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Representatives Abrams, Loychik

Cosponsors: Representatives Grendell, Miller, A., Seitz, Kick, Riedel, Gross, Stoltzfus, Merrin, LaRe, Lampton, Richardson, Troy, Weinstein, Carruthers, Ginter, Sheehy, Cutrona, Liston, Click, Edwards, John, Baldrige, Bird, Brent, Brown, Crawley, Cross, Crossman, Fraizer, Galonski, Ghanbari, Holmes, Hoops, Householder, Howse, Jarrells, Johnson, Jones, Jordan, Leland, Lepore-Hagan, Lightbody, Manning, Miller, J., O'Brien, Oelslager, Patton, Plummer, Robinson, Roemer, Russo, Schmidt, Smith, M., Sobecki, Stephens, West, White, Wiggam, Wilkin, Young, T., Speaker Cupp

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; humane society agent; dog warden, 44
deputy dog warden, or other person appointed to act as an animal 45

control officer for a municipal corporation or township in 46
accordance with state law, an ordinance, or a resolution; 47
person, other than a cleric, rendering spiritual treatment 48
through prayer in accordance with the tenets of a well- 49
recognized religion; employee of a county department of job and 50
family services who is a professional and who works with 51
children and families; superintendent or regional administrator 52
employed by the department of youth services; superintendent, 53
board member, or employee of a county board of developmental 54
disabilities; investigative agent contracted with by a county 55
board of developmental disabilities; employee of the department 56
of developmental disabilities; employee of a facility or home 57
that provides respite care in accordance with section 5123.171 58
of the Revised Code; employee of an entity that provides 59
homemaker services; employee of a qualified organization as 60
defined in section 2151.90 of the Revised Code; a host family as 61
defined in section 2151.90 of the Revised Code; foster 62
caregiver; a person performing the duties of an assessor 63
pursuant to Chapter 3107. or 5103. of the Revised Code; third 64
party employed by a public children services agency to assist in 65
providing child or family related services; court appointed 66
special advocate; or guardian ad litem. 67

(c) If two or more health care professionals, after 68
providing health care services to a child, determine or suspect 69
that the child has been or is being abused or neglected, the 70
health care professionals may designate one of the health care 71
professionals to report the abuse or neglect. A single report 72
made under this division shall meet the reporting requirements 73
of division (A) (1) of this section. 74

(2) Except as provided in division (A) (3) of this section, 75
an attorney or a physician is not required to make a report 76

pursuant to division (A) (1) of this section concerning any 77
communication the attorney or physician receives from a client 78
or patient in an attorney-client or physician-patient 79
relationship, if, in accordance with division (A) or (B) of 80
section 2317.02 of the Revised Code, the attorney or physician 81
could not testify with respect to that communication in a civil 82
or criminal proceeding. 83

(3) The client or patient in an attorney-client or 84
physician-patient relationship described in division (A) (2) of 85
this section is deemed to have waived any testimonial privilege 86
under division (A) or (B) of section 2317.02 of the Revised Code 87
with respect to any communication the attorney or physician 88
receives from the client or patient in that attorney-client or 89
physician-patient relationship, and the attorney or physician 90
shall make a report pursuant to division (A) (1) of this section 91
with respect to that communication, if all of the following 92
apply: 93

(a) The client or patient, at the time of the 94
communication, is a child under eighteen years of age or is a 95
person under twenty-one years of age with a developmental 96
disability or physical impairment. 97

(b) The attorney or physician knows, or has reasonable 98
cause to suspect based on facts that would cause a reasonable 99
person in similar position to suspect that the client or patient 100
has suffered or faces a threat of suffering any physical or 101
mental wound, injury, disability, or condition of a nature that 102
reasonably indicates abuse or neglect of the client or patient. 103

(c) The abuse or neglect does not arise out of the 104
client's or patient's attempt to have an abortion without the 105
notification of her parents, guardian, or custodian in 106

accordance with section 2151.85 of the Revised Code. 107

(4) (a) No cleric and no person, other than a volunteer, 108
designated by any church, religious society, or faith acting as 109
a leader, official, or delegate on behalf of the church, 110
religious society, or faith who is acting in an official or 111
professional capacity, who knows, or has reasonable cause to 112
believe based on facts that would cause a reasonable person in a 113
similar position to believe, that a child under eighteen years 114
of age, or a person under twenty-one years of age with a 115
developmental disability or physical impairment, has suffered or 116
faces a threat of suffering any physical or mental wound, 117
injury, disability, or condition of a nature that reasonably 118
indicates abuse or neglect of the child, and who knows, or has 119
reasonable cause to believe based on facts that would cause a 120
reasonable person in a similar position to believe, that another 121
cleric or another person, other than a volunteer, designated by 122
a church, religious society, or faith acting as a leader, 123
official, or delegate on behalf of the church, religious 124
society, or faith caused, or poses the threat of causing, the 125
wound, injury, disability, or condition that reasonably 126
indicates abuse or neglect shall fail to immediately report that 127
knowledge or reasonable cause to believe to the entity or 128
persons specified in this division. Except as provided in 129
section 5120.173 of the Revised Code, the person making the 130
report shall make it to the public children services agency or a 131
peace officer in the county in which the child resides or in 132
which the abuse or neglect is occurring or has occurred. In the 133
circumstances described in section 5120.173 of the Revised Code, 134
the person making the report shall make it to the entity 135
specified in that section. 136

(b) Except as provided in division (A) (4) (c) of this 137

section, a cleric is not required to make a report pursuant to 138
division (A) (4) (a) of this section concerning any communication 139
the cleric receives from a penitent in a cleric-penitent 140
relationship, if, in accordance with division (C) of section 141
2317.02 of the Revised Code, the cleric could not testify with 142
respect to that communication in a civil or criminal proceeding. 143

(c) The penitent in a cleric-penitent relationship 144
described in division (A) (4) (b) of this section is deemed to 145
have waived any testimonial privilege under division (C) of 146
section 2317.02 of the Revised Code with respect to any 147
communication the cleric receives from the penitent in that 148
cleric-penitent relationship, and the cleric shall make a report 149
pursuant to division (A) (4) (a) of this section with respect to 150
that communication, if all of the following apply: 151

(i) The penitent, at the time of the communication, is a 152
child under eighteen years of age or is a person under twenty- 153
one years of age with a developmental disability or physical 154
impairment. 155

(ii) The cleric knows, or has reasonable cause to believe 156
based on facts that would cause a reasonable person in a similar 157
position to believe, as a result of the communication or any 158
observations made during that communication, the penitent has 159
suffered or faces a threat of suffering any physical or mental 160
wound, injury, disability, or condition of a nature that 161
reasonably indicates abuse or neglect of the penitent. 162

(iii) The abuse or neglect does not arise out of the 163
penitent's attempt to have an abortion performed upon a child 164
under eighteen years of age or upon a person under twenty-one 165
years of age with a developmental disability or physical 166
impairment without the notification of her parents, guardian, or 167

custodian in accordance with section 2151.85 of the Revised Code. 168
169

(d) Divisions (A)(4)(a) and (c) of this section do not 170
apply in a cleric-penitent relationship when the disclosure of 171
any communication the cleric receives from the penitent is in 172
violation of the sacred trust. 173

(e) As used in divisions (A)(1) and (4) of this section, 174
"cleric" and "sacred trust" have the same meanings as in section 175
2317.02 of the Revised Code. 176

(B) Anyone who knows, or has reasonable cause to suspect 177
based on facts that would cause a reasonable person in similar 178
circumstances to suspect, that a child under eighteen years of 179
age, or a person under twenty-one years of age with a 180
developmental disability or physical impairment, has suffered or 181
faces a threat of suffering any physical or mental wound, 182
injury, disability, or other condition of a nature that 183
reasonably indicates abuse or neglect of the child may report or 184
cause reports to be made of that knowledge or reasonable cause 185
to suspect to the entity or persons specified in this division. 186
Except as provided in section 5120.173 of the Revised Code, a 187
person making a report or causing a report to be made under this 188
division shall make it or cause it to be made to the public 189
children services agency or to a peace officer. In the 190
circumstances described in section 5120.173 of the Revised Code, 191
a person making a report or causing a report to be made under 192
this division shall make it or cause it to be made to the entity 193
specified in that section. 194

(C) Any report made pursuant to division (A) or (B) of 195
this section shall be made forthwith either by telephone or in 196
person and shall be followed by a written report, if requested 197

by the receiving agency or officer. The written report shall	198
contain:	199
(1) The names and addresses of the child and the child's	200
parents or the person or persons having custody of the child, if	201
known;	202
(2) The child's age and the nature and extent of the	203
child's injuries, abuse, or neglect that is known or reasonably	204
suspected or believed, as applicable, to have occurred or of the	205
threat of injury, abuse, or neglect that is known or reasonably	206
suspected or believed, as applicable, to exist, including any	207
evidence of previous injuries, abuse, or neglect;	208
(3) Any other information, including, but not limited to,	209
results and reports of any medical examinations, tests, or	210
procedures performed under division (D) of this section, that	211
might be helpful in establishing the cause of the injury, abuse,	212
or neglect that is known or reasonably suspected or believed, as	213
applicable, to have occurred or of the threat of injury, abuse,	214
or neglect that is known or reasonably suspected or believed, as	215
applicable, to exist.	216
(D) (1) Any person, who is required by division (A) of this	217
section to report child abuse or child neglect that is known or	218
reasonably suspected or believed to have occurred, may take or	219
cause to be taken color photographs of areas of trauma visible	220
on a child and, if medically necessary for the purpose of	221
diagnosing or treating injuries that are suspected to have	222
occurred as a result of child abuse or child neglect, perform or	223
cause to be performed radiological examinations and any other	224
medical examinations of, and tests or procedures on, the child.	225
(2) The results and any available reports of examinations,	226

tests, or procedures made under division (D) (1) of this section 227
shall be included in a report made pursuant to division (A) of 228
this section. Any additional reports of examinations, tests, or 229
procedures that become available shall be provided to the public 230
children services agency, upon request. 231

(3) If a health care professional provides health care 232
services in a hospital, children's advocacy center, or emergency 233
medical facility to a child about whom a report has been made 234
under division (A) of this section, the health care professional 235
may take any steps that are reasonably necessary for the release 236
or discharge of the child to an appropriate environment. Before 237
the child's release or discharge, the health care professional 238
may obtain information, or consider information obtained, from 239
other entities or individuals that have knowledge about the 240
child. Nothing in division (D) (3) of this section shall be 241
construed to alter the responsibilities of any person under 242
sections 2151.27 and 2151.31 of the Revised Code. 243

(4) A health care professional may conduct medical 244
examinations, tests, or procedures on the siblings of a child 245
about whom a report has been made under division (A) of this 246
section and on other children who reside in the same home as the 247
child, if the professional determines that the examinations, 248
tests, or procedures are medically necessary to diagnose or 249
treat the siblings or other children in order to determine 250
whether reports under division (A) of this section are warranted 251
with respect to such siblings or other children. The results of 252
the examinations, tests, or procedures on the siblings and other 253
children may be included in a report made pursuant to division 254
(A) of this section. 255

(5) Medical examinations, tests, or procedures conducted 256

under divisions (D) (1) and (4) of this section and decisions 257
regarding the release or discharge of a child under division (D) 258
(3) of this section do not constitute a law enforcement 259
investigation or activity. 260

(E) (1) When a peace officer receives a report made 261
pursuant to division (A) or (B) of this section, upon receipt of 262
the report, the peace officer who receives the report shall 263
refer the report to the appropriate public children services 264
agency, unless an arrest is made at the time of the report that 265
results in the appropriate public children services agency being 266
contacted concerning the possible abuse or neglect of a child or 267
the possible threat of abuse or neglect of a child. 268

(2) When a public children services agency receives a 269
report pursuant to this division or division (A) or (B) of this 270
section, upon receipt of the report, the public children 271
services agency shall do both of the following: 272

(a) Comply with section 2151.422 of the Revised Code; 273

(b) If the county served by the agency is also served by a 274
children's advocacy center and the report alleges sexual abuse 275
of a child or another type of abuse of a child that is specified 276
in the memorandum of understanding that creates the center as 277
being within the center's jurisdiction, comply regarding the 278
report with the protocol and procedures for referrals and 279
investigations, with the coordinating activities, and with the 280
authority or responsibility for performing or providing 281
functions, activities, and services stipulated in the 282
interagency agreement entered into under section 2151.428 of the 283
Revised Code relative to that center. 284

(F) No peace officer shall remove a child about whom a 285

report is made pursuant to this section from the child's 286
parents, stepparents, or guardian or any other persons having 287
custody of the child without consultation with the public 288
children services agency, unless, in the judgment of the 289
officer, and, if the report was made by physician, the 290
physician, immediate removal is considered essential to protect 291
the child from further abuse or neglect. The agency that must be 292
consulted shall be the agency conducting the investigation of 293
the report as determined pursuant to section 2151.422 of the 294
Revised Code. 295

(G) (1) Except as provided in section 2151.422 of the 296
Revised Code or in an interagency agreement entered into under 297
section 2151.428 of the Revised Code that applies to the 298
particular report, the public children services agency shall 299
investigate, within twenty-four hours, each report of child 300
abuse or child neglect that is known or reasonably suspected or 301
believed to have occurred and of a threat of child abuse or 302
child neglect that is known or reasonably suspected or believed 303
to exist that is referred to it under this section to determine 304
the circumstances surrounding the injuries, abuse, or neglect or 305
the threat of injury, abuse, or neglect, the cause of the 306
injuries, abuse, neglect, or threat, and the person or persons 307
responsible. The investigation shall be made in cooperation with 308
the law enforcement agency and in accordance with the memorandum 309
of understanding prepared under division (K) of this section. A 310
representative of the public children services agency shall, at 311
the time of initial contact with the person subject to the 312
investigation, inform the person of the specific complaints or 313
allegations made against the person. The information shall be 314
given in a manner that is consistent with division (I) (1) of 315
this section and protects the rights of the person making the 316

report under this section. 317

A failure to make the investigation in accordance with the 318
memorandum is not grounds for, and shall not result in, the 319
dismissal of any charges or complaint arising from the report or 320
the suppression of any evidence obtained as a result of the 321
report and does not give, and shall not be construed as giving, 322
any rights or any grounds for appeal or post-conviction relief 323
to any person. The public children services agency shall report 324
each case to the uniform statewide automated child welfare 325
information system that the department of job and family 326
services shall maintain in accordance with section 5101.13 of 327
the Revised Code. The public children services agency shall 328
submit a report of its investigation, in writing, to the law 329
enforcement agency. 330

(2) The public children services agency shall make any 331
recommendations to the county prosecuting attorney or city 332
director of law that it considers necessary to protect any 333
children that are brought to its attention. 334

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 335
(I) (3) of this section, any person, health care professional, 336
hospital, institution, school, health department, or agency 337
shall be immune from any civil or criminal liability for injury, 338
death, or loss to person or property that otherwise might be 339
incurred or imposed as a result of any of the following: 340

(i) Participating in the making of reports pursuant to 341
division (A) of this section or in the making of reports in good 342
faith, pursuant to division (B) of this section; 343

(ii) Participating in medical examinations, tests, or 344
procedures under division (D) of this section; 345

(iii) Providing information used in a report made pursuant 346
to division (A) of this section or providing information in good 347
faith used in a report made pursuant to division (B) of this 348
section; 349

(iv) Participating in a judicial proceeding resulting from 350
a report made pursuant to division (A) of this section or 351
participating in good faith in a proceeding resulting from a 352
report made pursuant to division (B) of this section. 353

(b) Immunity under division (H) (1) (a) (ii) of this section 354
shall not apply when a health care provider has deviated from 355
the standard of care applicable to the provider's profession. 356

(c) Notwithstanding section 4731.22 of the Revised Code, 357
the physician-patient privilege shall not be a ground for 358
excluding evidence regarding a child's injuries, abuse, or 359
neglect, or the cause of the injuries, abuse, or neglect in any 360
judicial proceeding resulting from a report submitted pursuant 361
to this section. 362

(2) In any civil or criminal action or proceeding in which 363
it is alleged and proved that participation in the making of a 364
report under this section was not in good faith or participation 365
in a judicial proceeding resulting from a report made under this 366
section was not in good faith, the court shall award the 367
prevailing party reasonable attorney's fees and costs and, if a 368
civil action or proceeding is voluntarily dismissed, may award 369
reasonable attorney's fees and costs to the party against whom 370
the civil action or proceeding is brought. 371

(I) (1) Except as provided in divisions (I) (4) and (O) of 372
this section and sections 2151.423 and 2151.4210 of the Revised 373
Code, a report made under this section is confidential. The 374

information provided in a report made pursuant to this section 375
and the name of the person who made the report shall not be 376
released for use, and shall not be used, as evidence in any 377
civil action or proceeding brought against the person who made 378
the report. Nothing in this division shall preclude the use of 379
reports of other incidents of known or suspected abuse or 380
neglect in a civil action or proceeding brought pursuant to 381
division (N) of this section against a person who is alleged to 382
have violated division (A) (1) of this section, provided that any 383
information in a report that would identify the child who is the 384
subject of the report or the maker of the report, if the maker 385
of the report is not the defendant or an agent or employee of 386
the defendant, has been redacted. In a criminal proceeding, the 387
report is admissible in evidence in accordance with the Rules of 388
Evidence and is subject to discovery in accordance with the 389
Rules of Criminal Procedure. 390

(2) (a) Except as provided in division (I) (2) (b) of this 391
section, no person shall permit or encourage the unauthorized 392
dissemination of the contents of any report made under this 393
section. 394

(b) A health care professional that obtains the same 395
information contained in a report made under this section from a 396
source other than the report may disseminate the information, if 397
its dissemination is otherwise permitted by law. 398

(3) A person who knowingly makes or causes another person 399
to make a false report under division (B) of this section that 400
alleges that any person has committed an act or omission that 401
resulted in a child being an abused child or a neglected child 402
is guilty of a violation of section 2921.14 of the Revised Code. 403

(4) If a report is made pursuant to division (A) or (B) of 404

this section and the child who is the subject of the report dies 405
for any reason at any time after the report is made, but before 406
the child attains eighteen years of age, the public children 407
services agency or peace officer to which the report was made or 408
referred, on the request of the child fatality review board or 409
the director of health pursuant to guidelines established under 410
section 3701.70 of the Revised Code, shall submit a summary 411
sheet of information providing a summary of the report to the 412
review board of the county in which the deceased child resided 413
at the time of death or to the director. On the request of the 414
review board or director, the agency or peace officer may, at 415
its discretion, make the report available to the review board or 416
director. If the county served by the public children services 417
agency is also served by a children's advocacy center and the 418
report of alleged sexual abuse of a child or another type of 419
abuse of a child is specified in the memorandum of understanding 420
that creates the center as being within the center's 421
jurisdiction, the agency or center shall perform the duties and 422
functions specified in this division in accordance with the 423
interagency agreement entered into under section 2151.428 of the 424
Revised Code relative to that advocacy center. 425

(5) A public children services agency shall advise a 426
person alleged to have inflicted abuse or neglect on a child who 427
is the subject of a report made pursuant to this section, 428
including a report alleging sexual abuse of a child or another 429
type of abuse of a child referred to a children's advocacy 430
center pursuant to an interagency agreement entered into under 431
section 2151.428 of the Revised Code, in writing of the 432
disposition of the investigation. The agency shall not provide 433
to the person any information that identifies the person who 434
made the report, statements of witnesses, or police or other 435

investigative reports. 436

(J) Any report that is required by this section, other 437
than a report that is made to the state highway patrol as 438
described in section 5120.173 of the Revised Code, shall result 439
in protective services and emergency supportive services being 440
made available by the public children services agency on behalf 441
of the children about whom the report is made, in an effort to 442
prevent further neglect or abuse, to enhance their welfare, and, 443
whenever possible, to preserve the family unit intact. The 444
agency required to provide the services shall be the agency 445
conducting the investigation of the report pursuant to section 446
2151.422 of the Revised Code. 447

(K) (1) Each public children services agency shall prepare 448
a memorandum of understanding that is signed by all of the 449
following: 450

(a) If there is only one juvenile judge in the county, the 451
juvenile judge of the county or the juvenile judge's 452
representative; 453

(b) If there is more than one juvenile judge in the 454
county, a juvenile judge or the juvenile judges' representative 455
selected by the juvenile judges or, if they are unable to do so 456
for any reason, the juvenile judge who is senior in point of 457
service or the senior juvenile judge's representative; 458

(c) The county peace officer; 459

(d) All chief municipal peace officers within the county; 460

(e) Other law enforcement officers handling child abuse 461
and neglect cases in the county; 462

(f) The prosecuting attorney of the county; 463

(g) If the public children services agency is not the 464
county department of job and family services, the county 465
department of job and family services; 466

(h) The county humane society; 467

(i) If the public children services agency participated in 468
the execution of a memorandum of understanding under section 469
2151.426 of the Revised Code establishing a children's advocacy 470
center, each participating member of the children's advocacy 471
center established by the memorandum. 472

(2) A memorandum of understanding shall set forth the 473
normal operating procedure to be employed by all concerned 474
officials in the execution of their respective responsibilities 475
under this section and division (C) of section 2919.21, division 476
(B)(1) of section 2919.22, division (B) of section 2919.23, and 477
section 2919.24 of the Revised Code and shall have as two of its 478
primary goals the elimination of all unnecessary interviews of 479
children who are the subject of reports made pursuant to 480
division (A) or (B) of this section and, when feasible, 481
providing for only one interview of a child who is the subject 482
of any report made pursuant to division (A) or (B) of this 483
section. A failure to follow the procedure set forth in the 484
memorandum by the concerned officials is not grounds for, and 485
shall not result in, the dismissal of any charges or complaint 486
arising from any reported case of abuse or neglect or the 487
suppression of any evidence obtained as a result of any reported 488
child abuse or child neglect and does not give, and shall not be 489
construed as giving, any rights or any grounds for appeal or 490
post-conviction relief to any person. 491

(3) A memorandum of understanding shall include all of the 492
following: 493

(a) The roles and responsibilities for handling emergency	494
and nonemergency cases of abuse and neglect;	495
(b) Standards and procedures to be used in handling and	496
coordinating investigations of reported cases of child abuse and	497
reported cases of child neglect, methods to be used in	498
interviewing the child who is the subject of the report and who	499
allegedly was abused or neglected, and standards and procedures	500
addressing the categories of persons who may interview the child	501
who is the subject of the report and who allegedly was abused or	502
neglected.	503
(4) If a public children services agency participated in	504
the execution of a memorandum of understanding under section	505
2151.426 of the Revised Code establishing a children's advocacy	506
center, the agency shall incorporate the contents of that	507
memorandum in the memorandum prepared pursuant to this section.	508
(5) The clerk of the court of common pleas in the county	509
may sign the memorandum of understanding prepared under division	510
(K) (1) of this section. If the clerk signs the memorandum of	511
understanding, the clerk shall execute all relevant	512
responsibilities as required of officials specified in the	513
memorandum.	514
(L) (1) Except as provided in division (L) (4) or (5) of	515
this section, a person who is required to make a report pursuant	516
to division (A) of this section may make a reasonable number of	517
requests of the public children services agency that receives or	518
is referred the report, or of the children's advocacy center	519
that is referred the report if the report is referred to a	520
children's advocacy center pursuant to an interagency agreement	521
entered into under section 2151.428 of the Revised Code, to be	522
provided with the following information:	523

(a) Whether the agency or center has initiated an investigation of the report;	524 525
(b) Whether the agency or center is continuing to investigate the report;	526 527
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	528 529
(d) The general status of the health and safety of the child who is the subject of the report;	530 531
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	532 533 534
(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	535 536 537 538
When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	539 540 541 542 543 544 545 546 547
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a reasonable number of times, except that the agency shall not	548 549 550 551 552

disclose any confidential information regarding the child who is 553
the subject of the report other than the information described 554
in those divisions. 555

(3) A request made pursuant to division (L)(1) of this 556
section is not a substitute for any report required to be made 557
pursuant to division (A) of this section. 558

(4) If an agency other than the agency that received or 559
was referred the report is conducting the investigation of the 560
report pursuant to section 2151.422 of the Revised Code, the 561
agency conducting the investigation shall comply with the 562
requirements of division (L) of this section. 563

(5) A health care professional who made a report under 564
division (A) of this section, or on whose behalf such a report 565
was made as provided in division (A)(1)(c) of this section, may 566
authorize a person to obtain the information described in 567
division (L)(1) of this section if the person requesting the 568
information is associated with or acting on behalf of the health 569
care professional who provided health care services to the child 570
about whom the report was made. 571

(M) The director of job and family services shall adopt 572
rules in accordance with Chapter 119. of the Revised Code to 573
implement this section. The department of job and family 574
services may enter into a plan of cooperation with any other 575
governmental entity to aid in ensuring that children are 576
protected from abuse and neglect. The department shall make 577
recommendations to the attorney general that the department 578
determines are necessary to protect children from child abuse 579
and child neglect. 580

(N) Whoever violates division (A) of this section is 581

liable for compensatory and exemplary damages to the child who 582
would have been the subject of the report that was not made. A 583
person who brings a civil action or proceeding pursuant to this 584
division against a person who is alleged to have violated 585
division (A) (1) of this section may use in the action or 586
proceeding reports of other incidents of known or suspected 587
abuse or neglect, provided that any information in a report that 588
would identify the child who is the subject of the report or the 589
maker of the report, if the maker is not the defendant or an 590
agent or employee of the defendant, has been redacted. 591

(O) (1) As used in this division: 592

(a) "Out-of-home care" includes a nonchartered nonpublic 593
school if the alleged child abuse or child neglect, or alleged 594
threat of child abuse or child neglect, described in a report 595
received by a public children services agency allegedly occurred 596
in or involved the nonchartered nonpublic school and the alleged 597
perpetrator named in the report holds a certificate, permit, or 598
license issued by the state board of education under section 599
3301.071 or Chapter 3319. of the Revised Code. 600

(b) "Administrator, director, or other chief 601
administrative officer" means the superintendent of the school 602
district if the out-of-home care entity subject to a report made 603
pursuant to this section is a school operated by the district. 604

(2) No later than the end of the day following the day on 605
which a public children services agency receives a report of 606
alleged child abuse or child neglect, or a report of an alleged 607
threat of child abuse or child neglect, that allegedly occurred 608
in or involved an out-of-home care entity, the agency shall 609
provide written notice of the allegations contained in and the 610
person named as the alleged perpetrator in the report to the 611

administrator, director, or other chief administrative officer 612
of the out-of-home care entity that is the subject of the report 613
unless the administrator, director, or other chief 614
administrative officer is named as an alleged perpetrator in the 615
report. If the administrator, director, or other chief 616
administrative officer of an out-of-home care entity is named as 617
an alleged perpetrator in a report of alleged child abuse or 618
child neglect, or a report of an alleged threat of child abuse 619
or child neglect, that allegedly occurred in or involved the 620
out-of-home care entity, the agency shall provide the written 621
notice to the owner or governing board of the out-of-home care 622
entity that is the subject of the report. The agency shall not 623
provide witness statements or police or other investigative 624
reports. 625

(3) No later than three days after the day on which a 626
public children services agency that conducted the investigation 627
as determined pursuant to section 2151.422 of the Revised Code 628
makes a disposition of an investigation involving a report of 629
alleged child abuse or child neglect, or a report of an alleged 630
threat of child abuse or child neglect, that allegedly occurred 631
in or involved an out-of-home care entity, the agency shall send 632
written notice of the disposition of the investigation to the 633
administrator, director, or other chief administrative officer 634
and the owner or governing board of the out-of-home care entity. 635
The agency shall not provide witness statements or police or 636
other investigative reports. 637

(P) As used in this section: 638

(1) "Children's advocacy center" and "sexual abuse of a 639
child" have the same meanings as in section 2151.425 of the 640
Revised Code. 641

(2) "Health care professional" means an individual who 642
provides health-related services including a physician, hospital 643
intern or resident, dentist, podiatrist, registered nurse, 644
licensed practical nurse, visiting nurse, licensed psychologist, 645
speech pathologist, audiologist, person engaged in social work 646
or the practice of professional counseling, and employee of a 647
home health agency. "Health care professional" does not include 648
a practitioner of a limited branch of medicine as specified in 649
section 4731.15 of the Revised Code, licensed school 650
psychologist, independent marriage and family therapist or 651
marriage and family therapist, or coroner. 652

(3) "Investigation" means the public children services 653
agency's response to an accepted report of child abuse or 654
neglect through either an alternative response or a traditional 655
response. 656

(4) "Peace officer" means a sheriff, deputy sheriff, 657
constable, police officer of a township or joint police 658
district, marshal, deputy marshal, municipal police officer, or 659
a state highway patrol trooper. 660

Sec. 2151.423. A public children services agency shall 661
disclose confidential information discovered during an 662
investigation conducted pursuant to section 2151.421 or 2151.422 663
of the Revised Code to any federal, state, or local government 664
entity, including any appropriate military authority, that needs 665
the information to carry out its responsibilities to protect 666
children from abuse or neglect. 667

Information disclosed pursuant to this section is 668
confidential and is not subject to disclosure pursuant to 669
section 149.43 or 1347.08 of the Revised Code by the agency to 670
whom the information was disclosed. The agency receiving the 671

information shall maintain the confidentiality of information 672
disclosed pursuant to this section. 673

Sec. 2151.4210. (A) A public children services agency 674
shall determine as soon as practicable if a parent, guardian, or 675
custodian of a child who is subject to an investigation under 676
section 2151.421 or 2151.422 of the Revised Code is in the armed 677
forces. 678

(B) If the agency determines that the parent, guardian, or 679
custodian is in the armed forces, the agency shall notify the 680
appropriate authority of that armed force in which the parent, 681
guardian, or custodian serves, in accordance with the memorandum 682
of understanding established by that authority, that an 683
investigation is being made of a report of child abuse or 684
neglect that relates to the parent, guardian, or custodian. 685

(C) As used in this section, "armed forces" has the same 686
meaning as in 10 U.S.C. 101. 687

Section 2. That existing sections 2151.421 and 2151.423 of 688
the Revised Code are hereby repealed. 689

Section 3. Section 2151.421 of the Revised Code is 690
presented in this act as a composite of the section as amended 691
by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General 692
Assembly. The General Assembly, applying the principle stated in 693
division (B) of section 1.52 of the Revised Code that amendments 694
are to be harmonized if reasonably capable of simultaneous 695
operation, finds that the composite is the resulting version of 696
the section in effect prior to the effective date of the section 697
as presented in this act. 698