

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 493**

**Representatives Sears, Ryan**

**Cosponsor: Representative Perales**

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**A BILL**

To amend sections 307.627, 2151.421, 2151.422, 1  
2151.99, 3701.701, 5153.16, 5153.175, and 2  
5153.176 of the Revised Code to make changes in 3  
the child abuse and neglect reporting law. 4

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

**Section 1.** That sections 307.627, 2151.421, 2151.422, 5  
2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 307.627.** (A) (1) Notwithstanding section 3701.243 and 8  
any other section of the Revised Code pertaining to 9  
confidentiality, any individual; public children services 10  
agency, private child placing agency, or agency that provides 11  
services specifically to individuals or families; law 12  
enforcement agency; or other public or private entity that 13  
provided services to a child whose death is being reviewed by a 14  
child fatality review board, on the request of the review board, 15  
shall submit to the review board a summary sheet of information. 16

(a) With respect to a request made to a health care 17  
entity, the summary sheet shall contain only information 18

available and reasonably drawn from the child's medical record 19  
created by the health care entity. 20

(b) With respect to a request made to any other individual 21  
or entity, the summary shall contain only information available 22  
and reasonably drawn from any record involving the child that 23  
the individual or entity develops in the normal course of 24  
business. 25

(c) On the request of the review board, an individual or 26  
entity may, at the individual or entity's discretion, make any 27  
additional information, documents, or reports available to the 28  
review board. 29

(2) Notwithstanding section 3701.243 and any other section 30  
of the Revised Code pertaining to confidentiality, in the case 31  
of a child one year of age or younger whose death is being 32  
reviewed by a child fatality review board, on the request of the 33  
review board, a health care entity that provided services to the 34  
child's mother shall submit to the review board a summary sheet 35  
of information available and reasonably drawn from the mother's 36  
medical record created by the health care entity. Before 37  
submitting the summary sheet, the health care entity shall 38  
attempt to obtain the mother's consent to do so, but lack of 39  
consent shall not preclude the entity from submitting the 40  
summary sheet. 41

(3) For purposes of the review, the review board shall 42  
have access to confidential information provided to the review 43  
board under this section or division ~~(H)~~(I) (4) of section 44  
2151.421 of the Revised Code, and each member of the review 45  
board shall preserve the confidentiality of that information. 46

(B) Notwithstanding division (A) of this section, no 47

person, entity, law enforcement agency, or prosecuting attorney 48  
shall provide any information regarding the death of a child to 49  
a child fatality review board while an investigation of the 50  
death or prosecution of a person for causing the death is 51  
pending unless the prosecuting attorney has agreed pursuant to 52  
section 307.625 of the Revised Code to allow review of the 53  
death. 54

**Sec. 2151.421.** (A) (1) (a) No person described in division 55  
(A) (1) (b) of this section who is acting in an official or 56  
professional capacity and knows, or has reasonable cause to 57  
suspect based on facts that would cause a reasonable person in a 58  
similar position to suspect, that a child under eighteen years 59  
of age or a mentally retarded, developmentally disabled, or 60  
physically impaired child under twenty-one years of age has 61  
suffered or faces a threat of suffering any physical or mental 62  
wound, injury, disability, or condition of a nature that 63  
reasonably indicates abuse or neglect of the child shall fail to 64  
immediately report that knowledge or reasonable cause to suspect 65  
to the entity or persons specified in this division. Except as 66  
provided in section 5120.173 of the Revised Code, the person 67  
making the report shall make it to the public children services 68  
agency or a municipal or county peace officer in the county in 69  
which the child resides or in which the abuse or neglect is 70  
occurring or has occurred. In the circumstances described in 71  
section 5120.173 of the Revised Code, the person making the 72  
report shall make it to the entity specified in that section. 73

(b) Division (A) (1) (a) of this section applies to any 74  
person who is an attorney; ~~physician, including a hospital-~~ 75  
~~intern or resident; dentist; podiatrist~~ health care 76  
professional; practitioner of a limited branch of medicine as 77  
specified in section 4731.15 of the Revised Code; ~~registered~~ 78

~~nurse; licensed practical nurse; visiting nurse; other health-~~ 79  
~~care professional; licensed psychologist;~~ licensed school 80  
psychologist; independent marriage and family therapist or 81  
marriage and family therapist; ~~speech pathologist or~~ 82  
~~audiologist;~~ coroner; administrator or employee of a child day- 83  
care center; administrator or employee of a residential camp, 84  
child day camp, or private, nonprofit therapeutic wilderness 85  
camp; administrator or employee of a certified child care agency 86  
or other public or private children services agency; school 87  
teacher; school employee; school authority; ~~person engaged in-~~ 88  
~~social work or the practice of professional counseling;~~ agent of 89  
a county humane society; person, other than a cleric, rendering 90  
spiritual treatment through prayer in accordance with the tenets 91  
of a well-recognized religion; employee of a county department 92  
of job and family services who is a professional and who works 93  
with children and families; superintendent or regional 94  
administrator employed by the department of youth services; 95  
superintendent, board member, or employee of a county board of 96  
developmental disabilities; investigative agent contracted with 97  
by a county board of developmental disabilities; employee of the 98  
department of developmental disabilities; employee of a facility 99  
or home that provides respite care in accordance with section 100  
5123.171 of the Revised Code; ~~employee of a home health agency;~~ 101  
employee of an entity that provides homemaker services; a person 102  
performing the duties of an assessor pursuant to Chapter 3107. 103  
or 5103. of the Revised Code; third party employed by a public 104  
children services agency to assist in providing child or family 105  
related services; court appointed special advocate; or guardian 106  
ad litem. 107

(c) If two or more health care professionals, after 108  
providing health care services to a child, determine or suspect 109

that the child has been or is being abused or neglected, the 110  
health care professionals may designate one of the health care 111  
professionals to report the abuse or neglect. A single report 112  
made under this division shall meet the reporting requirements 113  
of division (A) (1) of this section. 114

(2) Except as provided in division (A) (3) of this section, 115  
an attorney or a physician is not required to make a report 116  
pursuant to division (A) (1) of this section concerning any 117  
communication the attorney or physician receives from a client 118  
or patient in an attorney-client or physician-patient 119  
relationship, if, in accordance with division (A) or (B) of 120  
section 2317.02 of the Revised Code, the attorney or physician 121  
could not testify with respect to that communication in a civil 122  
or criminal proceeding. 123

(3) The client or patient in an attorney-client or 124  
physician-patient relationship described in division (A) (2) of 125  
this section is deemed to have waived any testimonial privilege 126  
under division (A) or (B) of section 2317.02 of the Revised Code 127  
with respect to any communication the attorney or physician 128  
receives from the client or patient in that attorney-client or 129  
physician-patient relationship, and the attorney or physician 130  
shall make a report pursuant to division (A) (1) of this section 131  
with respect to that communication, if all of the following 132  
apply: 133

(a) The client or patient, at the time of the 134  
communication, is either a child under eighteen years of age or 135  
a mentally retarded, developmentally disabled, or physically 136  
impaired person under twenty-one years of age. 137

(b) The attorney or physician knows, or has reasonable 138  
cause to suspect based on facts that would cause a reasonable 139

person in similar position to suspect,~~as a result of the~~ 140  
~~communication or any observations made during that~~ 141  
~~communication,~~ that the client or patient has suffered or faces 142  
a threat of suffering any physical or mental wound, injury, 143  
disability, or condition of a nature that reasonably indicates 144  
abuse or neglect of the client or patient. 145

(c) The abuse or neglect does not arise out of the 146  
client's or patient's attempt to have an abortion without the 147  
notification of her parents, guardian, or custodian in 148  
accordance with section 2151.85 of the Revised Code. 149

(4) (a) No cleric and no person, other than a volunteer, 150  
designated by any church, religious society, or faith acting as 151  
a leader, official, or delegate on behalf of the church, 152  
religious society, or faith who is acting in an official or 153  
professional capacity, who knows, or has reasonable cause to 154  
believe based on facts that would cause a reasonable person in a 155  
similar position to believe, that a child under eighteen years 156  
of age or a mentally retarded, developmentally disabled, or 157  
physically impaired child under twenty-one years of age has 158  
suffered or faces a threat of suffering any physical or mental 159  
wound, injury, disability, or condition of a nature that 160  
reasonably indicates abuse or neglect of the child, and who 161  
knows, or has reasonable cause to believe based on facts that 162  
would cause a reasonable person in a similar position to 163  
believe, that another cleric or another person, other than a 164  
volunteer, designated by a church, religious society, or faith 165  
acting as a leader, official, or delegate on behalf of the 166  
church, religious society, or faith caused, or poses the threat 167  
of causing, the wound, injury, disability, or condition that 168  
reasonably indicates abuse or neglect shall fail to immediately 169  
report that knowledge or reasonable cause to believe to the 170

entity or persons specified in this division. Except as provided 171  
in section 5120.173 of the Revised Code, the person making the 172  
report shall make it to the public children services agency or a 173  
municipal or county peace officer in the county in which the 174  
child resides or in which the abuse or neglect is occurring or 175  
has occurred. In the circumstances described in section 5120.173 176  
of the Revised Code, the person making the report shall make it 177  
to the entity specified in that section. 178

(b) Except as provided in division (A) (4) (c) of this 179  
section, a cleric is not required to make a report pursuant to 180  
division (A) (4) (a) of this section concerning any communication 181  
the cleric receives from a penitent in a cleric-penitent 182  
relationship, if, in accordance with division (C) of section 183  
2317.02 of the Revised Code, the cleric could not testify with 184  
respect to that communication in a civil or criminal proceeding. 185

(c) The penitent in a cleric-penitent relationship 186  
described in division (A) (4) (b) of this section is deemed to 187  
have waived any testimonial privilege under division (C) of 188  
section 2317.02 of the Revised Code with respect to any 189  
communication the cleric receives from the penitent in that 190  
cleric-penitent relationship, and the cleric shall make a report 191  
pursuant to division (A) (4) (a) of this section with respect to 192  
that communication, if all of the following apply: 193

(i) The penitent, at the time of the communication, is 194  
either a child under eighteen years of age or a mentally 195  
retarded, developmentally disabled, or physically impaired 196  
person under twenty-one years of age. 197

(ii) The cleric knows, or has reasonable cause to believe 198  
based on facts that would cause a reasonable person in a similar 199  
position to believe, as a result of the communication or any 200

observations made during that communication, the penitent has 201  
suffered or faces a threat of suffering any physical or mental 202  
wound, injury, disability, or condition of a nature that 203  
reasonably indicates abuse or neglect of the penitent. 204

(iii) The abuse or neglect does not arise out of the 205  
penitent's attempt to have an abortion performed upon a child 206  
under eighteen years of age or upon a mentally retarded, 207  
developmentally disabled, or physically impaired person under 208  
twenty-one years of age without the notification of her parents, 209  
guardian, or custodian in accordance with section 2151.85 of the 210  
Revised Code. 211

(d) Divisions (A) (4) (a) and (c) of this section do not 212  
apply in a cleric-penitent relationship when the disclosure of 213  
any communication the cleric receives from the penitent is in 214  
violation of the sacred trust. 215

(e) As used in divisions (A) (1) and (4) of this section, 216  
"cleric" and "sacred trust" have the same meanings as in section 217  
2317.02 of the Revised Code. 218

(B) Anyone who knows, or has reasonable cause to suspect 219  
based on facts that would cause a reasonable person in similar 220  
circumstances to suspect, that a child under eighteen years of 221  
age or a mentally retarded, developmentally disabled, or 222  
physically impaired person under twenty-one years of age has 223  
suffered or faces a threat of suffering any physical or mental 224  
wound, injury, disability, or other condition of a nature that 225  
reasonably indicates abuse or neglect of the child may report or 226  
cause reports to be made of that knowledge or reasonable cause 227  
to suspect to the entity or persons specified in this division. 228  
Except as provided in section 5120.173 of the Revised Code, a 229  
person making a report or causing a report to be made under this 230



division shall make it or cause it to be made to the public 231  
children services agency or to a municipal or county peace 232  
officer. In the circumstances described in section 5120.173 of 233  
the Revised Code, a person making a report or causing a report 234  
to be made under this division shall make it or cause it to be 235  
made to the entity specified in that section. 236

(C) Any report made pursuant to division (A) or (B) of 237  
this section shall be made forthwith either by telephone or in 238  
person and shall be followed by a written report, if requested 239  
by the receiving agency or officer. The written report shall 240  
contain: 241

(1) The names and addresses of the child and the child's 242  
parents or the person or persons having custody of the child, if 243  
known; 244

(2) The child's age and the nature and extent of the 245  
child's injuries, abuse, or neglect that is known or reasonably 246  
suspected or believed, as applicable, to have occurred or of the 247  
threat of injury, abuse, or neglect that is known or reasonably 248  
suspected or believed, as applicable, to exist, including any 249  
evidence of previous injuries, abuse, or neglect; 250

(3) Any other information, including, but not limited to, 251  
results and reports of any medical examinations, tests, or 252  
procedures performed under division (D) of this section, that 253  
might be helpful in establishing the cause of the injury, abuse, 254  
or neglect that is known or reasonably suspected or believed, as 255  
applicable, to have occurred or of the threat of injury, abuse, 256  
or neglect that is known or reasonably suspected or believed, as 257  
applicable, to exist. 258

(D) (1) Any person, who is required by division (A) of this 259

section to report child abuse or child neglect that is known or 260  
reasonably suspected or believed to have occurred, may take or 261  
cause to be taken color photographs of areas of trauma visible 262  
on a child and, if medically ~~indicated~~ necessary for the purpose 263  
of diagnosing or treating injuries that are suspected to have 264  
occurred as a result of child abuse or child neglect, perform or 265  
cause to be performed radiological examinations ~~of the child.~~ 266

~~(D) As used in this division, "children's advocacy center"~~ 267  
~~and "sexual abuse of a child" have the same meanings as in~~ 268  
~~section 2151.425 of the Revised Code and any other medical~~ 269  
~~examinations of, and tests or procedures on, the child.~~ 270

(2) The results and any reports of examinations, tests, or 271  
procedures made under division (D)(1) of this section shall be 272  
included in a report made pursuant to division (A) of this 273  
section. 274

(3) If a health care professional provides health care 275  
services in a hospital, children's advocacy center, or emergency 276  
medical facility to a child about whom a report has been made 277  
under division (A) of this section, the health care professional 278  
may take any steps that are reasonably necessary for the release 279  
or discharge of the child to an appropriate environment. Before 280  
the child's release or discharge, the health care professional 281  
may obtain information, or consider information obtained, from 282  
other entities or individuals that have knowledge about the 283  
child. 284

(4) A health care professional may conduct medical 285  
examinations, tests, or procedures on the siblings of a child 286  
about whom a report has been made under division (A) of this 287  
section and on other children who reside in the same home as the 288  
child, if the professional determines that the examinations, 289

tests, or procedures are medically necessary to diagnose or 290  
treat the siblings or other children in order to determine 291  
whether reports under division (A) of this section are warranted 292  
with respect to such siblings or other children. The results of 293  
the examinations, tests, or procedures on the siblings and other 294  
children may be included in a report made pursuant to division 295  
(A) of this section. 296

(5) Medical examinations, tests, or procedures conducted 297  
under divisions (D) (1) and (4) of this section and decisions 298  
regarding the release or discharge of a child under division (D) 299  
(3) of this section do not constitute a law enforcement 300  
investigation or activity. 301

(E) (1) When a municipal or county peace officer receives a 302  
report concerning the possible abuse or neglect of a child or 303  
the possible threat of abuse or neglect of a child, upon receipt 304  
of the report, the municipal or county peace officer who 305  
receives the report shall refer the report to the appropriate 306  
public children services agency. 307

(2) When a public children services agency receives a 308  
report pursuant to this division or division (A) or (B) of this 309  
section, upon receipt of the report, the public children 310  
services agency shall do both of the following: 311

(a) Comply with section 2151.422 of the Revised Code; 312

(b) If the county served by the agency is also served by a 313  
children's advocacy center and the report alleges sexual abuse 314  
of a child or another type of abuse of a child that is specified 315  
in the memorandum of understanding that creates the center as 316  
being within the center's jurisdiction, comply regarding the 317  
report with the protocol and procedures for referrals and 318

investigations, with the coordinating activities, and with the 319  
authority or responsibility for performing or providing 320  
functions, activities, and services stipulated in the 321  
interagency agreement entered into under section 2151.428 of the 322  
Revised Code relative to that center. 323

~~(E)~~(F) No township, municipal, or county peace officer 324  
shall remove a child about whom a report is made pursuant to 325  
this section from the child's parents, stepparents, or guardian 326  
or any other persons having custody of the child without 327  
consultation with the public children services agency, unless, 328  
in the judgment of the officer, and, if the report was made by 329  
physician, the physician, immediate removal is considered 330  
essential to protect the child from further abuse or neglect. 331  
The agency that must be consulted shall be the agency conducting 332  
the investigation of the report as determined pursuant to 333  
section 2151.422 of the Revised Code. 334

~~(F)~~(G) (1) Except as provided in section 2151.422 of the 335  
Revised Code or in an interagency agreement entered into under 336  
section 2151.428 of the Revised Code that applies to the 337  
particular report, the public children services agency shall 338  
investigate, within twenty-four hours, each report of child 339  
abuse or child neglect that is known or reasonably suspected or 340  
believed to have occurred and of a threat of child abuse or 341  
child neglect that is known or reasonably suspected or believed 342  
to exist that is referred to it under this section to determine 343  
the circumstances surrounding the injuries, abuse, or neglect or 344  
the threat of injury, abuse, or neglect, the cause of the 345  
injuries, abuse, neglect, or threat, and the person or persons 346  
responsible. The investigation shall be made in cooperation with 347  
the law enforcement agency and in accordance with the memorandum 348  
of understanding prepared under division ~~(J)~~(K) of this 349

section. A representative of the public children services agency 350  
shall, at the time of initial contact with the person subject to 351  
the investigation, inform the person of the specific complaints 352  
or allegations made against the person. The information shall be 353  
given in a manner that is consistent with division ~~(H)~~(I)(1) of 354  
this section and protects the rights of the person making the 355  
report under this section. 356

A failure to make the investigation in accordance with the 357  
memorandum is not grounds for, and shall not result in, the 358  
dismissal of any charges or complaint arising from the report or 359  
the suppression of any evidence obtained as a result of the 360  
report and does not give, and shall not be construed as giving, 361  
any rights or any grounds for appeal or post-conviction relief 362  
to any person. The public children services agency shall report 363  
each case to the uniform statewide automated child welfare 364  
information system that the department of job and family 365  
services shall maintain in accordance with section 5101.13 of 366  
the Revised Code. The public children services agency shall 367  
submit a report of its investigation, in writing, to the law 368  
enforcement agency. 369

(2) The public children services agency shall make any 370  
recommendations to the county prosecuting attorney or city 371  
director of law that it considers necessary to protect any 372  
children that are brought to its attention. 373

~~(G)~~(H)(1) (a) Except as provided in division ~~(H)~~(I)(3) of 374  
this section, ~~anyone or any~~ person, health care professional, 375  
hospital, institution, school, health department, or agency 376  
~~participating in the making of reports under division (A) of~~ 377  
~~this section, anyone or any hospital, institution, school,~~ 378  
~~health department, or agency participating in good faith in the~~ 379

~~making of reports under division (B) of this section, and anyone~~ 380  
~~participating in good faith in a judicial proceeding resulting~~ 381  
~~from the reports, shall be immune from any civil or criminal~~ 382  
~~liability for injury, death, or loss to person or property that~~ 383  
~~otherwise might be incurred or imposed as a result of the making~~ 384  
~~of the reports or the participation in the judicial proceeding~~ 385  
shall be immune from any civil or criminal liability for injury, 386  
death, or loss to person or property that otherwise might be 387  
incurred or imposed as a result of any of the following: 388

(i) Participating in the making of reports pursuant to 389  
division (A) of this section or in the making of reports in good 390  
faith, pursuant to division (B) of this section; 391

(ii) Participating in medical examinations, tests, or 392  
procedures under division (D) of this section; 393

(iii) Providing information used in a report made pursuant 394  
to division (A) of this section or providing information in good 395  
faith used in a report made pursuant to division (B) of this 396  
section; 397

(iv) Participating in a judicial proceeding resulting from 398  
a report made pursuant to division (A) of this section or 399  
participating in good faith in a proceeding resulting from a 400  
report made pursuant to division (B) of this section. 401

(b) Notwithstanding section 4731.22 of the Revised Code, 402  
the physician-patient privilege shall not be a ground for 403  
excluding evidence regarding a child's injuries, abuse, or 404  
neglect, or the cause of the injuries, abuse, or neglect in any 405  
judicial proceeding resulting from a report submitted pursuant 406  
to this section. 407

(2) In any civil or criminal action or proceeding in which 408

it is alleged and proved that participation in the making of a 409  
report under this section was not in good faith or participation 410  
in a judicial proceeding resulting from a report made under this 411  
section was not in good faith, the court shall award the 412  
prevailing party reasonable attorney's fees and costs and, if a 413  
civil action or proceeding is voluntarily dismissed, may award 414  
reasonable attorney's fees and costs to the party against whom 415  
the civil action or proceeding is brought. 416

~~(H)~~(I)(1) Except as provided in divisions ~~(H)~~(I)(4) and 417  
~~(N)~~(O) of this section, a report made under this section is 418  
confidential. The information provided in a report made pursuant 419  
to this section and the name of the person who made the report 420  
shall not be released for use, and shall not be used, as 421  
evidence in any civil action or proceeding brought against the 422  
person who made the report. Nothing in this division shall 423  
preclude the use of reports of other incidents of known or 424  
suspected abuse or neglect in a civil action or proceeding 425  
brought pursuant to division ~~(M)~~(N) of this section against a 426  
person who is alleged to have violated division (A)(1) of this 427  
section, provided that any information in a report that would 428  
identify the child who is the subject of the report or the maker 429  
of the report, if the maker of the report is not the defendant 430  
or an agent or employee of the defendant, has been redacted. In 431  
a criminal proceeding, the report is admissible in evidence in 432  
accordance with the Rules of Evidence and is subject to 433  
discovery in accordance with the Rules of Criminal Procedure. 434

~~(2)~~No (a) Except as provided in division (I)(2)(b) of 435  
this section, no person shall permit or encourage the 436  
unauthorized dissemination of the contents of any report made 437  
under this section. 438

(b) A health care professional that obtains the same 439  
information contained in a report made under this section from a 440  
source other than the report may disseminate the information, if 441  
its dissemination is otherwise permitted by law. 442

(3) A person who knowingly makes or causes another person 443  
to make a false report under division (B) of this section that 444  
alleges that any person has committed an act or omission that 445  
resulted in a child being an abused child or a neglected child 446  
is guilty of a violation of section 2921.14 of the Revised Code. 447

(4) If a report is made pursuant to division (A) or (B) of 448  
this section and the child who is the subject of the report dies 449  
for any reason at any time after the report is made, but before 450  
the child attains eighteen years of age, the public children 451  
services agency or municipal or county peace officer to which 452  
the report was made or referred, on the request of the child 453  
fatality review board or the director of health pursuant to 454  
guidelines established under section 3701.70 of the Revised 455  
Code, shall submit a summary sheet of information providing a 456  
summary of the report to the review board of the county in which 457  
the deceased child resided at the time of death or to the 458  
director. On the request of the review board or director, the 459  
agency or peace officer may, at its discretion, make the report 460  
available to the review board or director. If the county served 461  
by the public children services agency is also served by a 462  
children's advocacy center and the report of alleged sexual 463  
abuse of a child or another type of abuse of a child is 464  
specified in the memorandum of understanding that creates the 465  
center as being within the center's jurisdiction, the agency or 466  
center shall perform the duties and functions specified in this 467  
division in accordance with the interagency agreement entered 468  
into under section 2151.428 of the Revised Code relative to that 469



advocacy center. 470

(5) A public children services agency shall advise a 471  
person alleged to have inflicted abuse or neglect on a child who 472  
is the subject of a report made pursuant to this section, 473  
including a report alleging sexual abuse of a child or another 474  
type of abuse of a child referred to a children's advocacy 475  
center pursuant to an interagency agreement entered into under 476  
section 2151.428 of the Revised Code, in writing of the 477  
disposition of the investigation. The agency shall not provide 478  
to the person any information that identifies the person who 479  
made the report, statements of witnesses, or police or other 480  
investigative reports. 481

~~(I)~~ (J) Any report that is required by this section, other 482  
than a report that is made to the state highway patrol as 483  
described in section 5120.173 of the Revised Code, shall result 484  
in protective services and emergency supportive services being 485  
made available by the public children services agency on behalf 486  
of the children about whom the report is made, in an effort to 487  
prevent further neglect or abuse, to enhance their welfare, and, 488  
whenever possible, to preserve the family unit intact. The 489  
agency required to provide the services shall be the agency 490  
conducting the investigation of the report pursuant to section 491  
2151.422 of the Revised Code. 492

~~(J)~~ (K) (1) Each public children services agency shall 493  
prepare a memorandum of understanding that is signed by all of 494  
the following: 495

(a) If there is only one juvenile judge in the county, the 496  
juvenile judge of the county or the juvenile judge's 497  
representative; 498

(b) If there is more than one juvenile judge in the	499
county, a juvenile judge or the juvenile judges' representative	500
selected by the juvenile judges or, if they are unable to do so	501
for any reason, the juvenile judge who is senior in point of	502
service or the senior juvenile judge's representative;	503
(c) The county peace officer;	504
(d) All chief municipal peace officers within the county;	505
(e) Other law enforcement officers handling child abuse	506
and neglect cases in the county;	507
(f) The prosecuting attorney of the county;	508
(g) If the public children services agency is not the	509
county department of job and family services, the county	510
department of job and family services;	511
(h) The county humane society;	512
(i) If the public children services agency participated in	513
the execution of a memorandum of understanding under section	514
2151.426 of the Revised Code establishing a children's advocacy	515
center, each participating member of the children's advocacy	516
center established by the memorandum.	517
(2) A memorandum of understanding shall set forth the	518
normal operating procedure to be employed by all concerned	519
officials in the execution of their respective responsibilities	520
under this section and division (C) of section 2919.21, division	521
(B) (1) of section 2919.22, division (B) of section 2919.23, and	522
section 2919.24 of the Revised Code and shall have as two of its	523
primary goals the elimination of all unnecessary interviews of	524
children who are the subject of reports made pursuant to	525
division (A) or (B) of this section and, when feasible,	526

providing for only one interview of a child who is the subject 527  
of any report made pursuant to division (A) or (B) of this 528  
section. A failure to follow the procedure set forth in the 529  
memorandum by the concerned officials is not grounds for, and 530  
shall not result in, the dismissal of any charges or complaint 531  
arising from any reported case of abuse or neglect or the 532  
suppression of any evidence obtained as a result of any reported 533  
child abuse or child neglect and does not give, and shall not be 534  
construed as giving, any rights or any grounds for appeal or 535  
post-conviction relief to any person. 536

(3) A memorandum of understanding shall include all of the 537  
following: 538

(a) The roles and responsibilities for handling emergency 539  
and nonemergency cases of abuse and neglect; 540

(b) Standards and procedures to be used in handling and 541  
coordinating investigations of reported cases of child abuse and 542  
reported cases of child neglect, methods to be used in 543  
interviewing the child who is the subject of the report and who 544  
allegedly was abused or neglected, and standards and procedures 545  
addressing the categories of persons who may interview the child 546  
who is the subject of the report and who allegedly was abused or 547  
neglected. 548

(4) If a public children services agency participated in 549  
the execution of a memorandum of understanding under section 550  
2151.426 of the Revised Code establishing a children's advocacy 551  
center, the agency shall incorporate the contents of that 552  
memorandum in the memorandum prepared pursuant to this section. 553

(5) The clerk of the court of common pleas in the county 554  
may sign the memorandum of understanding prepared under division 555

~~(J)~~(K)(1) of this section. If the clerk signs the memorandum of 556  
understanding, the clerk shall execute all relevant 557  
responsibilities as required of officials specified in the 558  
memorandum. 559

~~(K)~~(L)(1) Except as provided in division ~~(K)~~(L)(4) or (5) 560  
of this section, a person who is required to make a report 561  
pursuant to division (A) of this section may make a reasonable 562  
number of requests of the public children services agency that 563  
receives or is referred the report, or of the children's 564  
advocacy center that is referred the report if the report is 565  
referred to a children's advocacy center pursuant to an 566  
interagency agreement entered into under section 2151.428 of the 567  
Revised Code, to be provided with the following information: 568

(a) Whether the agency or center has initiated an 569  
investigation of the report; 570

(b) Whether the agency or center is continuing to 571  
investigate the report; 572

(c) Whether the agency or center is otherwise involved 573  
with the child who is the subject of the report; 574

(d) The general status of the health and safety of the 575  
child who is the subject of the report; 576

(e) Whether the report has resulted in the filing of a 577  
complaint in juvenile court or of criminal charges in another 578  
court. 579

(2) A person may request the information specified in 580  
division ~~(K)~~(L)(1) of this section only if, at the time the 581  
report is made, the person's name, address, and telephone number 582  
are provided to the person who receives the report. 583

When a municipal or county 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 ~~(K)~~(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 ~~(K)~~(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 ~~(K)~~(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 agency conducting the investigation shall comply with the requirements of division ~~(K)~~(L) of this section.

~~(L)~~(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in

division (L) (1) of this section if the person requesting the 614  
information is associated with or acting on behalf of the health 615  
care professional who provided health care services to the child 616  
about whom the report was made. 617

(M) The director of job and family services shall adopt 618  
rules in accordance with Chapter 119. of the Revised Code to 619  
implement this section. The department of job and family 620  
services may enter into a plan of cooperation with any other 621  
governmental entity to aid in ensuring that children are 622  
protected from abuse and neglect. The department shall make 623  
recommendations to the attorney general that the department 624  
determines are necessary to protect children from child abuse 625  
and child neglect. 626

~~(M)~~ (N) Whoever violates division (A) of this section is 627  
liable for compensatory and exemplary damages to the child who 628  
would have been the subject of the report that was not made. A 629  
person who brings a civil action or proceeding pursuant to this 630  
division against a person who is alleged to have violated 631  
division (A) (1) of this section may use in the action or 632  
proceeding reports of other incidents of known or suspected 633  
abuse or neglect, provided that any information in a report that 634  
would identify the child who is the subject of the report or the 635  
maker of the report, if the maker is not the defendant or an 636  
agent or employee of the defendant, has been redacted. 637

~~(N)~~ (O) (1) As used in this division: 638

(a) "Out-of-home care" includes a nonchartered nonpublic 639  
school if the alleged child abuse or child neglect, or alleged 640  
threat of child abuse or child neglect, described in a report 641  
received by a public children services agency allegedly occurred 642  
in or involved the nonchartered nonpublic school and the alleged 643

perpetrator named in the report holds a certificate, permit, or 644  
license issued by the state board of education under section 645  
3301.071 or Chapter 3319. of the Revised Code. 646

(b) "Administrator, director, or other chief 647  
administrative officer" means the superintendent of the school 648  
district if the out-of-home care entity subject to a report made 649  
pursuant to this section is a school operated by the district. 650

(2) No later than the end of the day following the day on 651  
which a public children services agency receives a report of 652  
alleged child abuse or child neglect, or a report of an alleged 653  
threat of child abuse or child neglect, that allegedly occurred 654  
in or involved an out-of-home care entity, the agency shall 655  
provide written notice of the allegations contained in and the 656  
person named as the alleged perpetrator in the report to the 657  
administrator, director, or other chief administrative officer 658  
of the out-of-home care entity that is the subject of the report 659  
unless the administrator, director, or other chief 660  
administrative officer is named as an alleged perpetrator in the 661  
report. If the administrator, director, or other chief 662  
administrative officer of an out-of-home care entity is named as 663  
an alleged perpetrator in a report of alleged child abuse or 664  
child neglect, or a report of an alleged threat of child abuse 665  
or child neglect, that allegedly occurred in or involved the 666  
out-of-home care entity, the agency shall provide the written 667  
notice to the owner or governing board of the out-of-home care 668  
entity that is the subject of the report. The agency shall not 669  
provide witness statements or police or other investigative 670  
reports. 671

(3) No later than three days after the day on which a 672  
public children services agency that conducted the investigation 673

as determined pursuant to section 2151.422 of the Revised Code 674  
makes a disposition of an investigation involving a report of 675  
alleged child abuse or child neglect, or a report of an alleged 676  
threat of child abuse or child neglect, that allegedly occurred 677  
in or involved an out-of-home care entity, the agency shall send 678  
written notice of the disposition of the investigation to the 679  
administrator, director, or other chief administrative officer 680  
and the owner or governing board of the out-of-home care entity. 681  
The agency shall not provide witness statements or police or 682  
other investigative reports. 683

~~(O)~~ (P) As used in this section, "investigation": 684

(1) "Children's advocacy center" and "sexual abuse of a 685  
child" have the same meanings as in section 2151.425 of the 686  
Revised Code. 687

(2) "Health care professional" means an individual who 688  
provides health-related services including a physician, hospital 689  
intern or resident, dentist, podiatrist, registered nurse, 690  
licensed practical nurse, visiting nurse, licensed psychologist, 691  
speech pathologist, audiologist, person engaged in social work 692  
or the practice of professional counseling, and employee of a 693  
home health agency. "Health care professional" does not include 694  
a practitioner of a limited branch of medicine as specified in 695  
section 4731.15 of the Revised Code, licensed school 696  
psychologist, independent marriage and family therapist or 697  
marriage and family therapist, or coroner. 698

(3) "Investigation" means the public children services 699  
agency's response to an accepted report of child abuse or 700  
neglect through either an alternative response or a traditional 701  
response. 702



**Sec. 2151.422.** (A) As used in this section, "Homeless shelter" means a facility that provides accommodations to homeless individuals.

(B) On receipt of a notice pursuant to division (A), (B), or ~~(D)~~-(E) of section 2151.421 of the Revised Code, the public children services agency shall determine whether the child subject to the report is living in a shelter for victims of domestic violence or a homeless shelter and whether the child was brought to that shelter pursuant to an agreement with a shelter in another county. If the child is living in a shelter and was brought there from another county, the agency shall immediately notify the public children services agency of the county from which the child was brought of the report and all the information contained in the report. On receipt of the notice pursuant to this division, the agency of the county from which the child was brought shall conduct the investigation of the report required pursuant to section 2151.421 of the Revised Code and shall perform all duties required of the agency under this chapter with respect to the child who is the subject of the report. If the child is not living in a shelter or the child was not brought to the shelter from another county, the agency that received the report pursuant to division (A), (B), or ~~(D)~~-(E) of section 2151.421 of the Revised Code shall conduct the investigation required pursuant to section 2151.421 of the Revised Code and shall perform all duties required of the agency under this chapter with respect to the child who is the subject of the report. The agency of the county in which the shelter is located in which the child is living and the agency of the county from which the child was brought may ask the shelter to provide information concerning the child's residence address and county of residence to the agency.

(C) If a child is living in a shelter for victims of 734  
domestic violence or a homeless shelter and the child was 735  
brought to that shelter pursuant to an agreement with a shelter 736  
in another county, the public children services agency of the 737  
county from which the child was brought shall provide services 738  
to or take custody of the child if services or custody are 739  
needed or required under this Chapter or section 5153.16 of the 740  
Revised Code. 741

(D) When a homeless shelter provides accommodations to a 742  
person, the shelter, on admitting the person to the shelter, 743  
shall determine, if possible, the person's last known 744  
residential address and county of residence. The information 745  
concerning the address and county of residence is confidential 746  
and may only be released to a public children services agency 747  
pursuant to this section. 748

**Sec. 2151.99.** (A) (1) Except as otherwise provided in 749  
division (A) (2) of this section, whoever violates division (D) 750  
(2) or (3) of section 2151.313 or division ~~(A) (4), (H) or (I)~~ 751  
(2) of section 2151.421 of the Revised Code is guilty of a 752  
misdemeanor of the fourth degree. 753

(2) Whoever violates division (A) (4) of section 2151.421 754  
of the Revised Code knowing that a child has been abused or 755  
neglected and knowing that the person who committed the abuse or 756  
neglect was a cleric or another person, other than a volunteer, 757  
designated by a church, religious society, or faith acting as a 758  
leader, official, or delegate on behalf of the church, religious 759  
society, or faith, is guilty of a misdemeanor of the first 760  
degree if the person who violates division (A) (4) of this 761  
section and the person who committed the abuse or neglect belong 762  
to the same church, religious society, or faith. 763

(B) Whoever violates division (D) (1) of section 2151.313 764  
of the Revised Code is guilty of a minor misdemeanor. 765

(C) Whoever violates division (A) (1) of section 2151.421 766  
of the Revised Code shall be punished as follows: 767

(1) Except as otherwise provided in division (C) (2) of 768  
this section, the offender is guilty of a misdemeanor of the 769  
fourth degree. 770

(2) The offender is guilty of a misdemeanor of the first 771  
degree if the child who is the subject of the required report 772  
that the offender fails to make suffers or faces the threat of 773  
suffering the physical or mental wound, injury, disability, or 774  
condition that would be the basis of the required report when 775  
the child is under the direct care or supervision of the 776  
offender who is then acting in the offender's official or 777  
professional capacity or when the child is under the direct care 778  
or supervision of another person over whom the offender while 779  
acting in the offender's official or professional capacity has 780  
supervisory control. 781

**Sec. 3701.701.** (A) (1) Notwithstanding section 3701.243 and 782  
any other section of the Revised Code pertaining to 783  
confidentiality, any individual, public children services 784  
agency, private child placing agency, or agency that provides 785  
services specifically to individuals or families, law 786  
enforcement agency, or other public or private entity that 787  
provided services to a child whose death is being reviewed by 788  
the director of health pursuant to guidelines established under 789  
section 3701.70 of the Revised Code, on the request of the 790  
director, shall submit to the director a summary sheet of 791  
information. 792

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business.

(c) On the request of the director, an individual or entity may, at the individual's or entity's discretion, make any additional information, documents, or reports available to the director.

(2) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, in the case of a child one year of age or younger whose death is being reviewed by the director, on the request of the director, a health care entity that provided services to the child's mother shall submit to the director a summary sheet of information available and reasonably drawn from the mother's medical record created by the health care entity. Before submitting the summary sheet, the health care entity shall attempt to obtain the mother's consent to do so, but lack of consent shall not preclude the entity from submitting the summary sheet.

(3) For purposes of the review, the director shall have access to confidential information provided to the director under this section or division ~~(H)~~(I) (4) of section 2151.421 of the Revised Code, and the director shall preserve the confidentiality of that information.

(B) Notwithstanding division (A) of this section, no 822  
person, entity, law enforcement agency, or prosecuting attorney 823  
shall provide any information regarding the death of a child to 824  
the director pursuant to guidelines established under section 825  
3701.70 of the Revised Code while an investigation of the death 826  
or prosecution of a person for causing the death is pending, 827  
unless the prosecuting attorney agrees to allow the review. 828

**Sec. 5153.16.** (A) Except as provided in section 2151.422 829  
of the Revised Code, in accordance with rules adopted under 830  
section 5153.166 of the Revised Code, and on behalf of children 831  
in the county whom the public children services agency considers 832  
to be in need of public care or protective services, the public 833  
children services agency shall do all of the following: 834

(1) Make an investigation concerning any child alleged to 835  
be an abused, neglected, or dependent child; 836

(2) Enter into agreements with the parent, guardian, or 837  
other person having legal custody of any child, or with the 838  
department of job and family services, department of mental 839  
health and addiction services, department of developmental 840  
disabilities, other department, any certified organization 841  
within or outside the county, or any agency or institution 842  
outside the state, having legal custody of any child, with 843  
respect to the custody, care, or placement of any child, or with 844  
respect to any matter, in the interests of the child, provided 845  
the permanent custody of a child shall not be transferred by a 846  
parent to the public children services agency without the 847  
consent of the juvenile court; 848

(3) Accept custody of children committed to the public 849  
children services agency by a court exercising juvenile 850  
jurisdiction; 851

- (4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;
- (5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;
- (6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;
- (7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;
- (8) Find certified foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county;
- (9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;
- (10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the

temporary care of children, or procure certified foster homes 881  
for this purpose; 882

(11) Enter into an agreement with the trustees of any 883  
district children's home, respecting the operation of the 884  
district children's home in cooperation with the other county 885  
boards in the district; 886

(12) Cooperate with, make its services available to, and 887  
act as the agent of persons, courts, the department of job and 888  
family services, the department of health, and other 889  
organizations within and outside the state, in matters relating 890  
to the welfare of children, except that the public children 891  
services agency shall not be required to provide supervision of 892  
or other services related to the exercise of parenting time 893  
rights granted pursuant to section 3109.051 or 3109.12 of the 894  
Revised Code or companionship or visitation rights granted 895  
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 896  
Code unless a juvenile court, pursuant to Chapter 2151. of the 897  
Revised Code, or a common pleas court, pursuant to division (E) 898  
(6) of section 3113.31 of the Revised Code, requires the 899  
provision of supervision or other services related to the 900  
exercise of the parenting time rights or companionship or 901  
visitation rights; 902

(13) Make investigations at the request of any 903  
superintendent of schools in the county or the principal of any 904  
school concerning the application of any child adjudicated to be 905  
an abused, neglected, or dependent child for release from 906  
school, where such service is not provided through a school 907  
attendance department; 908

(14) Administer funds provided under Title IV-E of the 909  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 910

amended, in accordance with rules adopted under section 5101.141 911  
of the Revised Code; 912

(15) In addition to administering Title IV-E adoption 913  
assistance funds, enter into agreements to make adoption 914  
assistance payments under section 5153.163 of the Revised Code; 915

(16) Implement a system of safety and risk assessment, in 916  
accordance with rules adopted by the director of job and family 917  
services, to assist the public children services agency in 918  
determining the risk of abuse or neglect to a child; 919

(17) Enter into a plan of cooperation with the board of 920  
county commissioners under section 307.983 of the Revised Code 921  
and comply with each fiscal agreement the board enters into 922  
under section 307.98 of the Revised Code that include family 923  
services duties of public children services agencies and 924  
contracts the board enters into under sections 307.981 and 925  
307.982 of the Revised Code that affect the public children 926  
services agency; 927

(18) Make reasonable efforts to prevent the removal of an 928  
alleged or adjudicated abused, neglected, or dependent child 929  
from the child's home, eliminate the continued removal of the 930  
child from the child's home, or make it possible for the child 931  
to return home safely, except that reasonable efforts of that 932  
nature are not required when a court has made a determination 933  
under division (A) (2) of section 2151.419 of the Revised Code; 934

(19) Make reasonable efforts to place the child in a 935  
timely manner in accordance with the permanency plan approved 936  
under division (E) of section 2151.417 of the Revised Code and 937  
to complete whatever steps are necessary to finalize the 938  
permanent placement of the child; 939



(20) Administer a Title IV-A program identified under 940  
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 941  
that the department of job and family services provides for the 942  
public children services agency to administer under the 943  
department's supervision pursuant to section 5101.801 of the 944  
Revised Code; 945

(21) Administer the kinship permanency incentive program 946  
created under section 5101.802 of the Revised Code under the 947  
supervision of the director of job and family services; 948

(22) Provide independent living services pursuant to 949  
sections 2151.81 to 2151.84 of the Revised Code; 950

(23) File a missing child report with a local law 951  
enforcement agency upon becoming aware that a child in the 952  
custody of the public children services agency is or may be 953  
missing. 954

(B) The public children services agency shall use the 955  
system implemented pursuant to division (A) (16) of this section 956  
in connection with an investigation undertaken pursuant to 957  
division ~~(F)~~ (G) (1) of section 2151.421 of the Revised Code to 958  
assess both of the following: 959

(1) The ongoing safety of the child; 960

(2) The appropriateness of the intensity and duration of 961  
the services provided to meet child and family needs throughout 962  
the duration of a case. 963

(C) Except as provided in section 2151.422 of the Revised 964  
Code, in accordance with rules of the director of job and family 965  
services, and on behalf of children in the county whom the 966  
public children services agency considers to be in need of 967  
public care or protective services, the public children services 968

agency may do the following:	969
(1) Provide or find, with other child serving systems,	970
specialized foster care for the care of children in a	971
specialized foster home, as defined in section 5103.02 of the	972
Revised Code, certified under section 5103.03 of the Revised	973
Code;	974
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of	975
this section, contract with the following for the purpose of	976
assisting the agency with its duties:	977
(i) County departments of job and family services;	978
(ii) Boards of alcohol, drug addiction, and mental health	979
services;	980
(iii) County boards of developmental disabilities;	981
(iv) Regional councils of political subdivisions	982
established under Chapter 167. of the Revised Code;	983
(v) Private and government providers of services;	984
(vi) Managed care organizations and prepaid health plans.	985
(b) A public children services agency contract under	986
division (C) (2) (a) of this section regarding the agency's duties	987
under section 2151.421 of the Revised Code may not provide for	988
the entity under contract with the agency to perform any service	989
not authorized by the department's rules.	990
(c) Only a county children services board appointed under	991
section 5153.03 of the Revised Code that is a public children	992
services agency may contract under division (C) (2) (a) of this	993
section. If an entity specified in division (B) or (C) of	994
section 5153.02 of the Revised Code is the public children	995

services agency for a county, the board of county commissioners 996  
may enter into contracts pursuant to section 307.982 of the 997  
Revised Code regarding the agency's duties. 998

**Sec. 5153.175.** (A) Notwithstanding division ~~(H)~~(I)(1) of 999  
section 2151.421, section 5153.17, and any other section of the 1000  
Revised Code pertaining to confidentiality, when a public 1001  
children services agency has determined that child abuse or 1002  
neglect occurred and that abuse or neglect involves a person who 1003  
has applied for licensure as a type A family day-care home or 1004  
type B family day-care home, the agency shall promptly provide 1005  
to the department of job and family services any information the 1006  
agency determines to be relevant for the purpose of evaluating 1007  
the fitness of the person, including, but not limited to, both 1008  
of the following: 1009

(1) A summary report of the chronology of abuse and 1010  
neglect reports made pursuant to section 2151.421 of the Revised 1011  
Code of which the person is the subject where the agency 1012  
determined that abuse or neglect occurred and the final 1013  
disposition of the investigation of the reports or, if the 1014  
investigations have not been completed, the status of the 1015  
investigations; 1016

(2) Any underlying documentation concerning those reports. 1017

(B) The agency shall not include in the information 1018  
provided to the department under division (A) of this section 1019  
the name of the person or entity that made the report or 1020  
participated in the making of the report of child abuse or 1021  
neglect. 1022

(C) Upon provision of information under division (A) of 1023  
this section, the agency shall notify the department of both of 1024

the following: 1025

(1) That the information is confidential; 1026

(2) That unauthorized dissemination of the information is 1027  
a violation of division ~~(H)~~(I)(2) of section 2151.421 of the 1028  
Revised Code and any person who permits or encourages 1029  
unauthorized dissemination of the information is guilty of a 1030  
misdemeanor of the fourth degree pursuant to section 2151.99 of 1031  
the Revised Code. 1032

**Sec. 5153.176.** As used in this section, "license" has the 1033  
same meaning as in section 3319.31 of the Revised Code. 1034

(A) Notwithstanding division ~~(H)~~(I)(1) of section 1035  
2151.421, section 5153.17, or any other section of the Revised 1036  
Code pertaining to confidentiality, the director of a public 1037  
children services agency shall promptly provide to the 1038  
superintendent of public instruction information regarding the 1039  
agency's investigation of a report of child abuse or neglect 1040  
made pursuant to section 2151.421 of the Revised Code involving 1041  
a person who holds a license issued by the state board of 1042  
education where the agency has determined that child abuse or 1043  
neglect occurred and that abuse or neglect is related to the 1044  
person's duties and responsibilities under the license. The 1045  
information provided by the director shall include the 1046  
following: 1047

(1) A summary of the nature of the allegations contained 1048  
in the report of which the person is the subject and the final 1049  
disposition of the investigation conducted in response to that 1050  
report or, if the investigation is not complete, the status of 1051  
the investigation; 1052

(2) Upon written request of the superintendent of public 1053

instruction, the additional information described in division 1054  
(C) of this section regarding the agency's investigation of the 1055  
report, unless the prosecuting attorney of the county served by 1056  
the agency determines that such information may not be released 1057  
pursuant to division (B) of this section. 1058

(B) Upon receipt of a written request from the 1059  
superintendent of public instruction for the additional 1060  
information described in division (C) of this section, the 1061  
director shall determine if the prosecuting attorney of the 1062  
county served by the public children services agency intends to 1063  
prosecute the subject of the report based on the allegations 1064  
contained in the report. If the prosecuting attorney intends to 1065  
prosecute the subject of the report, the prosecuting attorney 1066  
shall determine the information described in division (C) of 1067  
this section that may be released, if any, and shall provide the 1068  
director with written authorization to release the information 1069  
so determined. The director shall provide the superintendent of 1070  
public instruction with any information described in division 1071  
(C) of this section that the prosecuting attorney determines may 1072  
be released, but in no case shall the director provide any 1073  
information that the prosecuting attorney determines shall not 1074  
be released. If the prosecuting attorney does not intend to 1075  
prosecute the subject of the report, the prosecuting attorney 1076  
shall notify the director of that fact and the director shall 1077  
provide all of the information described in division (C) of this 1078  
section to the superintendent of public instruction. 1079

(C) In accordance with division (B) of this section, the 1080  
director shall provide information to the superintendent of 1081  
public instruction regarding the public children services 1082  
agency's investigation of the report described in division (A) 1083  
of this section, including, but not limited to, the following: 1084

(1) The following information about the alleged child	1085
victim of the abuse or neglect:	1086
(a) Full name;	1087
(b) Date of birth;	1088
(c) Address and telephone number;	1089
(d) Grade level;	1090
(e) Name and contact information of the child's parent,	1091
guardian, or legal custodian;	1092
(f) Name and contact information of any medical facility	1093
that provided treatment to the child, if the child was injured	1094
in connection with the abuse or neglect and if that information	1095
is available;	1096
(g) A summary of interviews with the child or, if an	1097
entity other than the agency conducted the interviews, the	1098
contact information for that entity. The summary shall include	1099
an accounting of the facts and circumstances of the alleged	1100
abuse or neglect, including, but not limited to, the time and	1101
place that the abuse or neglect occurred.	1102
(h) Copies of any written correspondence between the child	1103
and the alleged perpetrator of the abuse or neglect that was	1104
used by the agency to determine that abuse or neglect occurred,	1105
the release of which is not otherwise prohibited by law.	1106
(2) The following information about the alleged	1107
perpetrator of the abuse or neglect:	1108
(a) Full name;	1109
(b) Date of birth;	1110
(c) Address and telephone number;	1111

(d) Name of school district and school building that 1112  
employed the alleged perpetrator at the time the report was 1113  
made; 1114

(e) Name and contact information of any medical facility 1115  
that provided treatment to the alleged perpetrator, if the 1116  
alleged perpetrator was injured in connection with the abuse or 1117  
neglect and if that information is available; 1118

(f) A summary of interviews with the alleged perpetrator 1119  
or, if an entity other than the agency conducted the interviews, 1120  
the contact information for that entity. The summary shall 1121  
include an accounting of the facts and circumstances of the 1122  
alleged abuse or neglect, including, but not limited to, the 1123  
time and place that the abuse or neglect occurred. 1124

(g) Copies of any written correspondence between the 1125  
alleged child victim and the alleged perpetrator that was used 1126  
by the agency to determine that abuse or neglect occurred, the 1127  
release of which is not otherwise prohibited by law; 1128

(h) If the alleged perpetrator has been the subject of any 1129  
previous reports made pursuant to section 2151.421 of the 1130  
Revised Code where the agency determined that physical or sexual 1131  
child abuse occurred, a summary of the chronology of those 1132  
reports; the final disposition of the investigations conducted 1133  
in response to those reports, or if an investigation is not 1134  
complete, the status of that investigation; and any underlying 1135  
documentation concerning those reports. 1136

(3) The following information about each person, other 1137  
than the alleged child victim and the alleged perpetrator, whom 1138  
the agency has determined to be important to the investigation, 1139  
except that the information shall not be provided about the 1140

person who made the report unless that person grants written 1141  
permission for the director to release the information: 1142

(a) Full name; 1143

(b) Address and telephone number; 1144

(c) If the person has been interviewed regarding the 1145  
alleged abuse or neglect, a summary of those interviews or, if 1146  
an entity other than the agency conducted the interviews, the 1147  
contact information for such entity. 1148

(D) Upon provision of any information to the 1149  
superintendent of public instruction under this section, the 1150  
director shall notify the superintendent of both of the 1151  
following: 1152

(1) That the information is confidential; 1153

(2) That unauthorized dissemination of the information is 1154  
a violation of division ~~(H)~~(I)(2) of section 2151.421 and 1155  
section 3319.311 of the Revised Code and any person who permits 1156  
or encourages unauthorized dissemination of the information is 1157  
guilty of a misdemeanor of the fourth degree pursuant to section 1158  
2151.99 of the Revised Code. 1159

If the director determines that the superintendent of 1160  
public instruction or any person involved in the conduct of an 1161  
investigation under section 3319.311 of the Revised Code 1162  
committed, caused, permitted, or encouraged the unauthorized 1163  
dissemination of any information provided under this section, 1164  
the director shall provide written notification of the 1165  
unauthorized dissemination to the prosecuting attorney of the 1166  
county or the village solicitor, city director of law, or 1167  
similar chief legal officer of the municipal corporation in 1168  
which the unauthorized dissemination occurred. A copy of the 1169



notification shall be retained in the investigative record 1170  
maintained by the public children services agency. 1171

(E) The director shall include documentation of the 1172  
information provided to the superintendent of public instruction 1173  
under this section in the investigative record maintained by the 1174  
public children services agency. The documentation shall include 1175  
the following: 1176

(1) A list of the information provided; 1177

(2) The date the information was provided; 1178

(3) If the superintendent of public instruction designates 1179  
a person to receive the information on the superintendent's 1180  
behalf, the name of that person; 1181

(4) The reason for providing the information; 1182

(5) If written authorization to provide the information is 1183  
required from the prosecuting attorney under division (B) of 1184  
this section, a copy of that authorization. 1185

(F) No director of a public children services agency shall 1186  
knowingly fail to comply with division (A) or (C) of this 1187  
section. 1188

(G) A director of a public children services agency who 1189  
provides information to the superintendent of public instruction 1190  
in accordance with this section in good faith shall be immune 1191  
from any civil or criminal liability that otherwise might be 1192  
incurred or imposed for injury, death, or loss to person or 1193  
property as a result of the provision of that information. 1194

(H) Notwithstanding any provision to the contrary in 1195  
Chapter 4117. of the Revised Code, the provisions of this 1196  
section prevail over any conflicting provisions of a collective 1197

bargaining agreement or contract for employment entered into 1198  
after March 30, 2007. 1199

**Section 2.** That existing sections 307.627, 2151.421, 1200  
2151.422, 2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of 1201  
the Revised Code are hereby repealed. 1202

**Section 3.** Section 2151.99 of the Revised Code is 1203  
presented in this act as a composite of the section as amended 1204  
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 1205  
Assembly. The General Assembly, applying the principle stated in 1206  
division (B) of section 1.52 of the Revised Code that amendments 1207  
are to be harmonized if reasonably capable of simultaneous 1208  
operation, finds that the composite is the resulting version of 1209  
the section in effect prior to the effective date of the section 1210  
as presented in this act. 1211