nature that reasonably 110  
indicates abuse or neglect of the child, and who knows, or has 111  
reasonable cause to believe based on facts that would cause a 112  
reasonable person in a similar position to believe, that another 113  
cleric or another person, other than a volunteer, designated by 114  
a church, religious society, or faith acting as a leader, 115  
official, or delegate on behalf of the church, religious 116  
society, or faith caused, or poses the threat of causing, the 117  
wound, injury, disability, or condition that reasonably 118  
indicates abuse or neglect shall fail to immediately report that 119  
knowledge or reasonable cause to believe to the entity or 120  
persons specified in this division. Except as provided in 121  
section 5120.173 of the Revised Code, the person making the 122  
report shall make it to the public children services agency or a 123  
~~municipal or county~~ peace officer in the county in which the 124  
child resides or in which the abuse or neglect is occurring or 125  
has occurred. In the circumstances described in section 5120.173 126  
of the Revised Code, the person making the report shall make it 127  
to the entity specified in that section. 128

(b) Except as provided in division (A) (4) (c) of this 129  
section, a cleric is not required to make a report pursuant to 130  
division (A) (4) (a) of this section concerning any communication 131  
the cleric receives from a penitent in a cleric-penitent 132  
relationship, if, in accordance with division (C) of section 133  
2317.02 of the Revised Code, the cleric could not testify with 134  
respect to that communication in a civil or criminal proceeding. 135

(c) The penitent in a cleric-penitent relationship 136

described in division (A) (4) (b) of this section is deemed to 137  
have waived any testimonial privilege under division (C) of 138  
section 2317.02 of the Revised Code with respect to any 139  
communication the cleric receives from the penitent in that 140  
cleric-penitent relationship, and the cleric shall make a report 141  
pursuant to division (A) (4) (a) of this section with respect to 142  
that communication, if all of the following apply: 143

(i) The penitent, at the time of the communication, is a 144  
child under eighteen years of age or is a person under twenty- 145  
one years of age with a developmental disability or physical 146  
impairment. 147

(ii) The cleric knows, or has reasonable cause to believe 148  
based on facts that would cause a reasonable person in a similar 149  
position to believe, as a result of the communication or any 150  
observations made during that communication, the penitent has 151  
suffered or faces a threat of suffering any physical or mental 152  
wound, injury, disability, or condition of a nature that 153  
reasonably indicates abuse or neglect of the penitent. 154

(iii) The abuse or neglect does not arise out of the 155  
penitent's attempt to have an abortion performed upon a child 156  
under eighteen years of age or upon a person under twenty-one 157  
years of age with a developmental disability or physical 158  
impairment without the notification of her parents, guardian, or 159  
custodian in accordance with section 2151.85 of the Revised 160  
Code. 161

(d) Divisions (A) (4) (a) and (c) of this section do not 162  
apply in a cleric-penitent relationship when the disclosure of 163  
any communication the cleric receives from the penitent is in 164  
violation of the sacred trust. 165

(e) As used in divisions (A) (1) and (4) of this section, 166  
"cleric" and "sacred trust" have the same meanings as in section 167  
2317.02 of the Revised Code. 168

(B) Anyone who knows, or has reasonable cause to suspect 169  
based on facts that would cause a reasonable person in similar 170  
circumstances to suspect, that a child under eighteen years of 171  
age, or a person under twenty-one years of age with a 172  
developmental disability or physical impairment, has suffered or 173  
faces a threat of suffering any physical or mental wound, 174  
injury, disability, or other condition of a nature that 175  
reasonably indicates abuse or neglect of the child may report or 176  
cause reports to be made of that knowledge or reasonable cause 177  
to suspect to the entity or persons specified in this division. 178  
Except as provided in section 5120.173 of the Revised Code, a 179  
person making a report or causing a report to be made under this 180  
division shall make it or cause it to be made to the public 181  
children services agency or to a ~~municipal or county~~ peace 182  
officer. In the circumstances described in section 5120.173 of 183  
the Revised Code, a person making a report or causing a report 184  
to be made under this division shall make it or cause it to be 185  
made to the entity specified in that section. 186

(C) Any report made pursuant to division (A) or (B) of 187  
this section shall be made forthwith either by telephone or in 188  
person and shall be followed by a written report, if requested 189  
by the receiving agency or officer. The written report shall 190  
contain: 191

(1) The names and addresses of the child and the child's 192  
parents or the person or persons having custody of the child, if 193  
known; 194

(2) The child's age and the nature and extent of the 195

child's injuries, abuse, or neglect that is known or reasonably 196  
suspected or believed, as applicable, to have occurred or of the 197  
threat of injury, abuse, or neglect that is known or reasonably 198  
suspected or believed, as applicable, to exist, including any 199  
evidence of previous injuries, abuse, or neglect; 200

(3) Any other information, including, but not limited to, 201  
results and reports of any medical examinations, tests, or 202  
procedures performed under division (D) of this section, that 203  
might be helpful in establishing the cause of the injury, abuse, 204  
or neglect that is known or reasonably suspected or believed, as 205  
applicable, to have occurred or of the threat of injury, abuse, 206  
or neglect that is known or reasonably suspected or believed, as 207  
applicable, to exist. 208

(D) (1) Any person, who is required by division (A) of this 209  
section to report child abuse or child neglect that is known or 210  
reasonably suspected or believed to have occurred, may take or 211  
cause to be taken color photographs of areas of trauma visible 212  
on a child and, if medically necessary for the purpose of 213  
diagnosing or treating injuries that are suspected to have 214  
occurred as a result of child abuse or child neglect, perform or 215  
cause to be performed radiological examinations and any other 216  
medical examinations of, and tests or procedures on, the child. 217

(2) The results and any available reports of examinations, 218  
tests, or procedures made under division (D) (1) of this section 219  
shall be included in a report made pursuant to division (A) of 220  
this section. Any additional reports of examinations, tests, or 221  
procedures that become available shall be provided to the public 222  
children services agency, upon request. 223

(3) If a health care professional provides health care 224  
services in a hospital, children's advocacy center, or emergency 225



medical facility to a child about whom a report has been made 226  
under division (A) of this section, the health care professional 227  
may take any steps that are reasonably necessary for the release 228  
or discharge of the child to an appropriate environment. Before 229  
the child's release or discharge, the health care professional 230  
may obtain information, or consider information obtained, from 231  
other entities or individuals that have knowledge about the 232  
child. Nothing in division (D) (3) of this section shall be 233  
construed to alter the responsibilities of any person under 234  
sections 2151.27 and 2151.31 of the Revised Code. 235

(4) A health care professional may conduct medical 236  
examinations, tests, or procedures on the siblings of a child 237  
about whom a report has been made under division (A) of this 238  
section and on other children who reside in the same home as the 239  
child, if the professional determines that the examinations, 240  
tests, or procedures are medically necessary to diagnose or 241  
treat the siblings or other children in order to determine 242  
whether reports under division (A) of this section are warranted 243  
with respect to such siblings or other children. The results of 244  
the examinations, tests, or procedures on the siblings and other 245  
children may be included in a report made pursuant to division 246  
(A) of this section. 247

(5) Medical examinations, tests, or procedures conducted 248  
under divisions (D) (1) and (4) of this section and decisions 249  
regarding the release or discharge of a child under division (D) 250  
(3) of this section do not constitute a law enforcement 251  
investigation or activity. 252

(E) (1) When a ~~municipal or county~~ peace officer receives a 253  
report ~~concerning the possible abuse or neglect of a child or~~ 254  
~~the possible threat of abuse or neglect of a child~~ made pursuant 255

to division (A) or (B) of this section, upon receipt of the 256  
report, the ~~municipal or county~~ peace officer who receives the 257  
report shall refer the report to the appropriate public children 258  
services agency. 259

(2) When a public children services agency receives a 260  
report pursuant to this division or division (A) or (B) of this 261  
section, upon receipt of the report, the public children 262  
services agency shall do both of the following: 263

(a) Comply with section 2151.422 of the Revised Code; 264

(b) If the county served by the agency is also served by a 265  
children's advocacy center and the report alleges sexual abuse 266  
of a child or another type of abuse of a child that is specified 267  
in the memorandum of understanding that creates the center as 268  
being within the center's jurisdiction, comply regarding the 269  
report with the protocol and procedures for referrals and 270  
investigations, with the coordinating activities, and with the 271  
authority or responsibility for performing or providing 272  
functions, activities, and services stipulated in the 273  
interagency agreement entered into under section 2151.428 of the 274  
Revised Code relative to that center. 275

(F) No ~~township, municipal, or county~~ peace officer shall 276  
remove a child about whom a report is made pursuant to this 277  
section from the child's parents, stepparents, or guardian or 278  
any other persons having custody of the child without 279  
consultation with the public children services agency, unless, 280  
in the judgment of the officer, and, if the report was made by 281  
physician, the physician, immediate removal is considered 282  
essential to protect the child from further abuse or neglect. 283  
The agency that must be consulted shall be the agency conducting 284  
the investigation of the report as determined pursuant to 285

section 2151.422 of the Revised Code. 286

(G) (1) Except as provided in section 2151.422 of the 287  
Revised Code or in an interagency agreement entered into under 288  
section 2151.428 of the Revised Code that applies to the 289  
particular report, the public children services agency shall 290  
investigate, within twenty-four hours, each report of child 291  
abuse or child neglect that is known or reasonably suspected or 292  
believed to have occurred and of a threat of child abuse or 293  
child neglect that is known or reasonably suspected or believed 294  
to exist that is referred to it under this section to determine 295  
the circumstances surrounding the injuries, abuse, or neglect or 296  
the threat of injury, abuse, or neglect, the cause of the 297  
injuries, abuse, neglect, or threat, and the person or persons 298  
responsible. The investigation shall be made in cooperation with 299  
the law enforcement agency and in accordance with the memorandum 300  
of understanding prepared under division (K) of this section. A 301  
representative of the public children services agency shall, at 302  
the time of initial contact with the person subject to the 303  
investigation, inform the person of the specific complaints or 304  
allegations made against the person. The information shall be 305  
given in a manner that is consistent with division (I) (1) of 306  
this section and protects the rights of the person making the 307  
report under this section. 308

A failure to make the investigation in accordance with the 309  
memorandum is not grounds for, and shall not result in, the 310  
dismissal of any charges or complaint arising from the report or 311  
the suppression of any evidence obtained as a result of the 312  
report and does not give, and shall not be construed as giving, 313  
any rights or any grounds for appeal or post-conviction relief 314  
to any person. The public children services agency shall report 315  
each case to the uniform statewide automated child welfare 316

information system that the department of job and family 317  
services shall maintain in accordance with section 5101.13 of 318  
the Revised Code. The public children services agency shall 319  
submit a report of its investigation, in writing, to the law 320  
enforcement agency. 321

(2) The public children services agency shall make any 322  
recommendations to the county prosecuting attorney or city 323  
director of law that it considers necessary to protect any 324  
children that are brought to its attention. 325

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 326  
(I) (3) of this section, any person, health care professional, 327  
hospital, institution, school, health department, or agency 328  
shall be immune from any civil or criminal liability for injury, 329  
death, or loss to person or property that otherwise might be 330  
incurred or imposed as a result of any of the following: 331

(i) Participating in the making of reports pursuant to 332  
division (A) of this section or in the making of reports in good 333  
faith, pursuant to division (B) of this section; 334

(ii) Participating in medical examinations, tests, or 335  
procedures under division (D) of this section; 336

(iii) Providing information used in a report made pursuant 337  
to division (A) of this section or providing information in good 338  
faith used in a report made pursuant to division (B) of this 339  
section; 340

(iv) Participating in a judicial proceeding resulting from 341  
a report made pursuant to division (A) of this section or 342  
participating in good faith in a proceeding resulting from a 343  
report made pursuant to division (B) of this section. 344

(b) Immunity under division (H) (1) (a) (ii) of this section 345

shall not apply when a health care provider has deviated from 346  
the standard of care applicable to the provider's profession. 347

(c) Notwithstanding section 4731.22 of the Revised Code, 348  
the physician-patient privilege shall not be a ground for 349  
excluding evidence regarding a child's injuries, abuse, or 350  
neglect, or the cause of the injuries, abuse, or neglect in any 351  
judicial proceeding resulting from a report submitted pursuant 352  
to this section. 353

(2) In any civil or criminal action or proceeding in which 354  
it is alleged and proved that participation in the making of a 355  
report under this section was not in good faith or participation 356  
in a judicial proceeding resulting from a report made under this 357  
section was not in good faith, the court shall award the 358  
prevailing party reasonable attorney's fees and costs and, if a 359  
civil action or proceeding is voluntarily dismissed, may award 360  
reasonable attorney's fees and costs to the party against whom 361  
the civil action or proceeding is brought. 362

(I) (1) Except as provided in divisions (I) (4) and (O) of 363  
this section, a report made under this section is confidential. 364  
The information provided in a report made pursuant to this 365  
section and the name of the person who made the report shall not 366  
be released for use, and shall not be used, as evidence in any 367  
civil action or proceeding brought against the person who made 368  
the report. Nothing in this division shall preclude the use of 369  
reports of other incidents of known or suspected abuse or 370  
neglect in a civil action or proceeding brought pursuant to 371  
division (N) of this section against a person who is alleged to 372  
have violated division (A) (1) of this section, provided that any 373  
information in a report that would identify the child who is the 374  
subject of the report or the maker of the report, if the maker 375

of the report is not the defendant or an agent or employee of 376  
the defendant, has been redacted. In a criminal proceeding, the 377  
report is admissible in evidence in accordance with the Rules of 378  
Evidence and is subject to discovery in accordance with the 379  
Rules of Criminal Procedure. 380

(2) (a) Except as provided in division (I) (2) (b) of this 381  
section, no person shall permit or encourage the unauthorized 382  
dissemination of the contents of any report made under this 383  
section. 384

(b) A health care professional that obtains the same 385  
information contained in a report made under this section from a 386  
source other than the report may disseminate the information, if 387  
its dissemination is otherwise permitted by law. 388

(3) A person who knowingly makes or causes another person 389  
to make a false report under division (B) of this section that 390  
alleges that any person has committed an act or omission that 391  
resulted in a child being an abused child or a neglected child 392  
is guilty of a violation of section 2921.14 of the Revised Code. 393

(4) If a report is made pursuant to division (A) or (B) of 394  
this section and the child who is the subject of the report dies 395  
for any reason at any time after the report is made, but before 396  
the child attains eighteen years of age, the public children 397  
services agency or ~~municipal or county~~ peace officer to which 398  
the report was made or referred, on the request of the child 399  
fatality review board or the director of health pursuant to 400  
guidelines established under section 3701.70 of the Revised 401  
Code, shall submit a summary sheet of information providing a 402  
summary of the report to the review board of the county in which 403  
the deceased child resided at the time of death or to the 404  
director. On the request of the review board or director, the 405

agency or peace officer may, at its discretion, make the report 406  
available to the review board or director. If the county served 407  
by the public children services agency is also served by a 408  
children's advocacy center and the report of alleged sexual 409  
abuse of a child or another type of abuse of a child is 410  
specified in the memorandum of understanding that creates the 411  
center as being within the center's jurisdiction, the agency or 412  
center shall perform the duties and functions specified in this 413  
division in accordance with the interagency agreement entered 414  
into under section 2151.428 of the Revised Code relative to that 415  
advocacy center. 416

(5) A public children services agency shall advise a 417  
person alleged to have inflicted abuse or neglect on a child who 418  
is the subject of a report made pursuant to this section, 419  
including a report alleging sexual abuse of a child or another 420  
type of abuse of a child referred to a children's advocacy 421  
center pursuant to an interagency agreement entered into under 422  
section 2151.428 of the Revised Code, in writing of the 423  
disposition of the investigation. The agency shall not provide 424  
to the person any information that identifies the person who 425  
made the report, statements of witnesses, or police or other 426  
investigative reports. 427

(J) Any report that is required by this section, other 428  
than a report that is made to the state highway patrol as 429  
described in section 5120.173 of the Revised Code, shall result 430  
in protective services and emergency supportive services being 431  
made available by the public children services agency on behalf 432  
of the children about whom the report is made, in an effort to 433  
prevent further neglect or abuse, to enhance their welfare, and, 434  
whenever possible, to preserve the family unit intact. The 435  
agency required to provide the services shall be the agency 436

conducting the investigation of the report pursuant to section 437  
2151.422 of the Revised Code. 438

(K) (1) Each public children services agency shall prepare 439  
a memorandum of understanding that is signed by all of the 440  
following: 441

(a) If there is only one juvenile judge in the county, the 442  
juvenile judge of the county or the juvenile judge's 443  
representative; 444

(b) If there is more than one juvenile judge in the 445  
county, a juvenile judge or the juvenile judges' representative 446  
selected by the juvenile judges or, if they are unable to do so 447  
for any reason, the juvenile judge who is senior in point of 448  
service or the senior juvenile judge's representative; 449

(c) The county peace officer; 450

(d) All chief municipal peace officers within the county; 451

(e) Other law enforcement officers handling child abuse 452  
and neglect cases in the county; 453

(f) The prosecuting attorney of the county; 454

(g) If the public children services agency is not the 455  
county department of job and family services, the county 456  
department of job and family services; 457

(h) The county humane society; 458

(i) If the public children services agency participated in 459  
the execution of a memorandum of understanding under section 460  
2151.426 of the Revised Code establishing a children's advocacy 461  
center, each participating member of the children's advocacy 462  
center established by the memorandum. 463



(2) A memorandum of understanding shall set forth the 464  
normal operating procedure to be employed by all concerned 465  
officials in the execution of their respective responsibilities 466  
under this section and division (C) of section 2919.21, division 467  
(B)(1) of section 2919.22, division (B) of section 2919.23, and 468  
section 2919.24 of the Revised Code and shall have as two of its 469  
primary goals the elimination of all unnecessary interviews of 470  
children who are the subject of reports made pursuant to 471  
division (A) or (B) of this section and, when feasible, 472  
providing for only one interview of a child who is the subject 473  
of any report made pursuant to division (A) or (B) of this 474  
section. A failure to follow the procedure set forth in the 475  
memorandum by the concerned officials is not grounds for, and 476  
shall not result in, the dismissal of any charges or complaint 477  
arising from any reported case of abuse or neglect or the 478  
suppression of any evidence obtained as a result of any reported 479  
child abuse or child neglect and does not give, and shall not be 480  
construed as giving, any rights or any grounds for appeal or 481  
post-conviction relief to any person. 482

(3) A memorandum of understanding shall include all of the 483  
following: 484

(a) The roles and responsibilities for handling emergency 485  
and nonemergency cases of abuse and neglect; 486

(b) Standards and procedures to be used in handling and 487  
coordinating investigations of reported cases of child abuse and 488  
reported cases of child neglect, methods to be used in 489  
interviewing the child who is the subject of the report and who 490  
allegedly was abused or neglected, and standards and procedures 491  
addressing the categories of persons who may interview the child 492  
who is the subject of the report and who allegedly was abused or 493

neglected. 494

(4) If a public children services agency participated in 495  
the execution of a memorandum of understanding under section 496  
2151.426 of the Revised Code establishing a children's advocacy 497  
center, the agency shall incorporate the contents of that 498  
memorandum in the memorandum prepared pursuant to this section. 499

(5) The clerk of the court of common pleas in the county 500  
may sign the memorandum of understanding prepared under division 501  
(K)(1) of this section. If the clerk signs the memorandum of 502  
understanding, the clerk shall execute all relevant 503  
responsibilities as required of officials specified in the 504  
memorandum. 505

(L)(1) Except as provided in division (L)(4) or (5) of 506  
this section, a person who is required to make a report pursuant 507  
to division (A) of this section may make a reasonable number of 508  
requests of the public children services agency that receives or 509  
is referred the report, or of the children's advocacy center 510  
that is referred the report if the report is referred to a 511  
children's advocacy center pursuant to an interagency agreement 512  
entered into under section 2151.428 of the Revised Code, to be 513  
provided with the following information: 514

(a) Whether the agency or center has initiated an 515  
investigation of the report; 516

(b) Whether the agency or center is continuing to 517  
investigate the report; 518

(c) Whether the agency or center is otherwise involved 519  
with the child who is the subject of the report; 520

(d) The general status of the health and safety of the 521  
child who is the subject of the report; 522

(e) Whether the report has resulted in the filing of a 523  
complaint in juvenile court or of criminal charges in another 524  
court. 525

(2) A person may request the information specified in 526  
division (L)(1) of this section only if, at the time the report 527  
is made, the person's name, address, and telephone number are 528  
provided to the person who receives the report. 529

When a ~~municipal or county~~ peace officer or employee of a 530  
public children services agency receives a report pursuant to 531  
division (A) or (B) of this section the recipient of the report 532  
shall inform the person of the right to request the information 533  
described in division (L)(1) of this section. The recipient of 534  
the report shall include in the initial child abuse or child 535  
neglect report that the person making the report was so informed 536  
and, if provided at the time of the making of the report, shall 537  
include the person's name, address, and telephone number in the 538  
report. 539

Each request is subject to verification of the identity of 540  
the person making the report. If that person's identity is 541  
verified, the agency shall provide the person with the 542  
information described in division (L)(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 (L)(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 (L) 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 (L)(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

(M) The director of job and family services shall adopt 564  
rules in accordance with Chapter 119. of the Revised Code to 565  
implement this section. The department of job and family 566  
services may enter into a plan of cooperation with any other 567  
governmental entity to aid in ensuring that children are 568  
protected from abuse and neglect. The department shall make 569  
recommendations to the attorney general that the department 570  
determines are necessary to protect children from child abuse 571  
and child neglect. 572

(N) Whoever violates division (A) of this section is 573  
liable for compensatory and exemplary damages to the child who 574  
would have been the subject of the report that was not made. A 575  
person who brings a civil action or proceeding pursuant to this 576  
division against a person who is alleged to have violated 577  
division (A)(1) of this section may use in the action or 578  
proceeding reports of other incidents of known or suspected 579  
abuse or neglect, provided that any information in a report that 580  
would identify the child who is the subject of the report or the 581

maker of the report, if the maker is not the defendant or an 582  
agent or employee of the defendant, has been redacted. 583

(0) (1) As used in this division: 584

(a) "Out-of-home care" includes a nonchartered nonpublic 585  
school if the alleged child abuse or child neglect, or alleged 586  
threat of child abuse or child neglect, described in a report 587  
received by a public children services agency allegedly occurred 588  
in or involved the nonchartered nonpublic school and the alleged 589  
perpetrator named in the report holds a certificate, permit, or 590  
license issued by the state board of education under section 591  
3301.071 or Chapter 3319. of the Revised Code. 592

(b) "Administrator, director, or other chief 593  
administrative officer" means the superintendent of the school 594  
district if the out-of-home care entity subject to a report made 595  
pursuant to this section is a school operated by the district. 596

(2) No later than the end of the day following the day on 597  
which a public children services agency receives a report of 598  
alleged child abuse or child neglect, or a report of an alleged 599  
threat of child abuse or child neglect, that allegedly occurred 600  
in or involved an out-of-home care entity, the agency shall 601  
provide written notice of the allegations contained in and the 602  
person named as the alleged perpetrator in the report to the 603  
administrator, director, or other chief administrative officer 604  
of the out-of-home care entity that is the subject of the report 605  
unless the administrator, director, or other chief 606  
administrative officer is named as an alleged perpetrator in the 607  
report. If the administrator, director, or other chief 608  
administrative officer of an out-of-home care entity is named as 609  
an alleged perpetrator in a report of alleged child abuse or 610  
child neglect, or a report of an alleged threat of child abuse 611

or child neglect, that allegedly occurred in or involved the 612  
out-of-home care entity, the agency shall provide the written 613  
notice to the owner or governing board of the out-of-home care 614  
entity that is the subject of the report. The agency shall not 615  
provide witness statements or police or other investigative 616  
reports. 617

(3) No later than three days after the day on which a 618  
public children services agency that conducted the investigation 619  
as determined pursuant to section 2151.422 of the Revised Code 620  
makes a disposition of an investigation involving a report of 621  
alleged child abuse or child neglect, or a report of an alleged 622  
threat of child abuse or child neglect, that allegedly occurred 623  
in or involved an out-of-home care entity, the agency shall send 624  
written notice of the disposition of the investigation to the 625  
administrator, director, or other chief administrative officer 626  
and the owner or governing board of the out-of-home care entity. 627  
The agency shall not provide witness statements or police or 628  
other investigative reports. 629

(P) As used in this section: 630

(1) "Children's advocacy center" and "sexual abuse of a 631  
child" have the same meanings as in section 2151.425 of the 632  
Revised Code. 633

(2) "Health care professional" means an individual who 634  
provides health-related services including a physician, hospital 635  
intern or resident, dentist, podiatrist, registered nurse, 636  
licensed practical nurse, visiting nurse, licensed psychologist, 637  
speech pathologist, audiologist, person engaged in social work 638  
or the practice of professional counseling, and employee of a 639  
home health agency. "Health care professional" does not include 640  
a practitioner of a limited branch of medicine as specified in 641

section 4731.15 of the Revised Code, licensed school 642  
psychologist, independent marriage and family therapist or 643  
marriage and family therapist, or coroner. 644

(3) "Investigation" means the public children services 645  
agency's response to an accepted report of child abuse or 646  
neglect through either an alternative response or a traditional 647  
response. 648

(4) "Peace officer" means a sheriff, deputy sheriff, 649  
constable, police officer of a township or joint police 650  
district, marshal, deputy marshal, municipal police officer, or 651  
a state highway patrol trooper. 652

**Section 2.** That existing section 2151.421 of the Revised 653  
Code is hereby repealed. 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 both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 132nd 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