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Sub. H. B. No. 92

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., Sobeki, Stephens, West, White, Wiggam, Wilkin, Young, T., Speaker Cupp

Senators Fedor, Hackett, Johnson, Schaffer

A BILL

To amend sections 2151.421 and 2151.423 and to 1
enact sections 2151.4210 and 3521.04 of the 2
Revised Code and to amend Section 317.20 of H.B. 3
110 of the 134th General Assembly to require 4
public children services agencies to report 5
child abuse or neglect in military families to 6
the appropriate military authorities, to modify 7
the earmark promoting judicial candidate 8
information, to create procedures for the public 9
to submit plans to the Ohio Redistricting 10
Commission, and to declare an emergency. 11

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

Section 1. That sections 2151.421 and 2151.423 be amended 12
and sections 2151.4210 and 3521.04 of the Revised Code be 13

enacted to read as follows: 14

Sec. 2151.421. (A) (1) (a) No person described in division 15
(A) (1) (b) of this section who is acting in an official or 16
professional capacity and knows, or has reasonable cause to 17
suspect based on facts that would cause a reasonable person in a 18
similar position to suspect, that a child under eighteen years 19
of age, or a person under twenty-one years of age with a 20
developmental disability or physical impairment, has suffered or 21
faces a threat of suffering any physical or mental wound, 22
injury, disability, or condition of a nature that reasonably 23
indicates abuse or neglect of the child shall fail to 24
immediately report that knowledge or reasonable cause to suspect 25
to the entity or persons specified in this division. Except as 26
otherwise provided in this division or section 5120.173 of the 27
Revised Code, the person making the report shall make it to the 28
public children services agency or a peace officer in the county 29
in which the child resides or in which the abuse or neglect is 30
occurring or has occurred. If the person making the report is a 31
peace officer, the officer shall make it to the public children 32
services agency in the county in which the child resides or in 33
which the abuse or neglect is occurring or has occurred. In the 34
circumstances described in section 5120.173 of the Revised Code, 35
the person making the report shall make it to the entity 36
specified in that section. 37

(b) Division (A) (1) (a) of this section applies to any 38
person who is an attorney; health care professional; 39
practitioner of a limited branch of medicine as specified in 40
section 4731.15 of the Revised Code; licensed school 41
psychologist; independent marriage and family therapist or 42
marriage and family therapist; coroner; administrator or 43
employee of a child day-care center; administrator or employee 44

of a residential camp, child day camp, or private, nonprofit 45
therapeutic wilderness camp; administrator or employee of a 46
certified child care agency or other public or private children 47
services agency; school teacher; school employee; school 48
authority; peace officer; humane society agent; dog warden, 49
deputy dog warden, or other person appointed to act as an animal 50
control officer for a municipal corporation or township in 51
accordance with state law, an ordinance, or a resolution; 52
person, other than a cleric, rendering spiritual treatment 53
through prayer in accordance with the tenets of a well- 54
recognized religion; employee of a county department of job and 55
family services who is a professional and who works with 56
children and families; superintendent or regional administrator 57
employed by the department of youth services; superintendent, 58
board member, or employee of a county board of developmental 59
disabilities; investigative agent contracted with by a county 60
board of developmental disabilities; employee of the department 61
of developmental disabilities; employee of a facility or home 62
that provides respite care in accordance with section 5123.171 63
of the Revised Code; employee of an entity that provides 64
homemaker services; employee of a qualified organization as 65
defined in section 2151.90 of the Revised Code; a host family as 66
defined in section 2151.90 of the Revised Code; foster 67
caregiver; a person performing the duties of an assessor 68
pursuant to Chapter 3107. or 5103. of the Revised Code; third 69
party employed by a public children services agency to assist in 70
providing child or family related services; court appointed 71
special advocate; or guardian ad litem. 72

(c) If two or more health care professionals, after 73
providing health care services to a child, determine or suspect 74
that the child has been or is being abused or neglected, the 75

health care professionals may designate one of the health care 76
professionals to report the abuse or neglect. A single report 77
made under this division shall meet the reporting requirements 78
of division (A) (1) of this section. 79

(2) Except as provided in division (A) (3) of this section, 80
an attorney or a physician is not required to make a report 81
pursuant to division (A) (1) of this section concerning any 82
communication the attorney or physician receives from a client 83
or patient in an attorney-client or physician-patient 84
relationship, if, in accordance with division (A) or (B) of 85
section 2317.02 of the Revised Code, the attorney or physician 86
could not testify with respect to that communication in a civil 87
or criminal proceeding. 88

(3) The client or patient in an attorney-client or 89
physician-patient relationship described in division (A) (2) of 90
this section is deemed to have waived any testimonial privilege 91
under division (A) or (B) of section 2317.02 of the Revised Code 92
with respect to any communication the attorney or physician 93
receives from the client or patient in that attorney-client or 94
physician-patient relationship, and the attorney or physician 95
shall make a report pursuant to division (A) (1) of this section 96
with respect to that communication, if all of the following 97
apply: 98

(a) The client or patient, at the time of the 99
communication, is a child under eighteen years of age or is a 100
person under twenty-one years of age with a developmental 101
disability or physical impairment. 102

(b) The attorney or physician knows, or has reasonable 103
cause to suspect based on facts that would cause a reasonable 104
person in similar position to suspect that the client or patient 105

has suffered or faces a threat of suffering any physical or 106
mental wound, injury, disability, or condition of a nature that 107
reasonably indicates abuse or neglect of the client or patient. 108

(c) The abuse or neglect does not arise out of the 109
client's or patient's attempt to have an abortion without the 110
notification of her parents, guardian, or custodian in 111
accordance with section 2151.85 of the Revised Code. 112

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

peace officer in the county in which the child resides or in 137
which the abuse or neglect is occurring or has occurred. In the 138
circumstances described in section 5120.173 of the Revised Code, 139
the person making the report shall make it to the entity 140
specified in that section. 141

(b) Except as provided in division (A) (4) (c) of this 142
section, a cleric is not required to make a report pursuant to 143
division (A) (4) (a) of this section concerning any communication 144
the cleric receives from a penitent in a cleric-penitent 145
relationship, if, in accordance with division (C) of section 146
2317.02 of the Revised Code, the cleric could not testify with 147
respect to that communication in a civil or criminal proceeding. 148

(c) The penitent in a cleric-penitent relationship 149
described in division (A) (4) (b) of this section is deemed to 150
have waived any testimonial privilege under division (C) of 151
section 2317.02 of the Revised Code with respect to any 152
communication the cleric receives from the penitent in that 153
cleric-penitent relationship, and the cleric shall make a report 154
pursuant to division (A) (4) (a) of this section with respect to 155
that communication, if all of the following apply: 156

(i) The penitent, at the time of the communication, is a 157
child under eighteen years of age or is a person under twenty- 158
one years of age with a developmental disability or physical 159
impairment. 160

(ii) The cleric knows, or has reasonable cause to believe 161
based on facts that would cause a reasonable person in a similar 162
position to believe, as a result of the communication or any 163
observations made during that communication, the penitent has 164
suffered or faces a threat of suffering any physical or mental 165
wound, injury, disability, or condition of a nature that 166

reasonably indicates abuse or neglect of the penitent. 167

(iii) The abuse or neglect does not arise out of the 168
penitent's attempt to have an abortion performed upon a child 169
under eighteen years of age or upon a person under twenty-one 170
years of age with a developmental disability or physical 171
impairment without the notification of her parents, guardian, or 172
custodian in accordance with section 2151.85 of the Revised 173
Code. 174

(d) Divisions (A) (4) (a) and (c) of this section do not 175
apply in a cleric-penitent relationship when the disclosure of 176
any communication the cleric receives from the penitent is in 177
violation of the sacred trust. 178

(e) As used in divisions (A) (1) and (4) of this section, 179
"cleric" and "sacred trust" have the same meanings as in section 180
2317.02 of the Revised Code. 181

(B) Anyone who knows, or has reasonable cause to suspect 182
based on facts that would cause a reasonable person in similar 183
circumstances to suspect, that a child under eighteen years of 184
age, or a person under twenty-one years of age with a 185
developmental disability or physical impairment, has suffered or 186
faces a threat of suffering any physical or mental wound, 187
injury, disability, or other condition of a nature that 188
reasonably indicates abuse or neglect of the child may report or 189
cause reports to be made of that knowledge or reasonable cause 190
to suspect to the entity or persons specified in this division. 191
Except as provided in section 5120.173 of the Revised Code, a 192
person making a report or causing a report to be made under this 193
division shall make it or cause it to be made to the public 194
children services agency or to a peace officer. In the 195
circumstances described in section 5120.173 of the Revised Code, 196

a person making a report or causing a report to be made under 197
this division shall make it or cause it to be made to the entity 198
specified in that section. 199

(C) Any report made pursuant to division (A) or (B) of 200
this section shall be made forthwith either by telephone or in 201
person and shall be followed by a written report, if requested 202
by the receiving agency or officer. The written report shall 203
contain: 204

(1) The names and addresses of the child and the child's 205
parents or the person or persons having custody of the child, if 206
known; 207

(2) The child's age and the nature and extent of the 208
child's injuries, abuse, or neglect that is known or reasonably 209
suspected or believed, as applicable, to have occurred or of the 210
threat of injury, abuse, or neglect that is known or reasonably 211
suspected or believed, as applicable, to exist, including any 212
evidence of previous injuries, abuse, or neglect; 213

(3) Any other information, including, but not limited to, 214
results and reports of any medical examinations, tests, or 215
procedures performed under division (D) of this section, that 216
might be helpful in establishing the cause of the injury, abuse, 217
or neglect that is known or reasonably suspected or believed, as 218
applicable, to have occurred or of the threat of injury, abuse, 219
or neglect that is known or reasonably suspected or believed, as 220
applicable, to exist. 221

(D) (1) Any person, who is required by division (A) of this 222
section to report child abuse or child neglect that is known or 223
reasonably suspected or believed to have occurred, may take or 224
cause to be taken color photographs of areas of trauma visible 225

on a child and, if medically necessary for the purpose of 226
diagnosing or treating injuries that are suspected to have 227
occurred as a result of child abuse or child neglect, perform or 228
cause to be performed radiological examinations and any other 229
medical examinations of, and tests or procedures on, the child. 230

(2) The results and any available reports of examinations, 231
tests, or procedures made under division (D)(1) of this section 232
shall be included in a report made pursuant to division (A) of 233
this section. Any additional reports of examinations, tests, or 234
procedures that become available shall be provided to the public 235
children services agency, upon request. 236

(3) If a health care professional provides health care 237
services in a hospital, children's advocacy center, or emergency 238
medical facility to a child about whom a report has been made 239
under division (A) of this section, the health care professional 240
may take any steps that are reasonably necessary for the release 241
or discharge of the child to an appropriate environment. Before 242
the child's release or discharge, the health care professional 243
may obtain information, or consider information obtained, from 244
other entities or individuals that have knowledge about the 245
child. Nothing in division (D)(3) of this section shall be 246
construed to alter the responsibilities of any person under 247
sections 2151.27 and 2151.31 of the Revised Code. 248

(4) A health care professional may conduct medical 249
examinations, tests, or procedures on the siblings of a child 250
about whom a report has been made under division (A) of this 251
section and on other children who reside in the same home as the 252
child, if the professional determines that the examinations, 253
tests, or procedures are medically necessary to diagnose or 254
treat the siblings or other children in order to determine 255

whether reports under division (A) of this section are warranted 256
with respect to such siblings or other children. The results of 257
the examinations, tests, or procedures on the siblings and other 258
children may be included in a report made pursuant to division 259
(A) of this section. 260

(5) Medical examinations, tests, or procedures conducted 261
under divisions (D)(1) and (4) of this section and decisions 262
regarding the release or discharge of a child under division (D) 263
(3) of this section do not constitute a law enforcement 264
investigation or activity. 265

(E)(1) When a peace officer receives a report made 266
pursuant to division (A) or (B) of this section, upon receipt of 267
the report, the peace officer who receives the report shall 268
refer the report to the appropriate public children services 269
agency, unless an arrest is made at the time of the report that 270
results in the appropriate public children services agency being 271
contacted concerning the possible abuse or neglect of a child or 272
the possible threat of abuse or neglect of a child. 273

(2) When a public children services agency receives a 274
report pursuant to this division or division (A) or (B) of this 275
section, upon receipt of the report, the public children 276
services agency shall do both of the following: 277

(a) Comply with section 2151.422 of the Revised Code; 278

(b) If the county served by the agency is also served by a 279
children's advocacy center and the report alleges sexual abuse 280
of a child or another type of abuse of a child that is specified 281
in the memorandum of understanding that creates the center as 282
being within the center's jurisdiction, comply regarding the 283
report with the protocol and procedures for referrals and 284

investigations, with the coordinating activities, and with the 285
authority or responsibility for performing or providing 286
functions, activities, and services stipulated in the 287
interagency agreement entered into under section 2151.428 of the 288
Revised Code relative to that center. 289

(F) No peace officer shall remove a child about whom a 290
report is made pursuant to this section from the child's 291
parents, stepparents, or guardian or any other persons having 292
custody of the child without consultation with the public 293
children services agency, unless, in the judgment of the 294
officer, and, if the report was made by physician, the 295
physician, immediate removal is considered essential to protect 296
the child from further abuse or neglect. The agency that must be 297
consulted shall be the agency conducting the investigation of 298
the report as determined pursuant to section 2151.422 of the 299
Revised Code. 300

(G) (1) Except as provided in section 2151.422 of the 301
Revised Code or in an interagency agreement entered into under 302
section 2151.428 of the Revised Code that applies to the 303
particular report, the public children services agency shall 304
investigate, within twenty-four hours, each report of child 305
abuse or child neglect that is known or reasonably suspected or 306
believed to have occurred and of a threat of child abuse or 307
child neglect that is known or reasonably suspected or believed 308
to exist that is referred to it under this section to determine 309
the circumstances surrounding the injuries, abuse, or neglect or 310
the threat of injury, abuse, or neglect, the cause of the 311
injuries, abuse, neglect, or threat, and the person or persons 312
responsible. The investigation shall be made in cooperation with 313
the law enforcement agency and in accordance with the memorandum 314
of understanding prepared under division (K) of this section. A 315

representative of the public children services agency shall, at 316
the time of initial contact with the person subject to the 317
investigation, inform the person of the specific complaints or 318
allegations made against the person. The information shall be 319
given in a manner that is consistent with division (I)(1) of 320
this section and protects the rights of the person making the 321
report under this section. 322

A failure to make the investigation in accordance with the 323
memorandum is not grounds for, and shall not result in, the 324
dismissal of any charges or complaint arising from the report or 325
the suppression of any evidence obtained as a result of the 326
report and does not give, and shall not be construed as giving, 327
any rights or any grounds for appeal or post-conviction relief 328
to any person. The public children services agency shall report 329
each case to the uniform statewide automated child welfare 330
information system that the department of job and family 331
services shall maintain in accordance with section 5101.13 of 332
the Revised Code. The public children services agency shall 333
submit a report of its investigation, in writing, to the law 334
enforcement agency. 335

(2) The public children services agency shall make any 336
recommendations to the county prosecuting attorney or city 337
director of law that it considers necessary to protect any 338
children that are brought to its attention. 339

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 340
(I) (3) of this section, any person, health care professional, 341
hospital, institution, school, health department, or agency 342
shall be immune from any civil or criminal liability for injury, 343
death, or loss to person or property that otherwise might be 344
incurred or imposed as a result of any of the following: 345

(i) Participating in the making of reports pursuant to 346
division (A) of this section or in the making of reports in good 347
faith, pursuant to division (B) of this section; 348

(ii) Participating in medical examinations, tests, or 349
procedures under division (D) of this section; 350

(iii) Providing information used in a report made pursuant 351
to division (A) of this section or providing information in good 352
faith used in a report made pursuant to division (B) of this 353
section; 354

(iv) Participating in a judicial proceeding resulting from 355
a report made pursuant to division (A) of this section or 356
participating in good faith in a proceeding resulting from a 357
report made pursuant to division (B) of this section. 358

(b) Immunity under division (H) (1) (a) (ii) of this section 359
shall not apply when a health care provider has deviated from 360
the standard of care applicable to the provider's profession. 361

(c) Notwithstanding section 4731.22 of the Revised Code, 362
the physician-patient privilege shall not be a ground for 363
excluding evidence regarding a child's injuries, abuse, or 364
neglect, or the cause of the injuries, abuse, or neglect in any 365
judicial proceeding resulting from a report submitted pursuant 366
to this section. 367

(2) In any civil or criminal action or proceeding in which 368
it is alleged and proved that participation in the making of a 369
report under this section was not in good faith or participation 370
in a judicial proceeding resulting from a report made under this 371
section was not in good faith, the court shall award the 372
prevailing party reasonable attorney's fees and costs and, if a 373
civil action or proceeding is voluntarily dismissed, may award 374

reasonable attorney's fees and costs to the party against whom 375
the civil action or proceeding is brought. 376

(I) (1) Except as provided in divisions (I) (4) and (O) of 377
this section and sections 2151.423 and 2151.4210 of the Revised 378
Code, a report made under this section is confidential. The 379
information provided in a report made pursuant to this section 380
and the name of the person who made the report shall not be 381
released for use, and shall not be used, as evidence in any 382
civil action or proceeding brought against the person who made 383
the report. Nothing in this division shall preclude the use of 384
reports of other incidents of known or suspected abuse or 385
neglect in a civil action or proceeding brought pursuant to 386
division (N) of this section against a person who is alleged to 387
have violated division (A) (1) of this section, provided that any 388
information in a report that would identify the child who is the 389
subject of the report or the maker of the report, if the maker 390
of the report is not the defendant or an agent or employee of 391
the defendant, has been redacted. In a criminal proceeding, the 392
report is admissible in evidence in accordance with the Rules of 393
Evidence and is subject to discovery in accordance with the 394
Rules of Criminal Procedure. 395

(2) (a) Except as provided in division (I) (2) (b) of this 396
section, no person shall permit or encourage the unauthorized 397
dissemination of the contents of any report made under this 398
section. 399

(b) A health care professional that obtains the same 400
information contained in a report made under this section from a 401
source other than the report may disseminate the information, if 402
its dissemination is otherwise permitted by law. 403

(3) A person who knowingly makes or causes another person 404

to make a false report under division (B) of this section that 405
alleges that any person has committed an act or omission that 406
resulted in a child being an abused child or a neglected child 407
is guilty of a violation of section 2921.14 of the Revised Code. 408

(4) If a report is made pursuant to division (A) or (B) of 409
this section and the child who is the subject of the report dies 410
for any reason at any time after the report is made, but before 411
the child attains eighteen years of age, the public children 412
services agency or peace officer to which the report was made or 413
referred, on the request of the child fatality review board or 414
the director of health pursuant to guidelines established under 415
section 3701.70 of the Revised Code, shall submit a summary 416
sheet of information providing a summary of the report to the 417
review board of the county in which the deceased child resided 418
at the time of death or to the director. On the request of the 419
review board or director, the agency or peace officer may, at 420
its discretion, make the report available to the review board or 421
director. If the county served by the public children services 422
agency is also served by a children's advocacy center and the 423
report of alleged sexual abuse of a child or another type of 424
abuse of a child is specified in the memorandum of understanding 425
that creates the center as being within the center's 426
jurisdiction, the agency or center shall perform the duties and 427
functions specified in this division in accordance with the 428
interagency agreement entered into under section 2151.428 of the 429
Revised Code relative to that advocacy center. 430

(5) A public children services agency shall advise a 431
person alleged to have inflicted abuse or neglect on a child who 432
is the subject of a report made pursuant to this section, 433
including a report alleging sexual abuse of a child or another 434
type of abuse of a child referred to a children's advocacy 435

center pursuant to an interagency agreement entered into under 436
section 2151.428 of the Revised Code, in writing of the 437
disposition of the investigation. The agency shall not provide 438
to the person any information that identifies the person who 439
made the report, statements of witnesses, or police or other 440
investigative reports. 441

(J) Any report that is required by this section, other 442
than a report that is made to the state highway patrol as 443
described in section 5120.173 of the Revised Code, shall result 444
in protective services and emergency supportive services being 445
made available by the public children services agency on behalf 446
of the children about whom the report is made, in an effort to 447
prevent further neglect or abuse, to enhance their welfare, and, 448
whenever possible, to preserve the family unit intact. The 449
agency required to provide the services shall be the agency 450
conducting the investigation of the report pursuant to section 451
2151.422 of the Revised Code. 452

(K) (1) Each public children services agency shall prepare 453
a memorandum of understanding that is signed by all of the 454
following: 455

(a) If there is only one juvenile judge in the county, the 456
juvenile judge of the county or the juvenile judge's 457
representative; 458

(b) If there is more than one juvenile judge in the 459
county, a juvenile judge or the juvenile judges' representative 460
selected by the juvenile judges or, if they are unable to do so 461
for any reason, the juvenile judge who is senior in point of 462
service or the senior juvenile judge's representative; 463

(c) The county peace officer; 464

(d) All chief municipal peace officers within the county;	465
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	466 467
(f) The prosecuting attorney of the county;	468
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	469 470 471
(h) The county humane society;	472
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	473 474 475 476 477
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B) (1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported	478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493

child abuse or child neglect and does not give, and shall not be 494
construed as giving, any rights or any grounds for appeal or 495
post-conviction relief to any person. 496

(3) A memorandum of understanding shall include all of the 497
following: 498

(a) The roles and responsibilities for handling emergency 499
and nonemergency cases of abuse and neglect; 500

(b) Standards and procedures to be used in handling and 501
coordinating investigations of reported cases of child abuse and 502
reported cases of child neglect, methods to be used in 503
interviewing the child who is the subject of the report and who 504
allegedly was abused or neglected, and standards and procedures 505
addressing the categories of persons who may interview the child 506
who is the subject of the report and who allegedly was abused or 507
neglected. 508

(4) If a public children services agency participated in 509
the execution of a memorandum of understanding under section 510
2151.426 of the Revised Code establishing a children's advocacy 511
center, the agency shall incorporate the contents of that 512
memorandum in the memorandum prepared pursuant to this section. 513

(5) The clerk of the court of common pleas in the county 514
may sign the memorandum of understanding prepared under division 515
(K) (1) of this section. If the clerk signs the memorandum of 516
understanding, the clerk shall execute all relevant 517
responsibilities as required of officials specified in the 518
memorandum. 519

(L) (1) Except as provided in division (L) (4) or (5) of 520
this section, a person who is required to make a report pursuant 521
to division (A) of this section may make a reasonable number of 522

requests of the public children services agency that receives or 523
is referred the report, or of the children's advocacy center 524
that is referred the report if the report is referred to a 525
children's advocacy center pursuant to an interagency agreement 526
entered into under section 2151.428 of the Revised Code, to be 527
provided with the following information: 528

(a) Whether the agency or center has initiated an 529
investigation of the report; 530

(b) Whether the agency or center is continuing to 531
investigate the report; 532

(c) Whether the agency or center is otherwise involved 533
with the child who is the subject of the report; 534

(d) The general status of the health and safety of the 535
child who is the subject of the report; 536

(e) Whether the report has resulted in the filing of a 537
complaint in juvenile court or of criminal charges in another 538
court. 539

(2) A person may request the information specified in 540
division (L)(1) of this section only if, at the time the report 541
is made, the person's name, address, and telephone number are 542
provided to the person who receives the report. 543

When a peace officer or employee of a public children 544
services agency receives a report pursuant to division (A) or 545
(B) of this section the recipient of the report shall inform the 546
person of the right to request the information described in 547
division (L)(1) of this section. The recipient of the report 548
shall include in the initial child abuse or child neglect report 549
that the person making the report was so informed and, if 550
provided at the time of the making of the report, shall include 551

the person's name, address, and telephone number in the report. 552

Each request is subject to verification of the identity of 553
the person making the report. If that person's identity is 554
verified, the agency shall provide the person with the 555
information described in division (L)(1) of this section a 556
reasonable number of times, except that the agency shall not 557
disclose any confidential information regarding the child who is 558
the subject of the report other than the information described 559
in those divisions. 560

(3) A request made pursuant to division (L)(1) of this 561
section is not a substitute for any report required to be made 562
pursuant to division (A) of this section. 563

(4) If an agency other than the agency that received or 564
was referred the report is conducting the investigation of the 565
report pursuant to section 2151.422 of the Revised Code, the 566
agency conducting the investigation shall comply with the 567
requirements of division (L) of this section. 568

(5) A health care professional who made a report under 569
division (A) of this section, or on whose behalf such a report 570
was made as provided in division (A)(1)(c) of this section, may 571
authorize a person to obtain the information described in 572
division (L)(1) of this section if the person requesting the 573
information is associated with or acting on behalf of the health 574
care professional who provided health care services to the child 575
about whom the report was made. 576

(M) The director of job and family services shall adopt 577
rules in accordance with Chapter 119. of the Revised Code to 578
implement this section. The department of job and family 579
services may enter into a plan of cooperation with any other 580

governmental entity to aid in ensuring that children are 581
protected from abuse and neglect. The department shall make 582
recommendations to the attorney general that the department 583
determines are necessary to protect children from child abuse 584
and child neglect. 585

(N) Whoever violates division (A) of this section is 586
liable for compensatory and exemplary damages to the child who 587
would have been the subject of the report that was not made. A 588
person who brings a civil action or proceeding pursuant to this 589
division against a person who is alleged to have violated 590
division (A)(1) of this section may use in the action or 591
proceeding reports of other incidents of known or suspected 592
abuse or neglect, provided that any information in a report that 593
would identify the child who is the subject of the report or the 594
maker of the report, if the maker is not the defendant or an 595
agent or employee of the defendant, has been redacted. 596

(O)(1) As used in this division: 597

(a) "Out-of-home care" includes a nonchartered nonpublic 598
school if the alleged child abuse or child neglect, or alleged 599
threat of child abuse or child neglect, described in a report 600
received by a public children services agency allegedly occurred 601
in or involved the nonchartered nonpublic school and the alleged 602
perpetrator named in the report holds a certificate, permit, or 603
license issued by the state board of education under section 604
3301.071 or Chapter 3319. of the Revised Code. 605

(b) "Administrator, director, or other chief 606
administrative officer" means the superintendent of the school 607
district if the out-of-home care entity subject to a report made 608
pursuant to this section is a school operated by the district. 609

(2) No later than the end of the day following the day on 610
which a public children services agency receives a report of 611
alleged child abuse or child neglect, or a report of an alleged 612
threat of child abuse or child neglect, that allegedly occurred 613
in or involved an out-of-home care entity, the agency shall 614
provide written notice of the allegations contained in and the 615
person named as the alleged perpetrator in the report to the 616
administrator, director, or other chief administrative officer 617
of the out-of-home care entity that is the subject of the report 618
unless the administrator, director, or other chief 619
administrative officer is named as an alleged perpetrator in the 620
report. If the administrator, director, or other chief 621
administrative officer of an out-of-home care entity is named as 622
an alleged perpetrator in a report of alleged child abuse or 623
child neglect, or a report of an alleged threat of child abuse 624
or child neglect, that allegedly occurred in or involved the 625
out-of-home care entity, the agency shall provide the written 626
notice to the owner or governing board of the out-of-home care 627
entity that is the subject of the report. The agency shall not 628
provide witness statements or police or other investigative 629
reports. 630

(3) No later than three days after the day on which a 631
public children services agency that conducted the investigation 632
as determined pursuant to section 2151.422 of the Revised Code 633
makes a disposition of an investigation involving a report of 634
alleged child abuse or child neglect, or a report of an alleged 635
threat of child abuse or child neglect, that allegedly occurred 636
in or involved an out-of-home care entity, the agency shall send 637
written notice of the disposition of the investigation to the 638
administrator, director, or other chief administrative officer 639
and the owner or governing board of the out-of-home care entity. 640

The agency shall not provide witness statements or police or 641
other investigative reports. 642

(P) As used in this section: 643

(1) "Children's advocacy center" and "sexual abuse of a 644
child" have the same meanings as in section 2151.425 of the 645
Revised Code. 646

(2) "Health care professional" means an individual who 647
provides health-related services including a physician, hospital 648
intern or resident, dentist, podiatrist, registered nurse, 649
licensed practical nurse, visiting nurse, licensed psychologist, 650
speech pathologist, audiologist, person engaged in social work 651
or the practice of professional counseling, and employee of a 652
home health agency. "Health care professional" does not include 653
a practitioner of a limited branch of medicine as specified in 654
section 4731.15 of the Revised Code, licensed school 655
psychologist, independent marriage and family therapist or 656
marriage and family therapist, or coroner. 657

(3) "Investigation" means the public children services 658
agency's response to an accepted report of child abuse or 659
neglect through either an alternative response or a traditional 660
response. 661

(4) "Peace officer" means a sheriff, deputy sheriff, 662
constable, police officer of a township or joint police 663
district, marshal, deputy marshal, municipal police officer, or 664
a state highway patrol trooper. 665

Sec. 2151.423. A public children services agency shall 666
disclose confidential information discovered during an 667
investigation conducted pursuant to section 2151.421 or 2151.422 668
of the Revised Code to any federal, state, or local government 669

entity, including any appropriate military authority, that needs 670
the information to carry out its responsibilities to protect 671
children from abuse or neglect. 672

Information disclosed pursuant to this section is 673
confidential and is not subject to disclosure pursuant to 674
section 149.43 or 1347.08 of the Revised Code by the agency to 675
whom the information was disclosed. The agency receiving the 676
information shall maintain the confidentiality of information 677
disclosed pursuant to this section. 678

Sec. 2151.4210. (A) A public children services agency 679
shall determine as soon as practicable if a parent, guardian, or 680
custodian of a child who is subject to an investigation under 681
section 2151.421 or 2151.422 of the Revised Code is in the armed 682
forces. 683

(B) If the agency determines that the parent, guardian, or 684
custodian is in the armed forces, the agency shall notify the 685
appropriate authority of that armed force in which the parent, 686
guardian, or custodian serves, in accordance with the memorandum 687
of understanding established by that authority, that an 688
investigation is being made of a report of child abuse or 689
neglect that relates to the parent, guardian, or custodian. 690

(C) As used in this section, "armed forces" has the same 691
meaning as in 10 U.S.C. 101. 692

Sec. 3521.04. (A) As used in this section, "Ohio 693
redistricting commission" means the body described in Ohio 694
Constitution, Article XI, Section 1. 695

(B) The Ohio redistricting commission, in accordance with 696
Ohio Constitution, Article XIX, Section 1(H), shall cause to be 697
created a web site, at the web address 698

<u>www.redistricting.ohio.gov. Members of the public may use the</u>	699
<u>web site to do any of the following:</u>	700
<u>(1) Submit a proposed congressional district plan;</u>	701
<u>(2) Access the federal decennial census data necessary to</u>	702
<u>create a proposed congressional district plan;</u>	703
<u>(3) View proposed congressional district plans submitted</u>	704
<u>by members of the public.</u>	705
<u>(C) Members of the public also may submit a proposed</u>	706
<u>congressional district plan by mailing it to the Ohio</u>	707
<u>redistricting commission, in the care of the clerk of the</u>	708
<u>senate, Ohio statehouse, Columbus, Ohio 43215.</u>	709
<u>(D) A proposed congressional district plan submitted by a</u>	710
<u>member of the public shall contain visual representations of the</u>	711
<u>proposed boundaries of the congressional districts.</u>	712
<u>(E) Upon receiving a proposed congressional district plan</u>	713
<u>submitted by a member of the public, the co-chairpersons of the</u>	714
<u>Ohio redistricting commission promptly shall provide electronic</u>	715
<u>notification to the members of the Ohio redistricting commission</u>	716
<u>of the submitted plan and shall cause the submitted plan to be</u>	717
<u>posted on the commission's web site for the public to view.</u>	718
Section 2. That existing sections 2151.421 and 2151.423 of	719
the Revised Code are hereby repealed.	720
Section 3. That Section 317.20 of H.B. 110 of the 134th	721
General Assembly be amended to read as follows:	722
Sec. 317.20. STATE CRIMINAL SENTENCING COMMISSION	723
The foregoing appropriation item 005401, State Criminal	724
Sentencing Commission, shall be used for the operation of the	725

State Criminal Sentencing Commission established by section 726
181.21 of the Revised Code. 727

LAW-RELATED EDUCATION 728

Of the foregoing appropriation item 005406, Law-Related 729
Education, \$200,000 in each fiscal year shall be distributed 730
directly to the Ohio Center for Law-Related Education for the 731
purposes of providing continuing citizenship education 732
activities to primary and secondary students, expanding 733
delinquency prevention programs, increasing activities for at- 734
risk youth, and accessing additional public and private money 735
for new programs. 736

Of the foregoing appropriation item 005406, Law-Related 737
Education, \$150,000 in each fiscal year shall be used to promote 738
information about candidates ~~running who have filed to run for~~ 739
~~judicial office for Chief Justice or Justice of the Ohio Supreme~~ 740
~~Court or judge of a court of appeals who were nominated at a~~ 741
~~primary election to appear on the ballot at the general election~~ 742
~~with a political party designation.~~ No funds shall be used for 743
the endorsement or promotion of any candidate. 744

OHIO COURTS TECHNOLOGY INITIATIVE 745

The foregoing appropriation item 005409, Ohio Courts 746
Technology Initiative, shall be used to fund an initiative by 747
the Supreme Court to facilitate the exchange of information and 748
warehousing of data by and between Ohio courts and other justice 749
system partners through the creation of an Ohio Courts Network, 750
the delivery of technology services to courts throughout the 751
state, including the provision of hardware, software, and the 752
development and implementation of educational and training 753
programs for judges and court personnel, and operation of the 754

Commission on Technology and the Courts by the Supreme Court for 755
the promulgation of statewide rules, policies, and uniform 756
standards, and to aid in the orderly adoption and comprehensive 757
use of technology in Ohio courts. 758

ATTORNEY SERVICES 759

The Attorney Registration Fund (Fund 4C80) shall consist 760
of money received by the Supreme Court (The Judiciary) pursuant 761
to the Rules for the Government of the Bar of Ohio. In addition 762
to funding other activities considered appropriate by the 763
Supreme Court, the foregoing appropriation item 005605, Attorney 764
Services, may be used to compensate employees and to fund 765
appropriate activities of the following offices established by 766
the Supreme Court: the Office of Disciplinary Counsel, the Board 767
of Commissioners on Grievances and Discipline, the Clients' 768
Security Fund, and the Attorney Services Division which include 769
the Office of Bar Admissions. If it is determined by the 770
Administrative Director of the Supreme Court that changes to the 771
appropriation are necessary, the amounts are hereby 772
appropriated. 773

No money in Fund 4C80 shall be transferred to any other 774
fund by the Director of Budget and Management or the Controlling 775
Board. Interest earned on money in Fund 4C80 shall be credited 776
to the fund. 777

COURT INTERPRETER CERTIFICATION 778

The Court Interpreter Certification Fund (Fund 5HT0) shall 779
consist of money received by the Supreme Court (The Judiciary) 780
pursuant to Rules 80 through 87 of the Rules of Superintendence 781
for the Courts of Ohio. The foregoing appropriation item 005617, 782
Court Interpreter Certification, shall be used to provide 783

training, to provide the written examination, and to pay 784
language experts to rate, or grade, the oral examinations of 785
those applying to become certified court interpreters. If it is 786
determined by the Administrative Director of the Supreme Court 787
that changes to the appropriation are necessary, the amounts are 788
hereby appropriated. 789

No money in Fund 5HT0 shall be transferred to any other 790
fund by the Director of Budget and Management or the Controlling 791
Board. Interest earned on money in Fund 5HT0 shall be credited 792
to the fund. 793

CIVIL JUSTICE GRANT PROGRAM 794

The Civil Justice Program Fund (Fund 5SP0) shall consist 795
of (1) \$50 voluntary donations made as part of the biennium 796
attorney registration process and (2) \$150 increase in the pro 797
hac vice fees for out-of-state attorneys pursuant to Government 798
of the Bar Rule amendments. The foregoing appropriation item 799
005626, Civil Justice Grant Program, shall be used by the 800
Supreme Court of Ohio for grants to not-for-profit organizations 801
and agencies dedicated to providing civil legal aid to 802
underserved populations, to fund innovative programs directed at 803
this purpose, and to increase access to judicial service to that 804
population. If it is determined by the Administrative Director 805
of the Supreme Court that changes to the appropriation are 806
necessary, the amounts are hereby appropriated. 807

No money in Fund 5SP0 shall be transferred to any other 808
fund by the Director of Budget and Management or the Controlling 809
Board. Interest earned on money in Fund 5SP0 shall be credited 810
to the fund. 811

GRANTS AND AWARDS 812

The Grants and Awards Fund (Fund 5T80) shall consist of 813
grants and other money awarded to the Supreme Court (The 814
Judiciary) by the State Justice Institute, the Division of 815
Criminal Justice Services, or other entities. The foregoing 816
appropriation item 005609, Grants and Awards, shall be used in a 817
manner consistent with the purpose of the grant or award. If it 818
is determined by the Administrative Director of the Supreme 819
Court that changes to the appropriation are necessary, the 820
amounts are hereby appropriated. 821

No money in Fund 5T80 shall be transferred to any other 822
fund by the Director of Budget and Management or the Controlling 823
Board. Interest earned on money in Fund 5T80 shall be credited 824
or transferred to the General Revenue Fund. 825

JUDICIARY/SUPREME COURT EDUCATION 826

The Judiciary/Supreme Court Education Fund (Fund 6720) 827
shall consist of fees paid for attending judicial and public 828
education on the law, reimbursement of costs for judicial and 829
public education on the law, and other gifts and grants received 830
for the purpose of judicial and public education on the law. The 831
foregoing appropriation item 005601, Judiciary/Supreme Court 832
Education, shall be used to pay expenses for judicial education 833
courses for judges, court personnel, and those who serve the 834
courts, and for public education on the law. If it is determined 835
by the Administrative Director of the Supreme Court that changes 836
to the appropriation are necessary, the amounts are hereby 837
appropriated. 838

No money in Fund 6720 shall be transferred to any other 839
fund by the Director of Budget and Management or the Controlling 840
Board. Interest earned on money in Fund 6720 shall be credited 841
to the fund. 842

COUNTY LAW LIBRARY RESOURCES BOARDS 843

The Statewide Consortium of County Law Library Resources 844
Boards Fund (Fund 5JY0) shall consist of moneys deposited 845
pursuant to section 307.515 of the Revised Code into a county's 846
law library resources fund and forwarded by that county's 847
treasurer for deposit in the state treasury pursuant to division 848
(E) (1) of section 3375.481 of the Revised Code. The foregoing 849
appropriation item 005620, County Law Library Resources Boards, 850
shall be used for the operation of the Statewide Consortium of 851
County Law Library Resources Boards. If it is determined by the 852
Administrative Director of the Supreme Court that changes to the 853
appropriation are necessary, the amounts are hereby 854
appropriated. 855

No money in Fund 5JY0 shall be transferred to any other 856
fund by the Director of Budget and Management or the Controlling 857
Board. Interest earned on money in Fund 5JY0 shall be credited 858
to the fund. 859

FEDERAL GRANTS 860

The Federal Grants Fund (Fund 3J00) shall consist of 861
grants and other moneys awarded to the Supreme Court (The 862
Judiciary) by the United States Government or other entities 863
that receive the moneys directly from the United States 864
Government and distribute those moneys to the Supreme Court (The 865
Judiciary). The foregoing appropriation item 005603, Federal 866
Grants, shall be used in a manner consistent with the purpose of 867
the grant or award. If it is determined by the Administrative 868
Director of the Supreme Court that changes to the appropriation 869
are necessary, the amounts are hereby appropriated. 870

No money in Fund 3J00 shall be transferred to any other 871

fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 4. That existing Section 317.20 of H.B. 110 of the 134th General Assembly is hereby repealed.

Section 5. Section 2151.421 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the constitutional deadline for the completion of Ohio's congressional redistricting process is approaching. Therefore, this act shall go into immediate effect.