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Am. Sub. H. B. No. 4

Representatives Plummer, Manchester

Cosponsors: Representatives Lipps, Edwards, Riedel, Young, T., White, Cutrona, Liston, Abrams, Carruthers, Click, Ginter, John, Russo, Schmidt, West, Baldrige, Bird, Blackshear, Boggs, Carfagna, Crawley, Creech, Cross, Crossman, Fraizer, Galonski, Gross, Hall, Hoops, Jarrells, Johnson, Jones, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Loychik, Manning, Merrin, Miller, J., Miranda, O'Brien, Patton, Pavliga, Ray, Richardson, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Troy, Weinstein, Young, B., Speaker Cupp

A BILL

To amend sections 2151.142, 2151.23, 2151.421, and	1
3107.014 and to enact sections 2151.25,	2
2151.4210, 2151.4211, 2151.4212, 2151.4213,	3
2151.4215, 2151.4216, 2151.4218, 2151.4219,	4
2151.4220, 2151.4221, 2151.4222, 2151.4223,	5
2151.4224, 5101.89, 5101.891, 5101.893,	6
5101.895, 5101.897, and 5101.899 of the Revised	7
Code regarding county child abuse and neglect	8
memorandums of understanding, cross-reporting of	9
child abuse and neglect reports by public	10
children services agencies to law enforcement	11
agencies, notification of reporter rights, home	12
assessor eligibility, and creation of the	13
children service ombudsman office.	14

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

Section 1. That sections 2151.142, 2151.23, 2151.421, and	15
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3107.014 be amended and sections 2151.25, 2151.4210, 2151.4211, 16
2151.4212, 2151.4213, 2151.4215, 2151.4216, 2151.4218, 17
2151.4219, 2151.4220, 2151.4221, 2151.4222, 2151.4223, 18
2151.4224, 5101.89, 5101.891, 5101.893, 5101.895, 5101.897, and 19
5101.899 of the Revised Code be enacted to read as follows: 20

Sec. 2151.142. (A) As used in this section, "public 21
record" and "journalist" have the same meanings as in section 22
149.43 of the Revised Code. 23

(B) Both of the following apply to the residential address 24
of each officer or employee of a public children services agency 25
or a private child placing agency who performs official 26
responsibilities or duties described in section 2151.14, 27
2151.141, 2151.33, 2151.353, 2151.412, 2151.413, 2151.414, 28
2151.415, 2151.416, 2151.417, ~~or~~ 2151.421, or 2151.4210 to 29
2151.4224 or another section of the Revised Code and to the 30
residential address of persons related to that officer or 31
employee by consanguinity or affinity: 32

(1) Other officers and employees of a public children 33
services agency, private child placing agency, juvenile court, 34
or law enforcement agency shall consider those residential 35
addresses to be confidential information. The officer or 36
employee of the public children services agency or private child 37
placing agency may waive the confidentiality of those 38
residential addresses by giving express permission for their 39
disclosure to other officers or employees of a public children 40
services agency, private child placing agency, juvenile court, 41
or law enforcement agency. 42

(2) To the extent that those residential addresses are 43
contained in public records kept by a public children services 44
agency, private child placing agency, juvenile court, or law 45

enforcement agency, they shall not be considered to be 46
information that is subject to inspection or copying as part of 47
a public record under section 149.43 of the Revised Code. 48

(C) Except as provided in division (D) of this section, in 49
the absence of a waiver as described in division (B)(1) of this 50
section, no officer or employee of a public children services 51
agency, private child placing agency, juvenile court, or law 52
enforcement agency shall disclose the residential address of an 53
officer or employee of a public children services agency or 54
private child placing agency, or the residential address of a 55
person related to that officer or employee by consanguinity or 56
affinity, that is confidential information under division (B)(1) 57
of this section to any person, when the disclosing officer or 58
employee knows that the person is or may be a subject of an 59
investigation, interview, examination, criminal case, other 60
case, or other matter with which the officer or employee to whom 61
the residential address relates currently is or has been 62
associated. 63

(D) If, on or after the effective date of this section, a 64
journalist requests a public children services agency, private 65
child placing agency, juvenile court, or law enforcement agency 66
to disclose a residential address that is confidential 67
information under division (B)(1) of this section, the agency or 68
juvenile court shall disclose to the journalist the residential 69
address if all of the following apply: 70

(1) The request is in writing, is signed by the 71
journalist, includes the journalist's name and title, and 72
includes the name and address of the journalist's employer. 73

(2) The request states that disclosure of the residential 74
address would be in the public interest. 75

(3) The request adequately identifies the person whose 76
residential address is requested. 77

(4) The public children services agency, private child 78
placing agency, juvenile court, or law enforcement agency 79
receiving the request is one of the following: 80

(a) The agency or juvenile court with which the official 81
in question serves or with which the employee in question is 82
employed; 83

(b) The agency or juvenile court that has custody of the 84
records of the agency with which the official in question serves 85
or with which the employee in question is employed. 86

Sec. 2151.23. (A) The juvenile court has exclusive 87
original jurisdiction under the Revised Code as follows: 88

(1) Concerning any child who on or about the date 89
specified in the complaint, indictment, or information is 90
alleged to have violated section 2151.87 of the Revised Code or 91
an order issued under that section or to be a juvenile traffic 92
offender or a delinquent, unruly, abused, neglected, or 93
dependent child and, based on and in relation to the allegation 94
pertaining to the child, concerning the parent, guardian, or 95
other person having care of a child who is alleged to be an 96
unruly child for being an habitual truant or who is alleged to 97
be a delinquent child for violating a court order regarding the 98
child's prior adjudication as an unruly child for being an 99
habitual truant; 100

(2) Subject to divisions (G), (I), (K), and (V) of section 101
2301.03 of the Revised Code, to determine the custody of any 102
child not a ward of another court of this state; 103

(3) To hear and determine any application for a writ of 104

habeas corpus involving the custody of a child; 105

(4) To exercise the powers and jurisdiction given the 106
probate division of the court of common pleas in Chapter 5122. 107
of the Revised Code, if the court has probable cause to believe 108
that a child otherwise within the jurisdiction of the court is a 109
mentally ill person subject to court order, as defined in 110
section 5122.01 of the Revised Code; 111

(5) To hear and determine all criminal cases charging 112
adults with the violation of any section of this chapter; 113

(6) To hear and determine all criminal cases in which an 114
adult is charged with a violation of division (C) of section 115
2919.21, division (B)(1) of section 2919.22, section 2919.222, 116
division (B) of section 2919.23, or section 2919.24 of the 117
Revised Code, provided the charge is not included in an 118
indictment that also charges the alleged adult offender with the 119
commission of a felony arising out of the same actions that are 120
the basis of the alleged violation of division (C) of section 121
2919.21, division (B)(1) of section 2919.22, section 2919.222, 122
division (B) of section 2919.23, or section 2919.24 of the 123
Revised Code; 124

(7) Under the interstate compact on juveniles in section 125
2151.56 of the Revised Code; 126

(8) Concerning any child who is to be taken into custody 127
pursuant to section 2151.31 of the Revised Code, upon being 128
notified of the intent to take the child into custody and the 129
reasons for taking the child into custody; 130

(9) To hear and determine requests for the extension of 131
temporary custody agreements, and requests for court approval of 132
permanent custody agreements, that are filed pursuant to section 133

5103.15 of the Revised Code; 134

(10) To hear and determine applications for consent to 135
marry pursuant to section 3101.04 of the Revised Code; 136

(11) Subject to divisions (G), (I), (K), and (V) of 137
section 2301.03 of the Revised Code, to hear and determine a 138
request for an order for the support of any child if the request 139
is not ancillary to an action for divorce, dissolution of 140
marriage, annulment, or legal separation, a criminal or civil 141
action involving an allegation of domestic violence, or an 142
action for support brought under Chapter 3115. of the Revised 143
Code; 144

(12) Concerning an action commenced under section 121.38 145
of the Revised Code; 146

(13) To hear and determine violations of section 3321.38 147
of the Revised Code; 148

(14) To exercise jurisdiction and authority over the 149
parent, guardian, or other person having care of a child alleged 150
to be a delinquent child, unruly child, or juvenile traffic 151
offender, based on and in relation to the allegation pertaining 152
to the child; 153

(15) To conduct the hearings, and to make the 154
determinations, adjudications, and orders authorized or required 155
under sections 2152.82 to 2152.86 and Chapter 2950. of the 156
Revised Code regarding a child who has been adjudicated a 157
delinquent child and to refer the duties conferred upon the 158
juvenile court judge under sections 2152.82 to 2152.86 and 159
Chapter 2950. of the Revised Code to magistrates appointed by 160
the juvenile court judge in accordance with Juvenile Rule 40; 161

(16) To hear and determine a petition for a protection 162

order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;

(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section

3119.961 of the Revised Code; 191

(7) To receive filings under section 3109.74 of the 192
Revised Code, and to hear and determine actions arising under 193
sections 3109.51 to 3109.80 of the Revised Code. 194

(8) To enforce an order for the return of a child made 195
under the Hague Convention on the Civil Aspects of International 196
Child Abduction pursuant to section 3127.32 of the Revised Code; 197

(9) To grant any relief normally available under the laws 198
of this state to enforce a child custody determination made by a 199
court of another state and registered in accordance with section 200
3127.35 of the Revised Code. 201

(C) The juvenile court, except as to juvenile courts that 202
are a separate division of the court of common pleas or a 203
separate and independent juvenile court, has jurisdiction to 204
hear, determine, and make a record of any action for divorce or 205
legal separation that involves the custody or care of children 206
and that is filed in the court of common pleas and certified by 207
the court of common pleas with all the papers filed in the 208
action to the juvenile court for trial, provided that no 209
certification of that nature shall be made to any juvenile court 210
unless the consent of the juvenile judge first is obtained. 211
After a certification of that nature is made and consent is 212
obtained, the juvenile court shall proceed as if the action 213
originally had been begun in that court, except as to awards for 214
spousal support or support due and unpaid at the time of 215
certification, over which the juvenile court has no 216
jurisdiction. 217

(D) The juvenile court, except as provided in division (I) 218
of section 2301.03 of the Revised Code, has jurisdiction to hear 219

and determine all matters as to custody and support of children 220
duly certified by the court of common pleas to the juvenile 221
court after a divorce decree has been granted, including 222
jurisdiction to modify the judgment and decree of the court of 223
common pleas as the same relate to the custody and support of 224
children. 225

(E) The juvenile court, except as provided in division (I) 226
of section 2301.03 of the Revised Code, has jurisdiction to hear 227
and determine the case of any child certified to the court by 228
any court of competent jurisdiction if the child comes within 229
the jurisdiction of the juvenile court as defined by this 230
section. 231

(F) (1) The juvenile court shall exercise its jurisdiction 232
in child custody matters in accordance with sections 3109.04 and 233
3127.01 to 3127.53 of the Revised Code and, as applicable, 234
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 235
Revised Code. 236

(2) The juvenile court shall exercise its jurisdiction in 237
child support matters in accordance with section 3109.05 of the 238
Revised Code. 239

(G) Any juvenile court that makes or modifies an order for 240
child support shall comply with Chapters 3119., 3121., 3123., 241
and 3125. of the Revised Code. If any person required to pay 242
child support under an order made by a juvenile court on or 243
after April 15, 1985, or modified on or after December 1, 1986, 244
is found in contempt of court for failure to make support 245
payments under the order, the court that makes the finding, in 246
addition to any other penalty or remedy imposed, shall assess 247
all court costs arising out of the contempt proceeding against 248
the person and require the person to pay any reasonable 249

attorney's fees of any adverse party, as determined by the 250
court, that arose in relation to the act of contempt. 251

(H) If a child who is charged with an act that would be an 252
offense if committed by an adult was fourteen years of age or 253
older and under eighteen years of age at the time of the alleged 254
act and if the case is transferred for criminal prosecution 255
pursuant to section 2152.12 of the Revised Code, except as 256
provided in section 2152.121 of the Revised Code, the juvenile 257
court does not have jurisdiction to hear or determine the case 258
subsequent to the transfer. The court to which the case is 259
transferred for criminal prosecution pursuant to that section 260
has jurisdiction subsequent to the transfer to hear and 261
determine the case in the same manner as if the case originally 262
had been commenced in that court, subject to section 2152.121 of 263
the Revised Code, including, but not limited to, jurisdiction to 264
accept a plea of guilty or another plea authorized by Criminal 265
Rule 11 or another section of the Revised Code and jurisdiction 266
to accept a verdict and to enter a judgment of conviction 267
pursuant to the Rules of Criminal Procedure against the child 268
for the commission of the offense that was the basis of the 269
transfer of the case for criminal prosecution, whether the 270
conviction is for the same degree or a lesser degree of the 271
offense charged, for the commission of a lesser-included 272
offense, or for the commission of another offense that is 273
different from the offense charged. 274

(I) If a person under eighteen years of age allegedly 275
commits an act that would be a felony if committed by an adult 276
and if the person is not taken into custody or apprehended for 277
that act until after the person attains twenty-one years of age, 278
the juvenile court does not have jurisdiction to hear or 279
determine any portion of the case charging the person with 280

committing that act. In those circumstances, divisions (A) and 281
(B) of section 2152.12 of the Revised Code do not apply 282
regarding the act, and the case charging the person with 283
committing the act shall be a criminal prosecution commenced and 284
heard in the appropriate court having jurisdiction of the 285
offense as if the person had been eighteen years of age or older 286
when the person committed the act. All proceedings pertaining to 287
the act shall be within the jurisdiction of the court having 288
jurisdiction of the offense, and that court has all the 289
authority and duties in the case that it has in other criminal 290
cases in that court. 291

(J) In exercising its exclusive original jurisdiction 292
under division (A)(16) of this section with respect to any 293
proceedings brought under section 2151.34 or 3113.31 of the 294
Revised Code in which the respondent is a child, the juvenile 295
court retains all dispositional powers consistent with existing 296
rules of juvenile procedure and may also exercise its discretion 297
to adjudicate proceedings as provided in sections 2151.34 and 298
3113.31 of the Revised Code, including the issuance of 299
protection orders or the approval of consent agreements under 300
those sections. 301

Sec. 2151.25. (A) If a public children services agency 302
receives a report of child abuse or neglect under section 303
2151.421 of the Revised Code, or a report that a child may be a 304
dependent child, and is denied reasonable access to the child by 305
a parent, guardian, custodian, or caregiver of the child, or to 306
any other information necessary to determine if the child is, or 307
at risk of becoming, an abused, neglected, or dependent child, 308
the agency may request a juvenile court to issue an order 309
granting the agency access to examine and interview the child, 310
or to conduct other activities necessary to determine the risk 311

to the child. The agency shall make the request by submitting a 312
sworn affidavit explaining the need for the order in the 313
juvenile court of the county in which the child has a residence 314
or legal settlement or in which the reported abuse or neglect of 315
the child occurred or the reported conditions exist regarding 316
the child's dependency. 317

(B) The affidavit shall include the following: 318

(1) The particular facts of the allegation or allegations 319
in the report that may indicate the child is an abused, 320
neglected, or dependent child; 321

(2) The agency's efforts to gather additional information 322
to determine whether or not the child is, or may be, at risk of 323
becoming, an abused, neglected, or dependent child; 324

(3) The agency's efforts to obtain consent from a parent, 325
guardian, custodian, or caregiver to examine and interview the 326
child, or to conduct other activities necessary to determine the 327
risk to the child; 328

(4) The activities the agency deems necessary to determine 329
the current risk to the child. 330

(C) The affidavit shall not identify the source of the 331
allegation or allegations in the report that may indicate the 332
child is an abused, neglected, or dependent child. 333

(D) (1) Upon receipt of request and a sworn affidavit 334
submitted according to division (A) of this section, if the 335
court determines that probable cause exists, the court may, 336
without a hearing, issue an order requiring the parent, 337
guardian, custodian, or caregiver of the child comply with the 338
agency's investigation, including an interview and examination 339
of the child and other activity the court deems necessary to 340

determine the current risk posed to the child. 341

(2) The court may include within the order specific 342
instructions on the manner and location of the interview and 343
examination of the child, as well as detail any other necessary 344
activities. 345

(E) An order issued pursuant to this section is not a 346
final, appealable order for purposes of appeal under division 347
(B) of section 2505.02 of the Revised Code. 348

Sec. 2151.421. (A) (1) (a) No person described in division 349
(A) (1) (b) of this section who is acting in an official or 350
professional capacity and knows, or has reasonable cause to 351
suspect based on facts that would cause a reasonable person in a 352
similar position to suspect, that a child under eighteen years 353
of age, or a person under twenty-one years of age with a 354
developmental disability or physical impairment, has suffered or 355
faces a threat of suffering any physical or mental wound, 356
injury, disability, or condition of a nature that reasonably 357
indicates abuse or neglect of the child shall fail to 358
immediately report that knowledge or reasonable cause to suspect 359
to the entity or persons specified in this division. Except as 360
otherwise provided in this division or section 5120.173 of the 361
Revised Code, the person making the report shall make it to the 362
public children services agency or a peace officer in the county 363
in which the child resides or in which the abuse or neglect is 364
occurring or has occurred. If the person making the report is a 365
peace officer, the officer shall make it to the public children 366
services agency in the county in which the child resides or in 367
which the abuse or neglect is occurring or has occurred. In the 368
circumstances described in section 5120.173 of the Revised Code, 369
the person making the report shall make it to the entity 370

specified in that section. 371

(b) Division (A) (1) (a) of this section applies to any 372
person who is an attorney; health care professional; 373
practitioner of a limited branch of medicine as specified in 374
section 4731.15 of the Revised Code; licensed school 375
psychologist; independent marriage and family therapist or 376
marriage and family therapist; coroner; administrator or 377
employee of a child day-care center; administrator or employee 378
of a residential camp, child day camp, or private, nonprofit 379
therapeutic wilderness camp; administrator or employee of a 380
certified child care agency or other public or private children 381
services agency; school teacher; school employee; school 382
authority; peace officer; humane society agent; dog warden, 383
deputy dog warden, or other person appointed to act as an animal 384
control officer for a municipal corporation or township in 385
accordance with state law, an ordinance, or a resolution; 386
person, other than a cleric, rendering spiritual treatment 387
through prayer in accordance with the tenets of a well- 388
recognized religion; employee of a county department of job and 389
family services who is a professional and who works with 390
children and families; superintendent or regional administrator 391
employed by the department of youth services; superintendent, 392
board member, or employee of a county board of developmental 393
disabilities; investigative agent contracted with by a county 394
board of developmental disabilities; employee of the department 395
of developmental disabilities; employee of a facility or home 396
that provides respite care in accordance with section 5123.171 397
of the Revised Code; employee of an entity that provides 398
homemaker services; employee of a qualified organization as 399
defined in section 2151.90 of the Revised Code; a host family as 400
defined in section 2151.90 of the Revised Code; foster 401

caregiver; a person performing the duties of an assessor 402
pursuant to Chapter 3107. or 5103. of the Revised Code; third 403
party employed by a public children services agency to assist in 404
providing child or family related services; court appointed 405
special advocate; or guardian ad litem. 406

(c) If two or more health care professionals, after 407
providing health care services to a child, determine or suspect 408
that the child has been or is being abused or neglected, the 409
health care professionals may designate one of the health care 410
professionals to report the abuse or neglect. A single report 411
made under this division shall meet the reporting requirements 412
of division (A) (1) of this section. 413

(2) Except as provided in division (A) (3) of this section, 414
an attorney or a physician is not required to make a report 415
pursuant to division (A) (1) of this section concerning any 416
communication the attorney or physician receives from a client 417
or patient in an attorney-client or physician-patient 418
relationship, if, in accordance with division (A) or (B) of 419
section 2317.02 of the Revised Code, the attorney or physician 420
could not testify with respect to that communication in a civil 421
or criminal proceeding. 422

(3) The client or patient in an attorney-client or 423
physician-patient relationship described in division (A) (2) of 424
this section is deemed to have waived any testimonial privilege 425
under division (A) or (B) of section 2317.02 of the Revised Code 426
with respect to any communication the attorney or physician 427
receives from the client or patient in that attorney-client or 428
physician-patient relationship, and the attorney or physician 429
shall make a report pursuant to division (A) (1) of this section 430
with respect to that communication, if all of the following 431

apply: 432

(a) The client or patient, at the time of the 433
communication, is a child under eighteen years of age or is a 434
person under twenty-one years of age with a developmental 435
disability or physical impairment. 436

(b) The attorney or physician knows, or has reasonable 437
cause to suspect based on facts that would cause a reasonable 438
person in similar position to suspect that the client or patient 439
has suffered or faces a threat of suffering any physical or 440
mental wound, injury, disability, or condition of a nature that 441
reasonably indicates abuse or neglect of the client or patient. 442

(c) The abuse or neglect does not arise out of the 443
client's or patient's attempt to have an abortion without the 444
notification of her parents, guardian, or custodian in 445
accordance with section 2151.85 of the Revised Code. 446

(4) (a) No cleric and no person, other than a volunteer, 447
designated by any church, religious society, or faith acting as 448
a leader, official, or delegate on behalf of the church, 449
religious society, or faith who is acting in an official or 450
professional capacity, who knows, or has reasonable cause to 451
believe based on facts that would cause a reasonable person in a 452
similar position to believe, that a child under eighteen years 453
of age, or a person under twenty-one years of age with a 454
developmental disability or physical impairment, has suffered or 455
faces a threat of suffering any physical or mental wound, 456
injury, disability, or condition of a nature that reasonably 457
indicates abuse or neglect of the child, and who knows, or has 458
reasonable cause to believe based on facts that would cause a 459
reasonable person in a similar position to believe, that another 460
cleric or another person, other than a volunteer, designated by 461

a church, religious society, or faith acting as a leader, 462
official, or delegate on behalf of the church, religious 463
society, or faith caused, or poses the threat of causing, the 464
wound, injury, disability, or condition that reasonably 465
indicates abuse or neglect shall fail to immediately report that 466
knowledge or reasonable cause to believe to the entity or 467
persons specified in this division. Except as provided in 468
section 5120.173 of the Revised Code, the person making the 469
report shall make it to the public children services agency or a 470
peace officer in the county in which the child resides or in 471
which the abuse or neglect is occurring or has occurred. In the 472
circumstances described in section 5120.173 of the Revised Code, 473
the person making the report shall make it to the entity 474
specified in that section. 475

(b) Except as provided in division (A) (4) (c) of this 476
section, a cleric is not required to make a report pursuant to 477
division (A) (4) (a) of this section concerning any communication 478
the cleric receives from a penitent in a cleric-penitent 479
relationship, if, in accordance with division (C) of section 480
2317.02 of the Revised Code, the cleric could not testify with 481
respect to that communication in a civil or criminal proceeding. 482

(c) The penitent in a cleric-penitent relationship 483
described in division (A) (4) (b) of this section is deemed to 484
have waived any testimonial privilege under division (C) of 485
section 2317.02 of the Revised Code with respect to any 486
communication the cleric receives from the penitent in that 487
cleric-penitent relationship, and the cleric shall make a report 488
pursuant to division (A) (4) (a) of this section with respect to 489
that communication, if all of the following apply: 490

(i) The penitent, at the time of the communication, is a 491

child under eighteen years of age or is a person under twenty- 492
one years of age with a developmental disability or physical 493
impairment. 494

(ii) The cleric knows, or has reasonable cause to believe 495
based on facts that would cause a reasonable person in a similar 496
position to believe, as a result of the communication or any 497
observations made during that communication, the penitent has 498
suffered or faces a threat of suffering any physical or mental 499
wound, injury, disability, or condition of a nature that 500
reasonably indicates abuse or neglect of the penitent. 501

(iii) The abuse or neglect does not arise out of the 502
penitent's attempt to have an abortion performed upon a child 503
under eighteen years of age or upon a person under twenty-one 504
years of age with a developmental disability or physical 505
impairment without the notification of her parents, guardian, or 506
custodian in accordance with section 2151.85 of the Revised 507
Code. 508

(d) Divisions (A)(4)(a) and (c) of this section do not 509
apply in a cleric-penitent relationship when the disclosure of 510
any communication the cleric receives from the penitent is in 511
violation of the sacred trust. 512

(e) As used in divisions (A)(1) and (4) of this section, 513
"cleric" and "sacred trust" have the same meanings as in section 514
2317.02 of the Revised Code. 515

(B) Anyone who knows, or has reasonable cause to suspect 516
based on facts that would cause a reasonable person in similar 517
circumstances to suspect, that a child under eighteen years of 518
age, or a person under twenty-one years of age with a 519
developmental disability or physical impairment, has suffered or 520

faces a threat of suffering any physical or mental wound, 521
injury, disability, or other condition of a nature that 522
reasonably indicates abuse or neglect of the child may report or 523
cause reports to be made of that knowledge or reasonable cause 524
to suspect to the entity or persons specified in this division. 525
Except as provided in section 5120.173 of the Revised Code, a 526
person making a report or causing a report to be made under this 527
division shall make it or cause it to be made to the public 528
children services agency or to a peace officer. In the 529
circumstances described in section 5120.173 of the Revised Code, 530
a person making a report or causing a report to be made under 531
this division shall make it or cause it to be made to the entity 532
specified in that section. 533

(C) Any report made pursuant to division (A) or (B) of 534
this section shall be made forthwith either by telephone or in 535
person and shall be followed by a written report, if requested 536
by the receiving agency or officer. The written report shall 537
contain: 538

(1) The names and addresses of the child and the child's 539
parents or the person or persons having custody of the child, if 540
known; 541

(2) The child's age and the nature and extent of the 542
child's injuries, abuse, or neglect that is known or reasonably 543
suspected or believed, as applicable, to have occurred or of the 544
threat of injury, abuse, or neglect that is known or reasonably 545
suspected or believed, as applicable, to exist, including any 546
evidence of previous injuries, abuse, or neglect; 547

(3) Any other information, including, but not limited to, 548
results and reports of any medical examinations, tests, or 549
procedures performed under division (D) of this section, that 550

might be helpful in establishing the cause of the injury, abuse, 551
or neglect that is known or reasonably suspected or believed, as 552
applicable, to have occurred or of the threat of injury, abuse, 553
or neglect that is known or reasonably suspected or believed, as 554
applicable, to exist. 555

(D) (1) Any person, who is required by division (A) of this 556
section to report child abuse or child neglect that is known or 557
reasonably suspected or believed to have occurred, may take or 558
cause to be taken color photographs of areas of trauma visible 559
on a child and, if medically necessary for the purpose of 560
diagnosing or treating injuries that are suspected to have 561
occurred as a result of child abuse or child neglect, perform or 562
cause to be performed radiological examinations and any other 563
medical examinations of, and tests or procedures on, the child. 564

(2) The results and any available reports of examinations, 565
tests, or procedures made under division (D) (1) of this section 566
shall be included in a report made pursuant to division (A) of 567
this section. Any additional reports of examinations, tests, or 568
procedures that become available shall be provided to the public 569
children services agency, upon request. 570

(3) If a health care professional provides health care 571
services in a hospital, children's advocacy center, or emergency 572
medical facility to a child about whom a report has been made 573
under division (A) of this section, the health care professional 574
may take any steps that are reasonably necessary for the release 575
or discharge of the child to an appropriate environment. Before 576
the child's release or discharge, the health care professional 577
may obtain information, or consider information obtained, from 578
other entities or individuals that have knowledge about the 579
child. Nothing in division (D) (3) of this section shall be 580

construed to alter the responsibilities of any person under 581
sections 2151.27 and 2151.31 of the Revised Code. 582

(4) A health care professional may conduct medical 583
examinations, tests, or procedures on the siblings of a child 584
about whom a report has been made under division (A) of this 585
section and on other children who reside in the same home as the 586
child, if the professional determines that the examinations, 587
tests, or procedures are medically necessary to diagnose or 588
treat the siblings or other children in order to determine 589
whether reports under division (A) of this section are warranted 590
with respect to such siblings or other children. The results of 591
the examinations, tests, or procedures on the siblings and other 592
children may be included in a report made pursuant to division 593
(A) of this section. 594

(5) Medical examinations, tests, or procedures conducted 595
under divisions (D) (1) and (4) of this section and decisions 596
regarding the release or discharge of a child under division (D) 597
(3) of this section do not constitute a law enforcement 598
investigation or activity. 599

(E) (1) When a peace officer receives a report made 600
pursuant to division (A) or (B) of this section, upon receipt of 601
the report, the peace officer who receives the report shall 602
refer the report to the appropriate public children services 603
agency, in accordance with requirements specified under division 604
(B) (6) of section 2151.4211 of the Revised Code, unless an 605
arrest is made at the time of the report that results in the 606
appropriate public children services agency being contacted 607
concerning the possible abuse or neglect of a child or the 608
possible threat of abuse or neglect of a child. 609

(2) When a public children services agency receives a 610

report pursuant to this division or division (A) or (B) of this 611
section, upon receipt of the report, the public children 612
services agency shall do ~~both~~ all of the following: 613

(a) Comply with section 2151.422 of the Revised Code; 614

(b) If the county served by the agency is also served by a 615
children's advocacy center and the report alleges sexual abuse 616
of a child or another type of abuse of a child that is specified 617
in the memorandum of understanding that creates the center as 618
being within the center's jurisdiction, comply regarding the 619
report with the protocol and procedures for referrals and 620
investigations, with the coordinating activities, and with the 621
authority or responsibility for performing or providing 622
functions, activities, and services stipulated in the 623
interagency agreement entered into under section 2151.428 of the 624
Revised Code relative to that center; 625

(c) Unless an arrest is made at the time of the report 626
that results in the appropriate law enforcement agency being 627
contacted concerning the possible abuse or neglect of a child or 628
the possible threat of abuse or neglect of a child, and in 629
accordance with requirements specified under division (B) (6) of 630
section 2151.4211 of the Revised Code, notify the appropriate 631
law enforcement agency of the report, if the public children 632
services agency received either of the following: 633

(i) A report of abuse of a child; 634

(ii) A report of neglect of a child that alleges a type of 635
neglect identified by the department of job and family services 636
in rules adopted under division (L) (2) of this section. 637

(F) No peace officer shall remove a child about whom a 638
report is made pursuant to this section from the child's 639

parents, stepparents, or guardian or any other persons having 640
custody of the child without consultation with the public 641
children services agency, unless, in the judgment of the 642
officer, and, if the report was made by physician, the 643
physician, immediate removal is considered essential to protect 644
the child from further abuse or neglect. The agency that must be 645
consulted shall be the agency conducting the investigation of 646
the report as determined pursuant to section 2151.422 of the 647
Revised Code. 648

(G) (1) Except as provided in section 2151.422 of the 649
Revised Code or in an interagency agreement entered into under 650
section 2151.428 of the Revised Code that applies to the 651
particular report, the public children services agency shall 652
investigate, within twenty-four hours, each report of child 653
abuse or child neglect that is known or reasonably suspected or 654
believed to have occurred and of a threat of child abuse or 655
child neglect that is known or reasonably suspected or believed 656
to exist that is referred to it under this section to determine 657
the circumstances surrounding the injuries, abuse, or neglect or 658
the threat of injury, abuse, or neglect, the cause of the 659
injuries, abuse, neglect, or threat, and the person or persons 660
responsible. The investigation shall be made in cooperation with 661
the law enforcement agency and in accordance with the memorandum 662
of understanding prepared under ~~division (K) of this~~ 663
~~section~~sections 2151.4210 to 2151.4224 of the Revised Code. A 664
representative of the public children services agency shall, at 665
the time of initial contact with the person subject to the 666
investigation, inform the person of the specific complaints or 667
allegations made against the person. The information shall be 668
given in a manner that is consistent with division (I) (1) of 669
this section and protects the rights of the person making the 670

report under this section.

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

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

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

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

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

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(iii) Providing information used in a report made pursuant 700
to division (A) of this section or providing information in good 701
faith used in a report made pursuant to division (B) of this 702
section; 703

(iv) Participating in a judicial proceeding resulting from 704
a report made pursuant to division (A) of this section or 705
participating in good faith in a proceeding resulting from a 706
report made pursuant to division (B) of this section. 707

(b) Immunity under division (H)(1)(a)(ii) of this section 708
shall not apply when a health care provider has deviated from 709
the standard of care applicable to the provider's profession. 710

(c) Notwithstanding section 4731.22 of the Revised Code, 711
the physician-patient privilege shall not be a ground for 712
excluding evidence regarding a child's injuries, abuse, or 713
neglect, or the cause of the injuries, abuse, or neglect in any 714
judicial proceeding resulting from a report submitted pursuant 715
to this section. 716

(2) In any civil or criminal action or proceeding in which 717
it is alleged and proved that participation in the making of a 718
report under this section was not in good faith or participation 719
in a judicial proceeding resulting from a report made under this 720
section was not in good faith, the court shall award the 721
prevailing party reasonable attorney's fees and costs and, if a 722
civil action or proceeding is voluntarily dismissed, may award 723
reasonable attorney's fees and costs to the party against whom 724
the civil action or proceeding is brought. 725

(I)(1) Except as provided in divisions (I)(4) and ~~(O)~~ (N) 726
of this section, a report made under this section is 727
confidential. The information provided in a report made pursuant 728

to this section and the name of the person who made the report 729
shall not be released for use, and shall not be used, as 730
evidence in any civil action or proceeding brought against the 731
person who made the report. Nothing in this division shall 732
preclude the use of reports of other incidents of known or 733
suspected abuse or neglect in a civil action or proceeding 734
brought pursuant to division ~~(N)~~ (M) of this section against a 735
person who is alleged to have violated division (A) (1) of this 736
section, provided that any information in a report that would 737
identify the child who is the subject of the report or the maker 738
of the report, if the maker of the report is not the defendant 739
or an agent or employee of the defendant, has been redacted. In 740
a criminal proceeding, the report is admissible in evidence in 741
accordance with the Rules of Evidence and is subject to 742
discovery in accordance with the Rules of Criminal Procedure. 743

(2) (a) Except as provided in division (I) (2) (b) of this 744
section, no person shall permit or encourage the unauthorized 745
dissemination of the contents of any report made under this 746
section. 747

(b) A health care professional that obtains the same 748
information contained in a report made under this section from a 749
source other than the report may disseminate the information, if 750
its dissemination is otherwise permitted by law. 751

(3) A person who knowingly makes or causes another person 752
to make a false report under division (B) of this section that 753
alleges that any person has committed an act or omission that 754
resulted in a child being an abused child or a neglected child 755
is guilty of a violation of section 2921.14 of the Revised Code. 756

(4) If a report is made pursuant to division (A) or (B) of 757
this section and the child who is the subject of the report dies 758

for any reason at any time after the report is made, but before 759
the child attains eighteen years of age, the public children 760
services agency or peace officer to which the report was made or 761
referred, on the request of the child fatality review board or 762
the director of health pursuant to guidelines established under 763
section 3701.70 of the Revised Code, shall submit a summary 764
sheet of information providing a summary of the report to the 765
review board of the county in which the deceased child resided 766
at the time of death or to the director. On the request of the 767
review board or director, the agency or peace officer may, at 768
its discretion, make the report available to the review board or 769
director. If the county served by the public children services 770
agency is also served by a children's advocacy center and the 771
report of alleged sexual abuse of a child or another type of 772
abuse of a child is specified in the memorandum of understanding 773
that creates the center as being within the center's 774
jurisdiction, the agency or center shall perform the duties and 775
functions specified in this division in accordance with the 776
interagency agreement entered into under section 2151.428 of the 777
Revised Code relative to that advocacy center. 778

(5) A public children services agency shall advise a 779
person alleged to have inflicted abuse or neglect on a child who 780
is the subject of a report made pursuant to this section, 781
including a report alleging sexual abuse of a child or another 782
type of abuse of a child referred to a children's advocacy 783
center pursuant to an interagency agreement entered into under 784
section 2151.428 of the Revised Code, in writing of the 785
disposition of the investigation. The agency shall not provide 786
to the person any information that identifies the person who 787
made the report, statements of witnesses, or police or other 788
investigative reports. 789

(J) Any report that is required by this section, other 790
than a report that is made to the state highway patrol as 791
described in section 5120.173 of the Revised Code, shall result 792
in protective services and emergency supportive services being 793
made available by the public children services agency on behalf 794
of the children about whom the report is made, in an effort to 795
prevent further neglect or abuse, to enhance their welfare, and, 796
whenever possible, to preserve the family unit intact. The 797
agency required to provide the services shall be the agency 798
conducting the investigation of the report pursuant to section 799
2151.422 of the Revised Code. 800

~~(K) (1) Each public children services agency shall prepare 801~~
~~a memorandum of understanding that is signed by all of the 802~~
~~following: 803~~

~~(a) If there is only one juvenile judge in the county, the 804~~
~~juvenile judge of the county or the juvenile judge's 805~~
~~representative; 806~~

~~(b) If there is more than one juvenile judge in the 807~~
~~county, a juvenile judge or the juvenile judges' representative 808~~
~~selected by the juvenile judges or, if they are unable to do so 809~~
~~for any reason, the juvenile judge who is senior in point of 810~~
~~service or the senior juvenile judge's representative; 811~~

~~(c) The county peace officer; 812~~

~~(d) All chief municipal peace officers within the county; 813~~

~~(e) Other law enforcement officers handling child abuse 814~~
~~and neglect cases in the county; 815~~

~~(f) The prosecuting attorney of the county; 816~~

~~(g) If the public children services agency is not the 817~~

~~county department of job and family services, the county~~ 818
~~department of job and family services;~~ 819

~~(h) The county humane society;~~ 820

~~(i) If the public children services agency participated in~~ 821
~~the execution of a memorandum of understanding under section~~ 822
~~2151.426 of the Revised Code establishing a children's advocacy~~ 823
~~center, each participating member of the children's advocacy~~ 824
~~center established by the memorandum.~~ 825

~~(2) A memorandum of understanding shall set forth the~~ 826
~~normal operating procedure to be employed by all concerned~~ 827
~~officials in the execution of their respective responsibilities~~ 828
~~under this section and division (C) of section 2919.21, division~~ 829
~~(B) (1) of section 2919.22, division (B) of section 2919.23, and~~ 830
~~section 2919.24 of the Revised Code and shall have as two of its~~ 831
~~primary goals the elimination of all unnecessary interviews of~~ 832
~~children who are the subject of reports made pursuant to~~ 833
~~division (A) or (B) of this section and, when feasible,~~ 834
~~providing for only one interview of a child who is the subject~~ 835
~~of any report made pursuant to division (A) or (B) of this~~ 836
~~section. A failure to follow the procedure set forth in the~~ 837
~~memorandum by the concerned officials is not grounds for, and~~ 838
~~shall not result in, the dismissal of any charges or complaint~~ 839
~~arising from any reported case of abuse or neglect or the~~ 840
~~suppression of any evidence obtained as a result of any reported~~ 841
~~child abuse or child neglect and does not give, and shall not be~~ 842
~~construed as giving, any rights or any grounds for appeal or~~ 843
~~post-conviction relief to any person.~~ 844

~~(3) A memorandum of understanding shall include all of the~~ 845
~~following:~~ 846

~~(a) The roles and responsibilities for handling emergency~~ 847
~~and nonemergency cases of abuse and neglect;~~ 848

~~(b) Standards and procedures to be used in handling and~~ 849
~~coordinating investigations of reported cases of child abuse and~~ 850
~~reported cases of child neglect, methods to be used in~~ 851
~~interviewing the child who is the subject of the report and who~~ 852
~~allegedly was abused or neglected, and standards and procedures~~ 853
~~addressing the categories of persons who may interview the child~~ 854
~~who is the subject of the report and who allegedly was abused or~~ 855
~~neglected.~~ 856

~~(4) If a public children services agency participated in~~ 857
~~the execution of a memorandum of understanding under section~~ 858
~~2151.426 of the Revised Code establishing a children's advocacy~~ 859
~~center, the agency shall incorporate the contents of that~~ 860
~~memorandum in the memorandum prepared pursuant to this section.~~ 861

~~(5) The clerk of the court of common pleas in the county~~ 862
~~may sign the memorandum of understanding prepared under division~~ 863
~~(K) (1) of this section. If the clerk signs the memorandum of~~ 864
~~understanding, the clerk shall execute all relevant~~ 865
~~responsibilities as required of officials specified in the~~ 866
~~memorandum.~~ 867

~~(I) (1) Except as provided in division (I) (4) (K) (4) or (5)~~ 868
~~of this section, a person who is required to make a report~~ 869
~~pursuant to under division (A) of this section may make a~~ 870
~~reasonable number of requests of the public children services~~ 871
~~agency that receives or is referred the report, or of the~~ 872
~~children's advocacy center that is referred the report if the~~ 873
~~report is referred to a children's advocacy center pursuant to~~ 874
~~an interagency agreement entered into under section 2151.428 of~~ 875
~~the Revised Code, to be provided with the following information:~~ 876

(a) Whether the agency or center has initiated an 877
investigation of the report; 878

(b) Whether the agency or center is continuing to 879
investigate the report; 880

(c) Whether the agency or center is otherwise involved 881
with the child who is the subject of the report; 882

(d) The general status of the health and safety of the 883
child who is the subject of the report; 884

(e) Whether the report has resulted in the filing of a 885
complaint in juvenile court or of criminal charges in another 886
court. 887

(2) (a) A person may request the information specified in 888
division ~~(L) (1)~~ (K) (1) of this section only if, at the time the 889
report is made, the person's name, address, and telephone number 890
are provided to the person who receives the report. 891

(b) When a peace officer or employee of a public children 892
services agency receives a report pursuant to division (A) or 893
(B) of this section the recipient of the report shall inform the 894
person of the right to request the information described in 895
division ~~(L) (1)~~ (K) (1) of this section. The recipient of the 896
report shall include in the initial child abuse or child neglect 897
report that the person making the report was so informed and, if 898
provided at the time of the making of the report, shall include 899
the person's name, address, and telephone number in the report. 900

(c) If the person making the report provides the person's 901
name and contact information on making the report, the public 902
children services agency that received or was referred the 903
report shall send a written notice via United States mail or 904
electronic mail, in accordance with the person's preference, to 905

the person not later than seven calendar days after receipt of 906
the report. The notice shall provide the status of the agency's 907
investigation into the report made, who the person may contact 908
at the agency for further information, and a description of the 909
person's rights under division (K) (1) of this section. 910

(d) Each request is subject to verification of the 911
identity of the person making the report. If that person's 912
identity is verified, the agency shall provide the person with 913
the information described in division ~~(L) (1)~~ (K) (1) of this 914
section a reasonable number of times, except that the agency 915
shall not disclose any confidential information regarding the 916
child who is the subject of the report other than the 917
information described in those divisions. 918

(3) A request made pursuant to division ~~(L) (1)~~ (K) (1) of 919
this section is not a substitute for any report required to be 920
made pursuant to division (A) of this section. 921

(4) If an agency other than the agency that received or 922
was referred the report is conducting the investigation of the 923
report pursuant to section 2151.422 of the Revised Code, the 924
agency conducting the investigation shall comply with the 925
requirements of division ~~(L)~~ (K) of this section. 926

(5) A health care professional who made a report under 927
division (A) of this section, or on whose behalf such a report 928
was made as provided in division (A) (1) (c) of this section, may 929
authorize a person to obtain the information described in 930
division ~~(L) (1)~~ (K) (1) of this section if the person requesting 931
the information is associated with or acting on behalf of the 932
health care professional who provided health care services to 933
the child about whom the report was made. 934

~~(M)~~ (6) If the person making the report provides the 935
person's name and contact information on making the report, the 936
public children services agency that received or was referred 937
the report shall send a written notice via United States mail or 938
electronic mail, in accordance with the person's preference, to 939
the person not later than seven calendar days after the agency 940
closes the investigation into the case reported by the person. 941
The notice shall notify the person that the agency has closed 942
the investigation. 943

(L) (1) The director of job and family services shall adopt 944
rules in accordance with Chapter 119. of the Revised Code to 945
implement this section. The department of job and family 946
services may enter into a plan of cooperation with any other 947
governmental entity to aid in ensuring that children are 948
protected from abuse and neglect. The department shall make 949
recommendations to the attorney general that the department 950
determines are necessary to protect children from child abuse 951
and child neglect. 952

(2) Not later than ninety days after the effective date of 953
this amendment, the director of job and family services shall 954
adopt rules in accordance with Chapter 119. of the Revised Code 955
to identify the types of neglect of a child that a public 956
children services agency shall be required to notify law 957
enforcement of pursuant to division (E) (2) (c) (ii) of this 958
section. 959

~~(N)~~ (M) Whoever violates division (A) of this section is 960
liable for compensatory and exemplary damages to the child who 961
would have been the subject of the report that was not made. A 962
person who brings a civil action or proceeding pursuant to this 963
division against a person who is alleged to have violated 964

division (A) (1) of this section may use in the action or 965
proceeding reports of other incidents of known or suspected 966
abuse or neglect, provided that any information in a report that 967
would identify the child who is the subject of the report or the 968
maker of the report, if the maker is not the defendant or an 969
agent or employee of the defendant, has been redacted. 970

~~(O) (1)~~ (N) (1) As used in this division: 971

(a) "Out-of-home care" includes a nonchartered nonpublic 972
school if the alleged child abuse or child neglect, or alleged 973
threat of child abuse or child neglect, described in a report 974
received by a public children services agency allegedly occurred 975
in or involved the nonchartered nonpublic school and the alleged 976
perpetrator named in the report holds a certificate, permit, or 977
license issued by the state board of education under section 978
3301.071 or Chapter 3319. of the Revised Code. 979

(b) "Administrator, director, or other chief 980
administrative officer" means the superintendent of the school 981
district if the out-of-home care entity subject to a report made 982
pursuant to this section is a school operated by the district. 983

(2) No later than the end of the day following the day on 984
which a public children services agency receives a report of 985
alleged child abuse or child neglect, or a report of an alleged 986
threat of child abuse or child neglect, that allegedly occurred 987
in or involved an out-of-home care entity, the agency shall 988
provide written notice of the allegations contained in and the 989
person named as the alleged perpetrator in the report to the 990
administrator, director, or other chief administrative officer 991
of the out-of-home care entity that is the subject of the report 992
unless the administrator, director, or other chief 993
administrative officer is named as an alleged perpetrator in the 994

report. If the administrator, director, or other chief 995
administrative officer of an out-of-home care entity is named as 996
an alleged perpetrator in a report of alleged child abuse or 997
child neglect, or a report of an alleged threat of child abuse 998
or child neglect, that allegedly occurred in or involved the 999
out-of-home care entity, the agency shall provide the written 1000
notice to the owner or governing board of the out-of-home care 1001
entity that is the subject of the report. The agency shall not 1002
provide witness statements or police or other investigative 1003
reports. 1004

(3) No later than three days after the day on which a 1005
public children services agency that conducted the investigation 1006
as determined pursuant to section 2151.422 of the Revised Code 1007
makes a disposition of an investigation involving a report of 1008
alleged child abuse or child neglect, or a report of an alleged 1009
threat of child abuse or child neglect, that allegedly occurred 1010
in or involved an out-of-home care entity, the agency shall send 1011
written notice of the disposition of the investigation to the 1012
administrator, director, or other chief administrative officer 1013
and the owner or governing board of the out-of-home care entity. 1014
The agency shall not provide witness statements or police or 1015
other investigative reports. 1016

~~(P)~~ (O) As used in this section: 1017

(1) "Children's advocacy center" and "sexual abuse of a 1018
child" have the same meanings as in section 2151.425 of the 1019
Revised Code. 1020

(2) "Health care professional" means an individual who 1021
provides health-related services including a physician, hospital 1022
intern or resident, dentist, podiatrist, registered nurse, 1023
licensed practical nurse, visiting nurse, licensed psychologist, 1024

speech pathologist, audiologist, person engaged in social work 1025
or the practice of professional counseling, and employee of a 1026
home health agency. "Health care professional" does not include 1027
a practitioner of a limited branch of medicine as specified in 1028
section 4731.15 of the Revised Code, licensed school 1029
psychologist, independent marriage and family therapist or 1030
marriage and family therapist, or coroner. 1031

(3) "Investigation" means the public children services 1032
agency's response to an accepted report of child abuse or 1033
neglect through either an alternative response or a traditional 1034
response. 1035

(4) "Peace officer" means a sheriff, deputy sheriff, 1036
constable, police officer of a township or joint police 1037
district, marshal, deputy marshal, municipal police officer, or 1038
a state highway patrol trooper. 1039

Sec. 2151.4210. (A) Each public children services agency 1040
shall prepare a memorandum of understanding that is signed by 1041
all of the following: 1042

(1) If there is only one juvenile judge in the county, the 1043
juvenile judge of the county or the juvenile judge's 1044
representative upon the judge's review and approval; 1045

(2) If there is more than one juvenile judge in the 1046
county, a juvenile judge or the juvenile judges' representative 1047
selected by the juvenile judges or, if they are unable to do so 1048
for any reason, the juvenile judge who is senior in point of 1049
service or the senior juvenile judge's representative upon the 1050
judge's review and approval; 1051

(3) The county peace officer; 1052

(4) All chief municipal peace officers within the county; 1053

(5) Other law enforcement officers handling child abuse 1054
and neglect cases in the county; 1055

(6) The prosecuting attorney of the county; 1056

(7) If the public children services agency is not the 1057
county department of job and family services, the county 1058
department of job and family services; 1059

(8) The county humane society; 1060

(9) If the public children services agency participated in 1061
the execution of a memorandum of understanding under section 1062
2151.426 of the Revised Code establishing a children's advocacy 1063
center, each participating member of the children's advocacy 1064
center established by the memorandum. 1065

(B) (1) The clerk of the court of common pleas in the 1066
county may sign the memorandum of understanding prepared under 1067
division (A) of this section. 1068

(2) If the clerk signs the memorandum of understanding, 1069
the clerk shall execute all relevant responsibilities as 1070
required of officials specified in the memorandum. 1071

Sec. 2151.4211. (A) A memorandum of understanding shall do 1072
both of the following: 1073

(1) Set forth the normal operating procedure to be 1074
employed by all concerned officials in the execution of their 1075
respective responsibilities under this section and division (C) 1076
of section 2919.21, division (B) (1) of section 2919.22, division 1077
(B) of section 2919.23, and section 2919.24 of the Revised Code; 1078

(2) Have as two of its primary goals both of the 1079
following: 1080

(a) The elimination of all unnecessary interviews of 1081
children who are the subject of reports of child abuse or 1082
neglect; 1083

(b) When feasible, providing for only one interview of a 1084
child who is the subject of a report of child abuse or neglect. 1085

(B) A memorandum of understanding shall include all of the 1086
following: 1087

(1) The roles and responsibilities for handling emergency 1088
and nonemergency cases of abuse and neglect; 1089

(2) Standards and procedures to be used in handling and 1090
coordinating investigations of reported cases of child abuse or 1091
neglect, methods to be used in interviewing the child who is the 1092
subject of the report and who allegedly was abused or neglected, 1093
and standards and procedures addressing the categories of 1094
persons who may interview the child who is the subject of the 1095
report and who allegedly was abused or neglected; 1096

(3) If a public children services agency participated in 1097
the execution of a memorandum of understanding under section 1098
2151.426 of the Revised Code establishing a children's advocacy 1099
center, the agency shall incorporate the contents of that 1100
memorandum in the memorandum prepared pursuant to this section. 1101

(4) After the effective date of this section, a statement 1102
that section 2151.423 of the Revised Code requires a public 1103
children services agency to disclose confidential information 1104
discovered during an investigation conducted pursuant to section 1105
2151.421 or 2151.422 of the Revised Code to any federal, state, 1106
or local government entity that needs the information to carry 1107
out its responsibilities to protect children from abuse or 1108
neglect. 1109

(5) After the effective date of this section, a 1110
description of the type of information that may be discovered 1111
during an investigation conducted pursuant to section 2151.421 1112
of the Revised Code that a law enforcement agency may share with 1113
a public children services agency in order for the public 1114
children services agency to carry out its responsibilities to 1115
protect children from abuse or neglect. 1116

(6) After the effective date of this section, a 1117
description of how the information described in divisions (B) (4) 1118
and (5) of this section is to be shared between a public 1119
children services agency and a law enforcement agency. 1120

(7) After the effective date of this section, and subject 1121
to divisions (I) and (N) of section 2151.421 of the Revised 1122
Code, a description of information that may be obtained from an 1123
investigation under section 2151.421 of the Revised Code that a 1124
law enforcement agency and a public children services agency is 1125
permitted to, or prohibited from, disclosing to the public. 1126

Sec. 2151.4212. Every official who signed a memorandum of 1127
understanding under section 2151.4210 of the Revised Code shall 1128
biennially do the following regarding the memorandum: 1129

(A) Review and evaluate the memorandum for necessary 1130
updates to terms and procedures; 1131

(B) Update the memorandum's terms and procedures, if the 1132
concerned officials determine an update is necessary; 1133

(C) Sign the reviewed memorandum; 1134

(D) Submit the memorandum to the board of county 1135
commissioners for approval. 1136

Sec. 2151.4213. Failure to follow the procedure set forth 1137

in the memorandum of understanding by the concerned officials is 1138
not grounds for, and shall not result in, the dismissal of any 1139
charges or complaint arising from any reported case of abuse or 1140
neglect or the suppression of any evidence obtained as a result 1141
of any reported child abuse or child neglect and does not give, 1142
and shall not be construed as giving, any rights or any grounds 1143
for appeal or post-conviction relief to any person. 1144

Sec. 2151.4215. (A) On receipt of a county's memorandum of 1145
understanding submitted to the board of county commissioners in 1146
accordance with section 2151.4212 of the Revised Code, the board 1147
shall review and evaluate if the memorandum meets the 1148
requirements under sections 2151.4210 to 2151.4212 of the 1149
Revised Code. 1150

(B) (1) If the board determines the memorandum meets those 1151
requirements, it shall adopt a resolution to approve the 1152
memorandum. 1153

(2) If the board determines the memorandum does not meet 1154
those requirements, it shall notify the responsible public 1155
children services agency that the memorandum does not meet 1156
requirements and the memorandum shall be reviewed in accordance 1157
with section 2151.4212 of the Revised Code. 1158

Sec. 2151.4216. The biennial review of a county memorandum 1159
of understanding pursuant to division 2151.4212 of the Revised 1160
Code and the biennial adoption of a resolution by the board of 1161
county commissioners to approve the memorandum under section 1162
2151.4215 of the Revised Code shall be completed by the thirty- 1163
first day of December following the first full calendar year 1164
after the effective date of this section, and by the thirty- 1165
first day of December every other year thereafter. 1166

Sec. 2151.4218. (A) The department of job and family 1167
services shall create a model memorandum of understanding to 1168
provide guidance to public children services agencies and other 1169
concerned officials in creating a memorandum of understanding in 1170
compliance with sections 2151.4210 to 2151.4216 of the Revised 1171
Code. 1172

(B) The model memorandum of understanding shall be updated 1173
as the department determines is necessary. 1174

Sec. 2151.4219. The department of job and family services 1175
shall biennially audit the memorandum of understanding prepared 1176
by each public children services agency to ensure compliance in 1177
accordance with sections 2151.4210 to 2151.4216 of the Revised 1178
Code. 1179

Sec. 2151.4220. The department of job and family services 1180
shall determine that a public children services agency is 1181
compliant regarding the memorandum of understanding if the 1182
department finds all of the following: 1183

(A) The memorandum meets the requirements under sections 1184
2151.4210 to 2151.4216 of the Revised Code. 1185

(B) The memorandum has been either reviewed and signed or 1186
reviewed, updated, and signed, as applicable, pursuant to 1187
section 2151.4212 of the Revised Code and the department is in 1188
agreement with the concerned officials' review and, if 1189
applicable, update. 1190

(C) The memorandum has been approved by resolution by the 1191
board of county commissioners pursuant to section 2151.4215 of 1192
the Revised Code. 1193

Sec. 2151.4221. (A) If the department of job and family 1194
services determines that a public children services agency is 1195

not compliant under section 2151.4220 of the Revised Code, the 1196
agency shall develop and submit a compliance assurance plan to 1197
the department. 1198

(B) The compliance assurance plan shall describe the steps 1199
the agency and other concerned officials will take in order to 1200
become compliant. 1201

(C) The agency shall submit the compliance assurance plan 1202
not later than sixty days after the department determines the 1203
agency not compliant. 1204

Sec. 2151.4222. A county's reviewed and signed, or 1205
reviewed, updated, and signed, memorandum of understanding, as 1206
applicable, shall go into effect and supersede any previous 1207
memorandum upon the department of job and family services 1208
determination that the memorandum is compliant under section 1209
2151.4220 of the Revised Code. 1210

Sec. 2151.4223. The department of job and family services 1211
shall maintain on the department's web site a current list of 1212
counties with memorandums of understanding that the department 1213
has determined to be compliant under section 2151.4220 of the 1214
Revised Code and a list of counties with memorandums that the 1215
department has determined not to be compliant. 1216

Sec. 2151.4224. The county memorandum of understanding 1217
that is in effect in accordance with section 2151.4222 of the 1218
Revised Code shall be posted to the general web site of the 1219
county. 1220

Sec. 3107.014. (A) Except as provided in division (B) of 1221
this section, only an individual who meets all of the following 1222
requirements may perform the duties of an assessor under 1223
sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 1224

3107.12, 5103.0324, and 5103.152 of the Revised Code: 1225

(1) The individual must be in the employ of, appointed by, 1226
or under contract with a court, public children services agency, 1227
private child placing agency, or private noncustodial agency; 1228

(2) The individual must be one of the following: 1229

(a) A licensed professional clinical counselor, licensed 1230
professional counselor, independent social worker, social 1231
worker, independent marriage and family therapist, or marriage 1232
and family therapist licensed under Chapter 4757. of the Revised 1233
Code; 1234

(b) A psychologist licensed under Chapter 4732. of the 1235
Revised Code; 1236

(c) A student working to earn a four-year, post-secondary 1237
degree, or higher, in a social or behavior science, or both, who 1238
conducts assessor's duties under the supervision of a licensed 1239
professional clinical counselor, licensed professional 1240
counselor, independent social worker, social worker, independent 1241
marriage and family therapist, or marriage and family therapist 1242
licensed under Chapter 4757. of the Revised Code or a 1243
psychologist licensed under Chapter 4732. of the Revised Code. 1244
Beginning July 1, 2009, a student is eligible under this 1245
division only if the supervising licensed professional clinical 1246
counselor, licensed professional counselor, independent social 1247
worker, social worker, independent marriage and family 1248
therapist, marriage and family therapist, or psychologist has 1249
completed training in accordance with rules adopted under 1250
section 3107.015 of the Revised Code. 1251

(d) A civil service employee engaging in social work 1252
without a license under Chapter 4757. of the Revised Code, as 1253

permitted by division (A) (5) of section 4757.41 of the Revised Code; 1254
1255

(e) A former employee of a public children services agency 1256
who, while so employed, conducted the duties of an assessor or 1257
the duties of a PCSA caseworker as defined in section 5153.01 of 1258
the Revised Code; 1259

(f) An employee of a court or public children services 1260
agency who is employed to conduct the duties of an assessor; 1261

(g) A caseworker or caseworker supervisor as defined in 1262
section 5153.01 of the Revised Code; 1263

(h) An individual with a master's degree in social work or 1264
a related field and who is currently employed, and has been 1265
employed for at least two years, in a human-services-related 1266
occupation. 1267

(3) The individual must complete training in accordance 1268
with rules adopted under section 3107.015 of the Revised Code. 1269

(B) An individual in the employ of, appointed by, or under 1270
contract with a court prior to September 18, 1996, to conduct 1271
adoption investigations of prospective adoptive parents may 1272
perform the duties of an assessor under sections 3107.031, 1273
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 1274
5103.152 of the Revised Code if the individual complies with 1275
division (A) (3) of this section regardless of whether the 1276
individual meets the requirement of division (A) (2) of this 1277
section. 1278

(C) A court, public children services agency, private 1279
child placing agency, or private noncustodial agency may employ, 1280
appoint, or contract with an assessor in the county in which a 1281
petition for adoption is filed and in any other county or 1282

location outside this state where information needed to complete 1283
or supplement the assessor's duties may be obtained. More than 1284
one assessor may be utilized for an adoption. 1285

(D) Not later than January 1, 2008, the department of job 1286
and family services shall develop and maintain an assessor 1287
registry. The registry shall list all individuals who are 1288
employed, appointed by, or under contract with a court, public 1289
children services agency, private child placing agency, or 1290
private noncustodial agency and meet the requirements of an 1291
assessor as described in this section. A public children 1292
services agency, private child placing agency, private 1293
noncustodial agency, court, or any other person may contact the 1294
department to determine if an individual is listed in the 1295
assessor registry. An individual listed in the assessor registry 1296
shall immediately inform the department when that individual is 1297
no longer employed, appointed by, or under contract with a 1298
court, public children services agency, private child placing 1299
agency, or private noncustodial agency to perform the duties of 1300
an assessor as described in this section. The director of job 1301
and family services shall adopt rules in accordance with Chapter 1302
119. of the Revised Code necessary for the implementation, 1303
contents, and maintenance of the registry, and any sanctions 1304
related to the provision of information, or the failure to 1305
provide information, that is needed for the proper operation of 1306
the assessor registry. 1307

Sec. 5101.89. (A) There is created a children service 1308
ombudsman office under the department of job and family services 1309
consisting of the following: 1310

(1) An ombudsman, who shall be appointed by the governor; 1311

(2) A youth advocate, who shall advocate for the best 1312

interests of children involved in concerns investigated by the 1313
office; 1314

(3) Not fewer than two regional ombudsmen; 1315

(4) Any necessary support staff. 1316

(B) The office shall investigate and resolve concerns made 1317
by or on behalf of children and families involved with public 1318
children services agencies, Title IV-E agencies, or private 1319
provider agencies that administer or oversee foster care or 1320
placement services for the children services system. The office 1321
shall ensure the independent and impartial review of youth, 1322
family, and community complaints or concerns. 1323

Sec. 5101.891. The children service ombudsman office shall 1324
perform all of the following duties: 1325

(A) Receive, investigate, and attempt to resolve 1326
complaints from citizens, including children in the custody of a 1327
public children services agency or in the care and placement of 1328
a Title IV-E agency, related to government services regarding 1329
child protective services, foster care, and adoption; 1330

(B) Establish procedures for receiving and resolving 1331
complaints, consistent with state and federal law; 1332

(C) Provide an annual report to the governor, speaker of 1333
the house of representatives, president of the senate, minority 1334
leadership of the house of representatives and senate, and the 1335
director of job and family services. 1336

Sec. 5101.893. To the extent permitted by state or federal 1337
law, a representative of the children service ombudsman office 1338
may report to an appropriate authority any suspected violation 1339
of state law discovered during the course of a complaint review. 1340

Sec. 5101.895. The department of job and family services 1341
shall be responsible for all administrative undertakings for the 1342
children service ombudsman office, including the provision of 1343
offices, equipment, and supplies, as necessary. 1344

Sec. 5101.897. (A) No employee of the children service 1345
ombudsman office shall do any of the following: 1346

(1) Hold any office of trust or profit; 1347

(2) Engage in any occupation or business interfering or 1348
inconsistent with the duties of the office; 1349

(3) Serve on any committee of any political party; 1350

(4) Have any interest that is, or may be, in conflict with 1351
the interests and concerns of the office. 1352

(B) As used in this section, "office of trust or profit" 1353
means any of the following: 1354

(1) A federal or state elective office or an elective 1355
office of a political subdivision of the state; 1356

(2) A position on a board or commission of the state that 1357
is appointed by the governor; 1358

(3) An office set forth in section 121.03, 121.04, or 1359
121.05 of the Revised Code; 1360

(4) An office of the government of the United States that 1361
is appointed by the president of the United States. 1362

Sec. 5101.899. (A) The children service ombudsman office 1363
shall have access to only the records of the department of job 1364
and family services that are necessary for the administration of 1365
sections 5101.89 to 5101.899 of the Revised Code and in the 1366
performance of its official duties, including any records 1367

maintained in the uniform statewide automated child welfare 1368
information system under section 5101.13 of the Revised Code. 1369
The office has the right to request of the director of job and 1370
family services necessary information from any work unit of the 1371
department having information. The collection, compilation, 1372
analysis, and dissemination of information by the office shall 1373
be performed in a manner that protects complainants, individuals 1374
providing information about a complaint, public entities, and 1375
confidential records. 1376

(B) The office shall have access to any necessary records 1377
in the control of a public children services agency, a Title IV- 1378
E agency, or a private provider agency that administers or 1379
oversees foster care or placement services for the children 1380
services system. 1381

(C) Files of the office and any records contained in those 1382
files are not public records subject to inspection or copying 1383
under section 149.43 of the Revised Code. Information contained 1384
in investigative and other files maintained by the office shall 1385
be disclosed only at the discretion of the office or if 1386
disclosure is required by a court order. 1387

Section 2. That existing sections 2151.142, 2151.23, 1388
2151.421, and 3107.014 of the Revised Code are hereby repealed. 1389

Section 3. Section 2151.421 of the Revised Code is 1390
presented in this act as a composite of the section as amended 1391
by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General 1392
Assembly. The General Assembly, applying the principle stated in 1393
division (B) of section 1.52 of the Revised Code that amendments 1394
are to be harmonized if reasonably capable of simultaneous 1395
operation, finds that the composite is the resulting version of 1396
the section in effect prior to the effective date of the section 1397

as presented in this act.

1398