

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

H. B. No. 558

Representative Abrams

Cosponsors: Representatives LaRe, Seitz, Kelly, Carruthers, Richardson, Ghanbari, Manchester, Lanese, Russo, Holmes, A., Weinstein, Grendell, Crawley, Butler, Brinkman, Manning, D., Leland, Rogers, Baldrige, Crossman, Cutrona, Ginter, Hicks-Hudson, Liston, Merrin, Miller, A., Perales, Riedel, Roemer, Sheehy, Sobecki, Strahorn

A BILL

To amend sections 2151.421 and 2151.423 and to 1
enact section 2151.4210 of the Revised Code to 2
require public children services agencies to 3
report child abuse or neglect in military 4
families to the appropriate military 5
authorities. 6

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

Section 1. That sections 2151.421 and 2151.423 be amended 7
and section 2151.4210 of the Revised Code be enacted to read as 8
follows: 9

Sec. 2151.421. (A) (1) (a) No person described in division 10
(A) (1) (b) of this section who is acting in an official or 11
professional capacity and knows, or has reasonable cause to 12
suspect based on facts that would cause a reasonable person in a 13
similar position to suspect, that a child under eighteen years 14
of age, or a person under twenty-one years of age with a 15

developmental disability or physical impairment, has suffered or 16
faces a threat of suffering any physical or mental wound, 17
injury, disability, or condition of a nature that reasonably 18
indicates abuse or neglect of the child shall fail to 19
immediately report that knowledge or reasonable cause to suspect 20
to the entity or persons specified in this division. Except as 21
otherwise provided in this division or section 5120.173 of the 22
Revised Code, the person making the report shall make it to the 23
public children services agency or a peace officer in the county 24
in which the child resides or in which the abuse or neglect is 25
occurring or has occurred. If the person making the report is a 26
peace officer, the officer shall make it to the public children 27
services agency in the county in which the child resides or in 28
which the abuse or neglect is occurring or has occurred. In the 29
circumstances described in section 5120.173 of the Revised Code, 30
the person making the report shall make it to the entity 31
specified in that section. 32

(b) Division (A) (1) (a) of this section applies to any 33
person who is an attorney; health care professional; 34
practitioner of a limited branch of medicine as specified in 35
section 4731.15 of the Revised Code; licensed school 36
psychologist; independent marriage and family therapist or 37
marriage and family therapist; coroner; administrator or 38
employee of a child day-care center; administrator or employee 39
of a residential camp, child day camp, or private, nonprofit 40
therapeutic wilderness camp; administrator or employee of a 41
certified child care agency or other public or private children 42
services agency; school teacher; school employee; school 43
authority; peace officer; agent of a county humane society; 44
person, other than a cleric, rendering spiritual treatment 45
through prayer in accordance with the tenets of a well- 46

recognized religion; employee of a county department of job and 47
family services who is a professional and who works with 48
children and families; superintendent or regional administrator 49
employed by the department of youth services; superintendent, 50
board member, or employee of a county board of developmental 51
disabilities; investigative agent contracted with by a county 52
board of developmental disabilities; employee of the department 53
of developmental disabilities; employee of a facility or home 54
that provides respite care in accordance with section 5123.171 55
of the Revised Code; employee of an entity that provides 56
homemaker services; employee of a qualified organization as 57
defined in section 2151.90 of the Revised Code; a host family as 58
defined in section 2151.90 of the Revised Code; foster 59
caregiver; a person performing the duties of an assessor 60
pursuant to Chapter 3107. or 5103. of the Revised Code; third 61
party employed by a public children services agency to assist in 62
providing child or family related services; court appointed 63
special advocate; or guardian ad litem. 64

(c) If two or more health care professionals, after 65
providing health care services to a child, determine or suspect 66
that the child has been or is being abused or neglected, the 67
health care professionals may designate one of the health care 68
professionals to report the abuse or neglect. A single report 69
made under this division shall meet the reporting requirements 70
of division (A)(1) of this section. 71

(2) Except as provided in division (A)(3) of this section, 72
an attorney or a physician is not required to make a report 73
pursuant to division (A)(1) of this section concerning any 74
communication the attorney or physician receives from a client 75
or patient in an attorney-client or physician-patient 76
relationship, if, in accordance with division (A) or (B) of 77

section 2317.02 of the Revised Code, the attorney or physician 78
could not testify with respect to that communication in a civil 79
or criminal proceeding. 80

(3) The client or patient in an attorney-client or 81
physician-patient relationship described in division (A)(2) of 82
this section is deemed to have waived any testimonial privilege 83
under division (A) or (B) of section 2317.02 of the Revised Code 84
with respect to any communication the attorney or physician 85
receives from the client or patient in that attorney-client or 86
physician-patient relationship, and the attorney or physician 87
shall make a report pursuant to division (A)(1) of this section 88
with respect to that communication, if all of the following 89
apply: 90

(a) The client or patient, at the time of the 91
communication, is a child under eighteen years of age or is a 92
person under twenty-one years of age with a developmental 93
disability or physical impairment. 94

(b) The attorney or physician knows, or has reasonable 95
cause to suspect based on facts that would cause a reasonable 96
person in similar position to suspect that the client or patient 97
has suffered or faces a threat of suffering any physical or 98
mental wound, injury, disability, or condition of a nature that 99
reasonably indicates abuse or neglect of the client or patient. 100

(c) The abuse or neglect does not arise out of the 101
client's or patient's attempt to have an abortion without the 102
notification of her parents, guardian, or custodian in 103
accordance with section 2151.85 of the Revised Code. 104

(4) (a) No cleric and no person, other than a volunteer, 105
designated by any church, religious society, or faith acting as 106

a leader, official, or delegate on behalf of the church, 107
religious society, or faith who is acting in an official or 108
professional capacity, who knows, or has reasonable cause to 109
believe based on facts that would cause a reasonable person in a 110
similar position to believe, that a child under eighteen years 111
of age, or a person under twenty-one years of age with a 112
developmental disability or physical impairment, has suffered or 113
faces a threat of suffering any physical or mental wound, 114
injury, disability, or condition of a nature that reasonably 115
indicates abuse or neglect of the child, and who knows, or has 116
reasonable cause to believe based on facts that would cause a 117
reasonable person in a similar position to believe, that another 118
cleric or another person, other than a volunteer, designated by 119
a church, religious society, or faith acting as a leader, 120
official, or delegate on behalf of the church, religious 121
society, or faith caused, or poses the threat of causing, the 122
wound, injury, disability, or condition that reasonably 123
indicates abuse or neglect shall fail to immediately report that 124
knowledge or reasonable cause to believe to the entity or 125
persons specified in this division. Except as provided in 126
section 5120.173 of the Revised Code, the person making the 127
report shall make it to the public children services agency or a 128
peace officer in the county in which the child resides or in 129
which the abuse or neglect is occurring or has occurred. In the 130
circumstances described in section 5120.173 of the Revised Code, 131
the person making the report shall make it to the entity 132
specified in that section. 133

(b) Except as provided in division (A) (4) (c) of this 134
section, a cleric is not required to make a report pursuant to 135
division (A) (4) (a) of this section concerning any communication 136
the cleric receives from a penitent in a cleric-penitent 137

relationship, if, in accordance with division (C) of section 138
2317.02 of the Revised Code, the cleric could not testify with 139
respect to that communication in a civil or criminal proceeding. 140

(c) The penitent in a cleric-penitent relationship 141
described in division (A) (4) (b) of this section is deemed to 142
have waived any testimonial privilege under division (C) of 143
section 2317.02 of the Revised Code with respect to any 144
communication the cleric receives from the penitent in that 145
cleric-penitent relationship, and the cleric shall make a report 146
pursuant to division (A) (4) (a) of this section with respect to 147
that communication, if all of the following apply: 148

(i) The penitent, at the time of the communication, is a 149
child under eighteen years of age or is a person under twenty- 150
one years of age with a developmental disability or physical 151
impairment. 152

(ii) The cleric knows, or has reasonable cause to believe 153
based on facts that would cause a reasonable person in a similar 154
position to believe, as a result of the communication or any 155
observations made during that communication, the penitent has 156
suffered or faces a threat of suffering any physical or mental 157
wound, injury, disability, or condition of a nature that 158
reasonably indicates abuse or neglect of the penitent. 159

(iii) The abuse or neglect does not arise out of the 160
penitent's attempt to have an abortion performed upon a child 161
under eighteen years of age or upon a person under twenty-one 162
years of age with a developmental disability or physical 163
impairment without the notification of her parents, guardian, or 164
custodian in accordance with section 2151.85 of the Revised 165
Code. 166

(d) Divisions (A)(4)(a) and (c) of this section do not 167
apply in a cleric-penitent relationship when the disclosure of 168
any communication the cleric receives from the penitent is in 169
violation of the sacred trust. 170

(e) As used in divisions (A)(1) and (4) of this section, 171
"cleric" and "sacred trust" have the same meanings as in section 172
2317.02 of the Revised Code. 173

(B) Anyone who knows, or has reasonable cause to suspect 174
based on facts that would cause a reasonable person in similar 175
circumstances to suspect, that a child under eighteen years of 176
age, or a person under twenty-one years of age with a 177
developmental disability or physical impairment, has suffered or 178
faces a threat of suffering any physical or mental wound, 179
injury, disability, or other condition of a nature that 180
reasonably indicates abuse or neglect of the child may report or 181
cause reports to be made of that knowledge or reasonable cause 182
to suspect to the entity or persons specified in this division. 183
Except as provided in section 5120.173 of the Revised Code, a 184
person making a report or causing a report to be made under this 185
division shall make it or cause it to be made to the public 186
children services agency or to a peace officer. In the 187
circumstances described in section 5120.173 of the Revised Code, 188
a person making a report or causing a report to be made under 189
this division shall make it or cause it to be made to the entity 190
specified in that section. 191

(C) Any report made pursuant to division (A) or (B) of 192
this section shall be made forthwith either by telephone or in 193
person and shall be followed by a written report, if requested 194
by the receiving agency or officer. The written report shall 195
contain: 196

(1) The names and addresses of the child and the child's 197
parents or the person or persons having custody of the child, if 198
known; 199

(2) The child's age and the nature and extent of the 200
child's injuries, abuse, or neglect that is known or reasonably 201
suspected or believed, as applicable, to have occurred or of the 202
threat of injury, abuse, or neglect that is known or reasonably 203
suspected or believed, as applicable, to exist, including any 204
evidence of previous injuries, abuse, or neglect; 205

(3) Any other information, including, but not limited to, 206
results and reports of any medical examinations, tests, or 207
procedures performed under division (D) of this section, that 208
might be helpful in establishing the cause of the injury, abuse, 209
or neglect that is known or reasonably suspected or believed, as 210
applicable, to have occurred or of the threat of injury, abuse, 211
or neglect that is known or reasonably suspected or believed, as 212
applicable, to exist. 213

(D) (1) Any person, who is required by division (A) of this 214
section to report child abuse or child neglect that is known or 215
reasonably suspected or believed to have occurred, may take or 216
cause to be taken color photographs of areas of trauma visible 217
on a child and, if medically necessary for the purpose of 218
diagnosing or treating injuries that are suspected to have 219
occurred as a result of child abuse or child neglect, perform or 220
cause to be performed radiological examinations and any other 221
medical examinations of, and tests or procedures on, the child. 222

(2) The results and any available reports of examinations, 223
tests, or procedures made under division (D) (1) of this section 224
shall be included in a report made pursuant to division (A) of 225
this section. Any additional reports of examinations, tests, or 226

procedures that become available shall be provided to the public 227
children services agency, upon request. 228

(3) If a health care professional provides health care 229
services in a hospital, children's advocacy center, or emergency 230
medical facility to a child about whom a report has been made 231
under division (A) of this section, the health care professional 232
may take any steps that are reasonably necessary for the release 233
or discharge of the child to an appropriate environment. Before 234
the child's release or discharge, the health care professional 235
may obtain information, or consider information obtained, from 236
other entities or individuals that have knowledge about the 237
child. Nothing in division (D) (3) of this section shall be 238
construed to alter the responsibilities of any person under 239
sections 2151.27 and 2151.31 of the Revised Code. 240

(4) A health care professional may conduct medical 241
examinations, tests, or procedures on the siblings of a child 242
about whom a report has been made under division (A) of this 243
section and on other children who reside in the same home as the 244
child, if the professional determines that the examinations, 245
tests, or procedures are medically necessary to diagnose or 246
treat the siblings or other children in order to determine 247
whether reports under division (A) of this section are warranted 248
with respect to such siblings or other children. The results of 249
the examinations, tests, or procedures on the siblings and other 250
children may be included in a report made pursuant to division 251
(A) of this section. 252

(5) Medical examinations, tests, or procedures conducted 253
under divisions (D) (1) and (4) of this section and decisions 254
regarding the release or discharge of a child under division (D) 255
(3) of this section do not constitute a law enforcement 256

investigation or activity. 257

(E) (1) When a peace officer receives a report made 258
pursuant to division (A) or (B) of this section, upon receipt of 259
the report, the peace officer who receives the report shall 260
refer the report to the appropriate public children services 261
agency, unless an arrest is made at the time of the report that 262
results in the appropriate public children services agency being 263
contacted concerning the possible abuse or neglect of a child or 264
the possible threat of abuse or neglect of a child. 265

(2) When a public children services agency receives a 266
report pursuant to this division or division (A) or (B) of this 267
section, upon receipt of the report, the public children 268
services agency shall do both of the following: 269

(a) Comply with section 2151.422 of the Revised Code; 270

(b) If the county served by the agency is also served by a 271
children's advocacy center and the report alleges sexual abuse 272
of a child or another type of abuse of a child that is specified 273
in the memorandum of understanding that creates the center as 274
being within the center's jurisdiction, comply regarding the 275
report with the protocol and procedures for referrals and 276
investigations, with the coordinating activities, and with the 277
authority or responsibility for performing or providing 278
functions, activities, and services stipulated in the 279
interagency agreement entered into under section 2151.428 of the 280
Revised Code relative to that center. 281

(F) No peace officer shall remove a child about whom a 282
report is made pursuant to this section from the child's 283
parents, stepparents, or guardian or any other persons having 284
custody of the child without consultation with the public 285

children services agency, unless, in the judgment of the 286
officer, and, if the report was made by physician, the 287
physician, immediate removal is considered essential to protect 288
the child from further abuse or neglect. The agency that must be 289
consulted shall be the agency conducting the investigation of 290
the report as determined pursuant to section 2151.422 of the 291
Revised Code. 292

(G) (1) Except as provided in section 2151.422 of the 293
Revised Code or in an interagency agreement entered into under 294
section 2151.428 of the Revised Code that applies to the 295
particular report, the public children services agency shall 296
investigate, within twenty-four hours, each report of child 297
abuse or child neglect that is known or reasonably suspected or 298
believed to have occurred and of a threat of child abuse or 299
child neglect that is known or reasonably suspected or believed 300
to exist that is referred to it under this section to determine 301
the circumstances surrounding the injuries, abuse, or neglect or 302
the threat of injury, abuse, or neglect, the cause of the 303
injuries, abuse, neglect, or threat, and the person or persons 304
responsible. The investigation shall be made in cooperation with 305
the law enforcement agency and in accordance with the memorandum 306
of understanding prepared under division (K) of this section. A 307
representative of the public children services agency shall, at 308
the time of initial contact with the person subject to the 309
investigation, inform the person of the specific complaints or 310
allegations made against the person. The information shall be 311
given in a manner that is consistent with division (I) (1) of 312
this section and protects the rights of the person making the 313
report under this section. 314

A failure to make the investigation in accordance with the 315
memorandum is not grounds for, and shall not result in, the 316

dismissal of any charges or complaint arising from the report or 317
the suppression of any evidence obtained as a result of the 318
report and does not give, and shall not be construed as giving, 319
any rights or any grounds for appeal or post-conviction relief 320
to any person. The public children services agency shall report 321
each case to the uniform statewide automated child welfare 322
information system that the department of job and family 323
services shall maintain in accordance with section 5101.13 of 324
the Revised Code. The public children services agency shall 325
submit a report of its investigation, in writing, to the law 326
enforcement agency. 327

(2) The public children services agency shall make any 328
recommendations to the county prosecuting attorney or city 329
director of law that it considers necessary to protect any 330
children that are brought to its attention. 331

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 332
(I) (3) of this section, any person, health care professional, 333
hospital, institution, school, health department, or agency 334
shall be immune from any civil or criminal liability for injury, 335
death, or loss to person or property that otherwise might be 336
incurred or imposed as a result of any of the following: 337

(i) Participating in the making of reports pursuant to 338
division (A) of this section or in the making of reports in good 339
faith, pursuant to division (B) of this section; 340

(ii) Participating in medical examinations, tests, or 341
procedures under division (D) of this section; 342

(iii) Providing information used in a report made pursuant 343
to division (A) of this section or providing information in good 344
faith used in a report made pursuant to division (B) of this 345

section; 346

(iv) Participating in a judicial proceeding resulting from 347
a report made pursuant to division (A) of this section or 348
participating in good faith in a proceeding resulting from a 349
report made pursuant to division (B) of this section. 350

(b) Immunity under division (H)(1)(a)(ii) of this section 351
shall not apply when a health care provider has deviated from 352
the standard of care applicable to the provider's profession. 353

(c) Notwithstanding section 4731.22 of the Revised Code, 354
the physician-patient privilege shall not be a ground for 355
excluding evidence regarding a child's injuries, abuse, or 356
neglect, or the cause of the injuries, abuse, or neglect in any 357
judicial proceeding resulting from a report submitted pursuant 358
to this section. 359

(2) In any civil or criminal action or proceeding in which 360
it is alleged and proved that participation in the making of a 361
report under this section was not in good faith or participation 362
in a judicial proceeding resulting from a report made under this 363
section was not in good faith, the court shall award the 364
prevailing party reasonable attorney's fees and costs and, if a 365
civil action or proceeding is voluntarily dismissed, may award 366
reasonable attorney's fees and costs to the party against whom 367
the civil action or proceeding is brought. 368

(I)(1) Except as provided in divisions (I)(4) and (O) of 369
this section and sections 2151.423 and 2151.4210 of the Revised 370
Code, a report made under this section is confidential. The 371
information provided in a report made pursuant to this section 372
and the name of the person who made the report shall not be 373
released for use, and shall not be used, as evidence in any 374

civil action or proceeding brought against the person who made 375
the report. Nothing in this division shall preclude the use of 376
reports of other incidents of known or suspected abuse or 377
neglect in a civil action or proceeding brought pursuant to 378
division (N) of this section against a person who is alleged to 379
have violated division (A)(1) of this section, provided that any 380
information in a report that would identify the child who is the 381
subject of the report or the maker of the report, if the maker 382
of the report is not the defendant or an agent or employee of 383
the defendant, has been redacted. In a criminal proceeding, the 384
report is admissible in evidence in accordance with the Rules of 385
Evidence and is subject to discovery in accordance with the 386
Rules of Criminal Procedure. 387

(2) (a) Except as provided in division (I)(2)(b) of this 388
section, no person shall permit or encourage the unauthorized 389
dissemination of the contents of any report made under this 390
section. 391

(b) A health care professional that obtains the same 392
information contained in a report made under this section from a 393
source other than the report may disseminate the information, if 394
its dissemination is otherwise permitted by law. 395

(3) A person who knowingly makes or causes another person 396
to make a false report under division (B) of this section that 397
alleges that any person has committed an act or omission that 398
resulted in a child being an abused child or a neglected child 399
is guilty of a violation of section 2921.14 of the Revised Code. 400

(4) If a report is made pursuant to division (A) or (B) of 401
this section and the child who is the subject of the report dies 402
for any reason at any time after the report is made, but before 403
the child attains eighteen years of age, the public children 404

services agency or peace officer to which the report was made or 405
referred, on the request of the child fatality review board or 406
the director of health pursuant to guidelines established under 407
section 3701.70 of the Revised Code, shall submit a summary 408
sheet of information providing a summary of the report to the 409
review board of the county in which the deceased child resided 410
at the time of death or to the director. On the request of the 411
review board or director, the agency or peace officer may, at 412
its discretion, make the report available to the review board or 413
director. If the county served by the public children services 414
agency is also served by a children's advocacy center and the 415
report of alleged sexual abuse of a child or another type of 416
abuse of a child is specified in the memorandum of understanding 417
that creates the center as being within the center's 418
jurisdiction, the agency or center shall perform the duties and 419
functions specified in this division in accordance with the 420
interagency agreement entered into under section 2151.428 of the 421
Revised Code relative to that advocacy center. 422

(5) A public children services agency shall advise a 423
person alleged to have inflicted abuse or neglect on a child who 424
is the subject of a report made pursuant to this section, 425
including a report alleging sexual abuse of a child or another 426
type of abuse of a child referred to a children's advocacy 427
center pursuant to an interagency agreement entered into under 428
section 2151.428 of the Revised Code, in writing of the 429
disposition of the investigation. The agency shall not provide 430
to the person any information that identifies the person who 431
made the report, statements of witnesses, or police or other 432
investigative reports. 433

(J) Any report that is required by this section, other 434
than a report that is made to the state highway patrol as 435

described in section 5120.173 of the Revised Code, shall result 436
in protective services and emergency supportive services being 437
made available by the public children services agency on behalf 438
of the children about whom the report is made, in an effort to 439
prevent further neglect or abuse, to enhance their welfare, and, 440
whenever possible, to preserve the family unit intact. The 441
agency required to provide the services shall be the agency 442
conducting the investigation of the report pursuant to section 443
2151.422 of the Revised Code. 444

(K) (1) Each public children services agency shall prepare 445
a memorandum of understanding that is signed by all of the 446
following: 447

(a) If there is only one juvenile judge in the county, the 448
juvenile judge of the county or the juvenile judge's 449
representative; 450

(b) If there is more than one juvenile judge in the 451
county, a juvenile judge or the juvenile judges' representative 452
selected by the juvenile judges or, if they are unable to do so 453
for any reason, the juvenile judge who is senior in point of 454
service or the senior juvenile judge's representative; 455

(c) The county peace officer; 456

(d) All chief municipal peace officers within the county; 457

(e) Other law enforcement officers handling child abuse 458
and neglect cases in the county; 459

(f) The prosecuting attorney of the county; 460

(g) If the public children services agency is not the 461
county department of job and family services, the county 462
department of job and family services; 463

(h) The county humane society; 464

(i) If the public children services agency participated in 465
the execution of a memorandum of understanding under section 466
2151.426 of the Revised Code establishing a children's advocacy 467
center, each participating member of the children's advocacy 468
center established by the memorandum. 469

(2) A memorandum of understanding shall set forth the 470
normal operating procedure to be employed by all concerned 471
officials in the execution of their respective responsibilities 472
under this section and division (C) of section 2919.21, division 473
(B) (1) of section 2919.22, division (B) of section 2919.23, and 474
section 2919.24 of the Revised Code and shall have as two of its 475
primary goals the elimination of all unnecessary interviews of 476
children who are the subject of reports made pursuant to 477
division (A) or (B) of this section and, when feasible, 478
providing for only one interview of a child who is the subject 479
of any report made pursuant to division (A) or (B) of this 480
section. A failure to follow the procedure set forth in the 481
memorandum by the concerned officials is not grounds for, and 482
shall not result in, the dismissal of any charges or complaint 483
arising from any reported case of abuse or neglect or the 484
suppression of any evidence obtained as a result of any reported 485
child abuse or child neglect and does not give, and shall not be 486
construed as giving, any rights or any grounds for appeal or 487
post-conviction relief to any person. 488

(3) A memorandum of understanding shall include all of the 489
following: 490

(a) The roles and responsibilities for handling emergency 491
and nonemergency cases of abuse and neglect; 492

(b) Standards and procedures to be used in handling and 493
coordinating investigations of reported cases of child abuse and 494
reported cases of child neglect, methods to be used in 495
interviewing the child who is the subject of the report and who 496
allegedly was abused or neglected, and standards and procedures 497
addressing the categories of persons who may interview the child 498
who is the subject of the report and who allegedly was abused or 499
neglected. 500

(4) If a public children services agency participated in 501
the execution of a memorandum of understanding under section 502
2151.426 of the Revised Code establishing a children's advocacy 503
center, the agency shall incorporate the contents of that 504
memorandum in the memorandum prepared pursuant to this section. 505

(5) The clerk of the court of common pleas in the county 506
may sign the memorandum of understanding prepared under division 507
(K)(1) of this section. If the clerk signs the memorandum of 508
understanding, the clerk shall execute all relevant 509
responsibilities as required of officials specified in the 510
memorandum. 511

(L)(1) Except as provided in division (L)(4) or (5) of 512
this section, a person who is required to make a report pursuant 513
to division (A) of this section may make a reasonable number of 514
requests of the public children services agency that receives or 515
is referred the report, or of the children's advocacy center 516
that is referred the report if the report is referred to a 517
children's advocacy center pursuant to an interagency agreement 518
entered into under section 2151.428 of the Revised Code, to be 519
provided with the following information: 520

(a) Whether the agency or center has initiated an 521
investigation of the report; 522

(b) Whether the agency or center is continuing to	523
investigate the report;	524
(c) Whether the agency or center is otherwise involved	525
with the child who is the subject of the report;	526
(d) The general status of the health and safety of the	527
child who is the subject of the report;	528
(e) Whether the report has resulted in the filing of a	529
complaint in juvenile court or of criminal charges in another	530
court.	531
(2) A person may request the information specified in	532
division (L)(1) of this section only if, at the time the report	533
is made, the person's name, address, and telephone number are	534
provided to the person who receives the report.	535
When a peace officer or employee of a public children	536
services agency receives a report pursuant to division (A) or	537
(B) of this section the recipient of the report shall inform the	538
person of the right to request the information described in	539
division (L)(1) of this section. The recipient of the report	540
shall include in the initial child abuse or child neglect report	541
that the person making the report was so informed and, if	542
provided at the time of the making of the report, shall include	543
the person's name, address, and telephone number in the report.	544
Each request is subject to verification of the identity of	545
the person making the report. If that person's identity is	546
verified, the agency shall provide the person with the	547
information described in division (L)(1) of this section a	548
reasonable number of times, except that the agency shall not	549
disclose any confidential information regarding the child who is	550
the subject of the report other than the information described	551

in those divisions. 552

(3) A request made pursuant to division (L)(1) of this 553
section is not a substitute for any report required to be made 554
pursuant to division (A) of this section. 555

(4) If an agency other than the agency that received or 556
was referred the report is conducting the investigation of the 557
report pursuant to section 2151.422 of the Revised Code, the 558
agency conducting the investigation shall comply with the 559
requirements of division (L) of this section. 560

(5) A health care professional who made a report under 561
division (A) of this section, or on whose behalf such a report 562
was made as provided in division (A)(1)(c) of this section, may 563
authorize a person to obtain the information described in 564
division (L)(1) of this section if the person requesting the 565
information is associated with or acting on behalf of the health 566
care professional who provided health care services to the child 567
about whom the report was made. 568

(M) The director of job and family services shall adopt 569
rules in accordance with Chapter 119. of the Revised Code to 570
implement this section. The department of job and family 571
services may enter into a plan of cooperation with any other 572
governmental entity to aid in ensuring that children are 573
protected from abuse and neglect. The department shall make 574
recommendations to the attorney general that the department 575
determines are necessary to protect children from child abuse 576
and child neglect. 577

(N) Whoever violates division (A) of this section is 578
liable for compensatory and exemplary damages to the child who 579
would have been the subject of the report that was not made. A 580

person who brings a civil action or proceeding pursuant to this 581
division against a person who is alleged to have violated 582
division (A) (1) of this section may use in the action or 583
proceeding reports of other incidents of known or suspected 584
abuse or neglect, provided that any information in a report that 585
would identify the child who is the subject of the report or the 586
maker of the report, if the maker is not the defendant or an 587
agent or employee of the defendant, has been redacted. 588

(O) (1) As used in this division: 589

(a) "Out-of-home care" includes a nonchartered nonpublic 590
school if the alleged child abuse or child neglect, or alleged 591
threat of child abuse or child neglect, described in a report 592
received by a public children services agency allegedly occurred 593
in or involved the nonchartered nonpublic school and the alleged 594
perpetrator named in the report holds a certificate, permit, or 595
license issued by the state board of education under section 596
3301.071 or Chapter 3319. of the Revised Code. 597

(b) "Administrator, director, or other chief 598
administrative officer" means the superintendent of the school 599
district if the out-of-home care entity subject to a report made 600
pursuant to this section is a school operated by the district. 601

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

unless the administrator, director, or other chief 611
administrative officer is named as an alleged perpetrator in the 612
report. If the administrator, director, or other chief 613
administrative officer of an out-of-home care entity is named as 614
an alleged perpetrator in a report of alleged child abuse or 615
child neglect, or a report of an alleged threat of child abuse 616
or child neglect, that allegedly occurred in or involved the 617
out-of-home care entity, the agency shall provide the written 618
notice to the owner or governing board of the out-of-home care 619
entity that is the subject of the report. The agency shall not 620
provide witness statements or police or other investigative 621
reports. 622

(3) No later than three days after the day on which a 623
public children services agency that conducted the investigation 624
as determined pursuant to section 2151.422 of the Revised Code 625
makes a disposition of an investigation involving a report of 626
alleged child abuse or child neglect, or a report of an alleged 627
threat of child abuse or child neglect, that allegedly occurred 628
in or involved an out-of-home care entity, the agency shall send 629
written notice of the disposition of the investigation to the 630
administrator, director, or other chief administrative officer 631
and the owner or governing board of the out-of-home care entity. 632
The agency shall not provide witness statements or police or 633
other investigative reports. 634

(P) As used in this section: 635

(1) "Children's advocacy center" and "sexual abuse of a 636
child" have the same meanings as in section 2151.425 of the 637
Revised Code. 638

(2) "Health care professional" means an individual who 639
provides health-related services including a physician, hospital 640

intern or resident, dentist, podiatrist, registered nurse, 641
licensed practical nurse, visiting nurse, licensed psychologist, 642
speech pathologist, audiologist, person engaged in social work 643
or the practice of professional counseling, and employee of a 644
home health agency. "Health care professional" does not include 645
a practitioner of a limited branch of medicine as specified in 646
section 4731.15 of the Revised Code, licensed school 647
psychologist, independent marriage and family therapist or 648
marriage and family therapist, or coroner. 649

(3) "Investigation" means the public children services 650
agency's response to an accepted report of child abuse or 651
neglect through either an alternative response or a traditional 652
response. 653

(4) "Peace officer" means a sheriff, deputy sheriff, 654
constable, police officer of a township or joint police 655
district, marshal, deputy marshal, municipal police officer, or 656
a state highway patrol trooper. 657

Sec. 2151.423. A public children services agency shall 658
disclose confidential information discovered during an 659
investigation conducted pursuant to section 2151.421 or 2151.422 660
of the Revised Code to any federal, state, or local government 661
entity, including any appropriate military authority, that needs 662
the information to carry out its responsibilities to protect 663
children from abuse or neglect. 664

Information disclosed pursuant to this section is 665
confidential and is not subject to disclosure pursuant to 666
section 149.43 or 1347.08 of the Revised Code by the agency to 667
whom the information was disclosed. The agency receiving the 668
information shall maintain the confidentiality of information 669
disclosed pursuant to this section. 670

Sec. 2151.4210. (A) A public children services agency shall determine as soon as practicable if a parent, guardian, or custodian of a child who is subject to an investigation under section 2151.421 or 2151.422 of the Revised Code is in the armed forces. 671
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(B) If the agency determines that the parent, guardian, or custodian is in the armed forces, the agency shall notify the appropriate authority of that armed force in which the parent, guardian, or custodian serves, in accordance with the memorandum of understanding established by that authority, that an investigation is being made of a report of child abuse or neglect that relates to the parent, guardian, or custodian. 676
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(C) As used in this section, "armed forces" has the same meaning as in 10 U.S.C. 101. 683
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Section 2. That existing sections 2151.421 and 2151.423 of the Revised Code are hereby repealed. 685
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