

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 523

Representatives Lanese, Perales

A BILL

To amend sections 959.99, 2151.421, 4757.10, 1
4757.13, 4757.32, and 4757.33 and to enact 2
sections 959.07, 959.08, 959.09, 2151.4210, and 3
2919.252 of the Revised Code to establish animal 4
abuse reporting requirements, to require the 5
Department of Defense Family Advocacy Program to 6
be notified when a person serving in the armed 7
forces is investigated for child abuse or 8
neglect or domestic violence, and to modify the 9
laws regulating counselors, social workers, and 10
marriage and family therapists. 11

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

Section 1. That sections 959.99, 2151.421, 4757.10, 12
4757.13, 4757.32, and 4757.33 be amended and sections 959.07, 13
959.08, 959.09, 2151.4210, and 2919.252 of the Revised Code be 14
enacted to read as follows: 15

Sec. 959.07. (A) As used in sections 959.07 to 959.09 of 16
the Revised Code: 17

(1) "Companion animal" has the same meaning as in section 18
959.131 of the Revised Code. 19

(2) "Licensed veterinarian" and "registered veterinary technician" have the same meanings as in section 4741.01 of the Revised Code. 20
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(3) "Public children services agency" has the same meaning as in section 5153.01 of the Revised Code. 23
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(4) "Protective services" has the same meaning as in section 5101.60 of the Revised Code. 25
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(5) "Officer" has the same meaning as in section 959.132 of the Revised Code and includes a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 27
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(6) "Social service professional" means an employee of a private or public children services agency and an employee of a county department of job and family services with responsibility for protective services. 31
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(7) "Adult" has the same meaning as in section 5101.60 of the Revised Code. 35
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(B) (1) No person listed in division (B) (2) of this section shall recklessly fail to immediately report a violation of this chapter that involves a companion animal or horse to an officer when that person has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring. 37
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(2) Division (B) (1) of this section applies to all of the following operating in an official or professional capacity: 42
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(a) A licensed veterinarian; 44

(b) A registered veterinary technician; 45

(c) A social service professional; 46

(d) A person licensed under Chapter 4757. of the Revised 47
Code. 48

Sec. 959.08. No officer, operating in an official or 49
professional capacity, shall recklessly fail to immediately 50
report a violation of this chapter involving a companion animal 51
or horse to an appropriate social service professional when both 52
of the following apply: 53

(A) The officer has knowledge or reasonable cause to 54
suspect that such a violation has occurred or is occurring. 55

(B) The officer has knowledge or reasonable cause to 56
suspect that a child or older adult resides with the alleged 57
violate. 58

Sec. 959.09. (A) A person required to make a report under 59
section 959.07 or 959.08 of the Revised Code may do so orally or 60
in writing and shall include all of the following in the report: 61

(1) The name, if known, and description of the animal 62
involved; 63

(2) The address and telephone number of the owner or other 64
person responsible for care of the animal, if known; 65

(3) The nature and extent of the suspected abuse; 66

(4) Any other information that the person making the 67
report believes may be useful in establishing the existence of 68
the suspected violation or the identity of the person causing 69
the violation. 70

(B) A person required to make a report under section 71
959.07 or 959.08 of the Revised Code is immune from civil or 72
criminal liability in connection with making that report if the 73
person acted in good faith when making the report. 74

(C) No person required to make a report under section 75
959.07 or 959.08 of the Revised Code shall knowingly make a 76
false report. 77

(D) (1) A court shall award reasonable attorney's fees and 78
costs to the prevailing party in any civil or criminal action or 79
judicial proceeding in which it is proved that participation in 80
the making of a report under section 959.07 or 959.08 of the 81
Revised Code was not in good faith. 82

(2) A court may award reasonable attorney's fees and costs 83
to the party against whom a civil action or proceeding is 84
brought in which it is alleged that participation in the making 85
of a report under section 959.07 or 959.08 of the Revised Code 86
was not in good faith if the action or proceeding is voluntarily 87
dismissed. 88

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 89
of the Revised Code is guilty of a minor misdemeanor. 90

(B) Except as otherwise provided in this division, whoever 91
violates section 959.02 of the Revised Code is guilty of a 92
misdemeanor of the second degree. If the value of the animal 93
killed or the injury done amounts to three hundred dollars or 94
more, whoever violates section 959.02 of the Revised Code is 95
guilty of a misdemeanor of the first degree. 96

(C) Whoever violates section 959.03, 959.06, 959.07, 97
959.08, division (C) of section 959.09, 959.12, or 959.17 or 98
division (A) of section 959.15 of the Revised Code is guilty of 99
a misdemeanor of the fourth degree. 100

(D) Whoever violates division (A) of section 959.13 or 101
section 959.21 of the Revised Code is guilty of a misdemeanor of 102
the second degree. In addition, the court may order the offender 103

to forfeit the animal or livestock and may provide for its 104
disposition, including, but not limited to, the sale of the 105
animal or livestock. If an animal or livestock is forfeited and 106
sold pursuant to this division, the proceeds from the sale first 107
shall be applied to pay the expenses incurred with regard to the 108
care of the animal from the time it was taken from the custody 109
of the former owner. The balance of the proceeds from the sale, 110
if any, shall be paid to the former owner of the animal. 111

(E) (1) Whoever violates division (B) of section 959.131 of 112
the Revised Code is guilty of a misdemeanor of the first degree 113
on a first offense and a felony of the fifth degree on each 114
subsequent offense. 115

(2) Whoever violates division (C) of section 959.131 of 116
the Revised Code is guilty of a felony of the fifth degree. 117

(3) Whoever violates section 959.01 of the Revised Code or 118
division (D) of section 959.131 of the Revised Code is guilty of 119
a misdemeanor of the second degree on a first offense and a 120
misdemeanor of the first degree on each subsequent offense. 121

(4) Whoever violates division (E) of section 959.131 of 122
the Revised Code is guilty of a felony of the fifth degree. 123

(5) Whoever violates division (F) of section 959.131 of 124
the Revised Code is guilty of a misdemeanor of the first degree. 125

(6) (a) A court may order a person who is convicted of or 126
pleads guilty to a violation of section 959.131 of the Revised 127
Code to forfeit to an impounding agency, as defined in section 128
959.132 of the Revised Code, any or all of the companion animals 129
in that person's ownership or care. The court also may prohibit 130
or place limitations on the person's ability to own or care for 131
any companion animals for a specified or indefinite period of 132

time. 133

(b) A court may order a person who is convicted of or 134
pleads guilty to a violation of section 959.131 of the Revised 135
Code to reimburse an impounding agency for the reasonably 136
necessary costs incurred by the agency for the care of a 137
companion animal that the agency impounded as a result of the 138
investigation or prosecution of the violation, provided that the 139
costs were not otherwise paid under section 959.132 of the 140
Revised Code. 141

(7) If a court has reason to believe that a person who is 142
convicted of or pleads guilty to a violation of section 959.131 143
or 959.21 of the Revised Code suffers from a mental or emotional 144
disorder that contributed to the violation, the court may impose 145
as a community control sanction or as a condition of probation a 146
requirement that the offender undergo psychological evaluation 147
or counseling. The court shall order the offender to pay the 148
costs of the evaluation or counseling. 149

(F) Whoever violates section 959.14 of the Revised Code is 150
guilty of a misdemeanor of the second degree on a first offense 151
and a misdemeanor of the first degree on each subsequent 152
offense. 153

(G) Whoever violates section 959.05 or 959.20 of the 154
Revised Code is guilty of a misdemeanor of the first degree. 155

(H) Whoever violates section 959.16 of the Revised Code is 156
guilty of a felony of the fourth degree for a first offense and 157
a felony of the third degree on each subsequent offense. 158

(I) Whoever violates division (B) or (C) of section 959.15 159
of the Revised Code is guilty of a felony and shall be fined not 160
more than ten thousand dollars. 161

Sec. 2151.421. (A) (1) (a) No person described in division 162
(A) (1) (b) of this section who is acting in an official or 163
professional capacity and knows, or has reasonable cause to 164
suspect based on facts that would cause a reasonable person in a 165
similar position to suspect, that a child under eighteen years 166
of age, or a person under twenty-one years of age with a 167
developmental disability or physical impairment, has suffered or 168
faces a threat of suffering any physical or mental wound, 169
injury, disability, or condition of a nature that reasonably 170
indicates abuse or neglect of the child shall fail to 171
immediately report that knowledge or reasonable cause to suspect 172
to the entity or persons specified in this division. Except as 173
provided in section 5120.173 of the Revised Code, the person 174
making the report shall make it to the public children services 175
agency or a municipal or county peace officer in the county in 176
which the child resides or in which the abuse or neglect is 177
occurring or has occurred. In the circumstances described in 178
section 5120.173 of the Revised Code, the person making the 179
report shall make it to the entity specified in that section. 180

(b) Division (A) (1) (a) of this section applies to any 181
person who is an attorney; health care professional; 182
practitioner of a limited branch of medicine as specified in 183
section 4731.15 of the Revised Code; licensed school 184
psychologist; independent marriage and family therapist or 185
marriage and family therapist; coroner; administrator or 186
employee of a child day-care center; administrator or employee 187
of a residential camp, child day camp, or private, nonprofit 188
therapeutic wilderness camp; administrator or employee of a 189
certified child care agency or other public or private children 190
services agency; school teacher; school employee; school 191
authority; agent of a county humane society, dog warden, deputy 192

dog warden, or other person appointed to act as an animal 193
control officer for a municipal corporation or township in 194
accordance with state law, an ordinance, or a resolution; 195
person, other than a cleric, rendering spiritual treatment 196
through prayer in accordance with the tenets of a well- 197
recognized religion; employee of a county department of job and 198
family services who is a professional and who works with 199
children and families; superintendent or regional administrator 200
employed by the department of youth services; superintendent, 201
board member, or employee of a county board of developmental 202
disabilities; investigative agent contracted with by a county 203
board of developmental disabilities; employee of the department 204
of developmental disabilities; employee of a facility or home 205
that provides respite care in accordance with section 5123.171 206
of the Revised Code; employee of an entity that provides 207
homemaker services; a person performing the duties of an 208
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 209
third party employed by a public children services agency to 210
assist in providing child or family related services; court 211
appointed special advocate; or guardian ad litem. 212

(c) If two or more health care professionals, after 213
providing health care services to a child, determine or suspect 214
that the child has been or is being abused or neglected, the 215
health care professionals may designate one of the health care 216
professionals to report the abuse or neglect. A single report 217
made under this division shall meet the reporting requirements 218
of division (A) (1) of this section. 219

(2) Except as provided in division (A) (3) of this section, 220
an attorney or a physician is not required to make a report 221
pursuant to division (A) (1) of this section concerning any 222
communication the attorney or physician receives from a client 223

or patient in an attorney-client or physician-patient 224
relationship, if, in accordance with division (A) or (B) of 225
section 2317.02 of the Revised Code, the attorney or physician 226
could not testify with respect to that communication in a civil 227
or criminal proceeding. 228

(3) The client or patient in an attorney-client or 229
physician-patient relationship described in division (A) (2) of 230
this section is deemed to have waived any testimonial privilege 231
under division (A) or (B) of section 2317.02 of the Revised Code 232
with respect to any communication the attorney or physician 233
receives from the client or patient in that attorney-client or 234
physician-patient relationship, and the attorney or physician 235
shall make a report pursuant to division (A) (1) of this section 236
with respect to that communication, if all of the following 237
apply: 238

(a) The client or patient, at the time of the 239
communication, is a child under eighteen years of age or is a 240
person under twenty-one years of age with a developmental 241
disability or physical impairment. 242

(b) The attorney or physician knows, or has reasonable 243
cause to suspect based on facts that would cause a reasonable 244
person in similar position to suspect that the client or patient 245
has suffered or faces a threat of suffering any physical or 246
mental wound, injury, disability, or condition of a nature that 247
reasonably indicates abuse or neglect of the client or patient. 248

(c) The abuse or neglect does not arise out of the 249
client's or patient's attempt to have an abortion without the 250
notification of her parents, guardian, or custodian in 251
accordance with section 2151.85 of the Revised Code. 252

(4) (a) No cleric and no person, other than a volunteer, 253
designated by any church, religious society, or faith acting as 254
a leader, official, or delegate on behalf of the church, 255
religious society, or faith who is acting in an official or 256
professional capacity, who knows, or has reasonable cause to 257
believe based on facts that would cause a reasonable person in a 258
similar position to believe, that a child under eighteen years 259
of age, or a person under twenty-one years of age with a 260
developmental disability or physical impairment, has suffered or 261
faces a threat of suffering any physical or mental wound, 262
injury, disability, or condition of a nature that reasonably 263
indicates abuse or neglect of the child, and who knows, or has 264
reasonable cause to believe based on facts that would cause a 265
reasonable person in a similar position to believe, that another 266
cleric or another person, other than a volunteer, designated by 267
a church, religious society, or faith acting as a leader, 268
official, or delegate on behalf of the church, religious 269
society, or faith caused, or poses the threat of causing, the 270
wound, injury, disability, or condition that reasonably 271
indicates abuse or neglect shall fail to immediately report that 272
knowledge or reasonable cause to believe to the entity or 273
persons specified in this division. Except as provided in 274
section 5120.173 of the Revised Code, the person making the 275
report shall make it to the public children services agency or a 276
municipal or county peace officer in the county in which the 277
child resides or in which the abuse or neglect is occurring or 278
has occurred. In the circumstances described in section 5120.173 279
of the Revised Code, the person making the report shall make it 280
to the entity specified in that section. 281

(b) Except as provided in division (A) (4) (c) of this 282
section, a cleric is not required to make a report pursuant to 283

division (A) (4) (a) of this section concerning any communication 284
the cleric receives from a penitent in a cleric-penitent 285
relationship, if, in accordance with division (C) of section 286
2317.02 of the Revised Code, the cleric could not testify with 287
respect to that communication in a civil or criminal proceeding. 288

(c) The penitent in a cleric-penitent relationship 289
described in division (A) (4) (b) of this section is deemed to 290
have waived any testimonial privilege under division (C) of 291
section 2317.02 of the Revised Code with respect to any 292
communication the cleric receives from the penitent in that 293
cleric-penitent relationship, and the cleric shall make a report 294
pursuant to division (A) (4) (a) of this section with respect to 295
that communication, if all of the following apply: 296

(i) The penitent, at the time of the communication, is a 297
child under eighteen years of age or is a person under twenty- 298
one years of age with a developmental disability or physical 299
impairment. 300

(ii) The cleric knows, or has reasonable cause to believe 301
based on facts that would cause a reasonable person in a similar 302
position to believe, as a result of the communication or any 303
observations made during that communication, the penitent has 304
suffered or faces a threat of suffering any physical or mental 305
wound, injury, disability, or condition of a nature that 306
reasonably indicates abuse or neglect of the penitent. 307

(iii) The abuse or neglect does not arise out of the 308
penitent's attempt to have an abortion performed upon a child 309
under eighteen years of age or upon a person under twenty-one 310
years of age with a developmental disability or physical 311
impairment without the notification of her parents, guardian, or 312
custodian in accordance with section 2151.85 of the Revised 313

Code. 314

(d) Divisions (A) (4) (a) and (c) of this section do not 315
apply in a cleric-penitent relationship when the disclosure of 316
any communication the cleric receives from the penitent is in 317
violation of the sacred trust. 318

(e) As used in divisions (A) (1) and (4) of this section, 319
"cleric" and "sacred trust" have the same meanings as in section 320
2317.02 of the Revised Code. 321

(B) Anyone who knows, or has reasonable cause to suspect 322
based on facts that would cause a reasonable person in similar 323
circumstances to suspect, that a child under eighteen years of 324
age, or a person under twenty-one years of age with a 325
developmental disability or physical impairment, has suffered or 326
faces a threat of suffering any physical or mental wound, 327
injury, disability, or other condition of a nature that 328
reasonably indicates abuse or neglect of the child may report or 329
cause reports to be made of that knowledge or reasonable cause 330
to suspect to the entity or persons specified in this division. 331
Except as provided in section 5120.173 of the Revised Code, a 332
person making a report or causing a report to be made under this 333
division shall make it or cause it to be made to the public 334
children services agency or to a municipal or county peace 335
officer. In the circumstances described in section 5120.173 of 336
the Revised Code, a person making a report or causing a report 337
to be made under this division shall make it or cause it to be 338
made to the entity specified in that section. 339

(C) Any report made pursuant to division (A) or (B) of 340
this section shall be made forthwith either by telephone or in 341
person and shall be followed by a written report, if requested 342
by the receiving agency or officer. The written report shall 343

contain: 344

(1) The names and addresses of the child and the child's 345
parents or the person or persons having custody of the child, if 346
known; 347

(2) The child's age and the nature and extent of the 348
child's injuries, abuse, or neglect that is known or reasonably 349
suspected or believed, as applicable, to have occurred or of the 350
threat of injury, abuse, or neglect that is known or reasonably 351
suspected or believed, as applicable, to exist, including any 352
evidence of previous injuries, abuse, or neglect; 353

(3) Any other information, including, but not limited to, 354
results and reports of any medical examinations, tests, or 355
procedures performed under division (D) of this section, that 356
might be helpful in establishing the cause of the injury, abuse, 357
or neglect that is known or reasonably suspected or believed, as 358
applicable, to have occurred or of the threat of injury, abuse, 359
or neglect that is known or reasonably suspected or believed, as 360
applicable, to exist. 361

(D) (1) Any person, who is required by division (A) of this 362
section to report child abuse or child neglect that is known or 363
reasonably suspected or believed to have occurred, may take or 364
cause to be taken color photographs of areas of trauma visible 365
on a child and, if medically necessary for the purpose of 366
diagnosing or treating injuries that are suspected to have 367
occurred as a result of child abuse or child neglect, perform or 368
cause to be performed radiological examinations and any other 369
medical examinations of, and tests or procedures on, the child. 370

(2) The results and any available reports of examinations, 371
tests, or procedures made under division (D) (1) of this section 372

shall be included in a report made pursuant to division (A) of 373
this section. Any additional reports of examinations, tests, or 374
procedures that become available shall be provided to the public 375
children services agency, upon request. 376

(3) If a health care professional provides health care 377
services in a hospital, children's advocacy center, or emergency 378
medical facility to a child about whom a report has been made 379
under division (A) of this section, the health care professional 380
may take any steps that are reasonably necessary for the release 381
or discharge of the child to an appropriate environment. Before 382
the child's release or discharge, the health care professional 383
may obtain information, or consider information obtained, from 384
other entities or individuals that have knowledge about the 385
child. Nothing in division (D) (3) of this section shall be 386
construed to alter the responsibilities of any person under 387
sections 2151.27 and 2151.31 of the Revised Code. 388

(4) A health care professional may conduct medical 389
examinations, tests, or procedures on the siblings of a child 390
about whom a report has been made under division (A) of this 391
section and on other children who reside in the same home as the 392
child, if the professional determines that the examinations, 393
tests, or procedures are medically necessary to diagnose or 394
treat the siblings or other children in order to determine 395
whether reports under division (A) of this section are warranted 396
with respect to such siblings or other children. The results of 397
the examinations, tests, or procedures on the siblings and other 398
children may be included in a report made pursuant to division 399
(A) of this section. 400

(5) Medical examinations, tests, or procedures conducted 401
under divisions (D) (1) and (4) of this section and decisions 402

regarding the release or discharge of a child under division (D) 403
(3) of this section do not constitute a law enforcement 404
investigation or activity. 405

(E) (1) When a municipal or county peace officer receives a 406
report concerning the possible abuse or neglect of a child or 407
the possible threat of abuse or neglect of a child, upon receipt 408
of the report, the municipal or county peace officer who 409
receives the report shall refer the report to the appropriate 410
public children services agency. 411

(2) When a public children services agency receives a 412
report pursuant to this division or division (A) or (B) of this 413
section, upon receipt of the report, the public children 414
services agency shall do both of the following: 415

(a) Comply with section 2151.422 of the Revised Code; 416

(b) If the county served by the agency is also served by a 417
children's advocacy center and the report alleges sexual abuse 418
of a child or another type of abuse of a child that is specified 419
in the memorandum of understanding that creates the center as 420
being within the center's jurisdiction, comply regarding the 421
report with the protocol and procedures for referrals and 422
investigations, with the coordinating activities, and with the 423
authority or responsibility for performing or providing 424
functions, activities, and services stipulated in the 425
interagency agreement entered into under section 2151.428 of the 426
Revised Code relative to that center. 427

(F) No township, municipal, or county peace officer shall 428
remove a child about whom a report is made pursuant to this 429
section from the child's parents, stepparents, or guardian or 430
any other persons having custody of the child without 431

consultation with the public children services agency, unless, 432
in the judgment of the officer, and, if the report was made by 433
physician, the physician, immediate removal is considered 434
essential to protect the child from further abuse or neglect. 435
The agency that must be consulted shall be the agency conducting 436
the investigation of the report as determined pursuant to 437
section 2151.422 of the Revised Code. 438

(G) (1) Except as provided in section 2151.422 of the 439
Revised Code or in an interagency agreement entered into under 440
section 2151.428 of the Revised Code that applies to the 441
particular report, the public children services agency shall 442
investigate, within twenty-four hours, each report of child 443
abuse or child neglect that is known or reasonably suspected or 444
believed to have occurred and of a threat of child abuse or 445
child neglect that is known or reasonably suspected or believed 446
to exist that is referred to it under this section to determine 447
the circumstances surrounding the injuries, abuse, or neglect or 448
the threat of injury, abuse, or neglect, the cause of the 449
injuries, abuse, neglect, or threat, and the person or persons 450
responsible. The investigation shall be made in cooperation with 451
the law enforcement agency and in accordance with the memorandum 452
of understanding prepared under division (K) of this section. A 453
representative of the public children services agency shall, at 454
the time of initial contact with the person subject to the 455
investigation, inform the person of the specific complaints or 456
allegations made against the person. The information shall be 457
given in a manner that is consistent with division (I) (1) of 458
this section and protects the rights of the person making the 459
report under this section. 460

A failure to make the investigation in accordance with the 461
memorandum is not grounds for, and shall not result in, the 462

dismissal of any charges or complaint arising from the report or 463
the suppression of any evidence obtained as a result of the 464
report and does not give, and shall not be construed as giving, 465
any rights or any grounds for appeal or post-conviction relief 466
to any person. The public children services agency shall report 467
each case to the uniform statewide automated child welfare 468
information system that the department of job and family 469
services shall maintain in accordance with section 5101.13 of 470
the Revised Code. The public children services agency shall 471
submit a report of its investigation, in writing, to the law 472
enforcement agency. 473

(2) The public children services agency shall make any 474
recommendations to the county prosecuting attorney or city 475
director of law that it considers necessary to protect any 476
children that are brought to its attention. 477

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 478
(I) (3) of this section, any person, health care professional, 479
hospital, institution, school, health department, or agency 480
shall be immune from any civil or criminal liability for injury, 481
death, or loss to person or property that otherwise might be 482
incurred or imposed as a result of any of the following: 483

(i) Participating in the making of reports pursuant to 484
division (A) of this section or in the making of reports in good 485
faith, pursuant to division (B) of this section; 486

(ii) Participating in medical examinations, tests, or 487
procedures under division (D) of this section; 488

(iii) Providing information used in a report made pursuant 489
to division (A) of this section or providing information in good 490
faith used in a report made pursuant to division (B) of this 491

section; 492

(iv) Participating in a judicial proceeding resulting from 493
a report made pursuant to division (A) of this section or 494
participating in good faith in a proceeding resulting from a 495
report made pursuant to division (B) of this section. 496

(b) Immunity under division (H) (1) (a) (ii) of this section 497
shall not apply when a health care provider has deviated from 498
the standard of care applicable to the provider's profession. 499

(c) Notwithstanding section 4731.22 of the Revised Code, 500
the physician-patient privilege shall not be a ground for 501
excluding evidence regarding a child's injuries, abuse, or 502
neglect, or the cause of the injuries, abuse, or neglect in any 503
judicial proceeding resulting from a report submitted pursuant 504
to this section. 505

(2) In any civil or criminal action or proceeding in which 506
it is alleged and proved that participation in the making of a 507
report under this section was not in good faith or participation 508
in a judicial proceeding resulting from a report made under this 509
section was not in good faith, the court shall award the 510
prevailing party reasonable attorney's fees and costs and, if a 511
civil action or proceeding is voluntarily dismissed, may award 512
reasonable attorney's fees and costs to the party against whom 513
the civil action or proceeding is brought. 514

(I) (1) Except as provided in divisions (I) (4) and (O) of 515
this section, a report made under this section is confidential. 516
The information provided in a report made pursuant to this 517
section and the name of the person who made the report shall not 518
be released for use, and shall not be used, as evidence in any 519
civil action or proceeding brought against the person who made 520

the report. Nothing in this division shall preclude the use of 521
reports of other incidents of known or suspected abuse or 522
neglect in a civil action or proceeding brought pursuant to 523
division (N) of this section against a person who is alleged to 524
have violated division (A) (1) of this section, provided that any 525
information in a report that would identify the child who is the 526
subject of the report or the maker of the report, if the maker 527
of the report is not the defendant or an agent or employee of 528
the defendant, has been redacted. In a criminal proceeding, the 529
report is admissible in evidence in accordance with the Rules of 530
Evidence and is subject to discovery in accordance with the 531
Rules of Criminal Procedure. 532

(2) (a) Except as provided in division (I) (2) (b) of this 533
section, no person shall permit or encourage the unauthorized 534
dissemination of the contents of any report made under this 535
section. 536

(b) A health care professional that obtains the same 537
information contained in a report made under this section from a 538
source other than the report may disseminate the information, if 539
its dissemination is otherwise permitted by law. 540

(3) A person who knowingly makes or causes another person 541
to make a false report under division (B) of this section that 542
alleges that any person has committed an act or omission that 543
resulted in a child being an abused child or a neglected child 544
is guilty of a violation of section 2921.14 of the Revised Code. 545

(4) If a report is made pursuant to division (A) or (B) of 546
this section and the child who is the subject of the report dies 547
for any reason at any time after the report is made, but before 548
the child attains eighteen years of age, the public children 549
services agency or municipal or county peace officer to which 550

the report was made or referred, on the request of the child 551
fatality review board or the director of health pursuant to 552
guidelines established under section 3701.70 of the Revised 553
Code, shall submit a summary sheet of information providing a 554
summary of the report to the review board of the county in which 555
the deceased child resided at the time of death or to the 556
director. On the request of the review board or director, the 557
agency or peace officer may, at its discretion, make the report 558
available to the review board or director. If the county served 559
by the public children services agency is also served by a 560
children's advocacy center and the report of alleged sexual 561
abuse of a child or another type of abuse of a child is 562
specified in the memorandum of understanding that creates the 563
center as being within the center's jurisdiction, the agency or 564
center shall perform the duties and functions specified in this 565
division in accordance with the interagency agreement entered 566
into under section 2151.428 of the Revised Code relative to that 567
advocacy center. 568

(5) A public children services agency shall advise a 569
person alleged to have inflicted abuse or neglect on a child who 570
is the subject of a report made pursuant to this section, 571
including a report alleging sexual abuse of a child or another 572
type of abuse of a child referred to a children's advocacy 573
center pursuant to an interagency agreement entered into under 574
section 2151.428 of the Revised Code, in writing of the 575
disposition of the investigation. The agency shall not provide 576
to the person any information that identifies the person who 577
made the report, statements of witnesses, or police or other 578
investigative reports. 579

(J) Any report that is required by this section, other 580
than a report that is made to the state highway patrol as 581

described in section 5120.173 of the Revised Code, shall result 582
in protective services and emergency supportive services being 583
made available by the public children services agency on behalf 584
of the children about whom the report is made, in an effort to 585
prevent further neglect or abuse, to enhance their welfare, and, 586
whenever possible, to preserve the family unit intact. The 587
agency required to provide the services shall be the agency 588
conducting the investigation of the report pursuant to section 589
2151.422 of the Revised Code. 590

(K) (1) Each public children services agency shall prepare 591
a memorandum of understanding that is signed by all of the 592
following: 593

(a) If there is only one juvenile judge in the county, the 594
juvenile judge of the county or the juvenile judge's 595
representative; 596

(b) If there is more than one juvenile judge in the 597
county, a juvenile judge or the juvenile judges' representative 598
selected by the juvenile judges or, if they are unable to do so 599
for any reason, the juvenile judge who is senior in point of 600
service or the senior juvenile judge's representative; 601

(c) The county peace officer; 602

(d) All chief municipal peace officers within the county; 603

(e) Other law enforcement officers handling child abuse 604
and neglect cases in the county; 605

(f) The prosecuting attorney of the county; 606

(g) If the public children services agency is not the 607
county department of job and family services, the county 608
department of job and family services; 609

(h) The county humane society; 610

(i) If the public children services agency participated in 611
the execution of a memorandum of understanding under section 612
2151.426 of the Revised Code establishing a children's advocacy 613
center, each participating member of the children's advocacy 614
center established by the memorandum. 615

(2) A memorandum of understanding shall set forth the 616
normal operating procedure to be employed by all concerned 617
officials in the execution of their respective responsibilities 618
under this section and division (C) of section 2919.21, division 619
(B) (1) of section 2919.22, division (B) of section 2919.23, and 620
section 2919.24 of the Revised Code and shall have as two of its 621
primary goals the elimination of all unnecessary interviews of 622
children who are the subject of reports made pursuant to 623
division (A) or (B) of this section and, when feasible, 624
providing for only one interview of a child who is the subject 625
of any report made pursuant to division (A) or (B) of this 626
section. A failure to follow the procedure set forth in the 627
memorandum by the concerned officials is not grounds for, and 628
shall not result in, the dismissal of any charges or complaint 629
arising from any reported case of abuse or neglect or the 630
suppression of any evidence obtained as a result of any reported 631
child abuse or child neglect and does not give, and shall not be 632
construed as giving, any rights or any grounds for appeal or 633
post-conviction relief to any person. 634

(3) A memorandum of understanding shall include all of the 635
following: 636

(a) The roles and responsibilities for handling emergency 637
and nonemergency cases of abuse and neglect; 638

(b) Standards and procedures to be used in handling and 639
coordinating investigations of reported cases of child abuse and 640
reported cases of child neglect, methods to be used in 641
interviewing the child who is the subject of the report and who 642
allegedly was abused or neglected, and standards and procedures 643
addressing the categories of persons who may interview the child 644
who is the subject of the report and who allegedly was abused or 645
neglected. 646

(4) If a public children services agency participated in 647
the execution of a memorandum of understanding under section 648
2151.426 of the Revised Code establishing a children's advocacy 649
center, the agency shall incorporate the contents of that 650
memorandum in the memorandum prepared pursuant to this section. 651

(5) The clerk of the court of common pleas in the county 652
may sign the memorandum of understanding prepared under division 653
(K)(1) of this section. If the clerk signs the memorandum of 654
understanding, the clerk shall execute all relevant 655
responsibilities as required of officials specified in the 656
memorandum. 657

(L)(1) Except as provided in division (L)(4) or (5) of 658
this section, a person who is required to make a report pursuant 659
to division (A) of this section may make a reasonable number of 660
requests of the public children services agency that receives or 661
is referred the report, or of the children's advocacy center 662
that is referred the report if the report is referred to a 663
children's advocacy center pursuant to an interagency agreement 664
entered into under section 2151.428 of the Revised Code, to be 665
provided with the following information: 666

(a) Whether the agency or center has initiated an 667
investigation of the report; 668

(b) Whether the agency or center is continuing to 669
investigate the report; 670

(c) Whether the agency or center is otherwise involved 671
with the child who is the subject of the report; 672

(d) The general status of the health and safety of the 673
child who is the subject of the report; 674

(e) Whether the report has resulted in the filing of a 675
complaint in juvenile court or of criminal charges in another 676
court. 677

(2) A person may request the information specified in 678
division (L)(1) of this section only if, at the time the report 679
is made, the person's name, address, and telephone number are 680
provided to the person who receives the report. 681

When a municipal or county peace officer or employee of a 682
public children services agency receives a report pursuant to 683
division (A) or (B) of this section the recipient of the report 684
shall inform the person of the right to request the information 685
described in division (L)(1) of this section. The recipient of 686
the report shall include in the initial child abuse or child 687
neglect report that the person making the report was so informed 688
and, if provided at the time of the making of the report, shall 689
include the person's name, address, and telephone number in the 690
report. 691

Each request is subject to verification of the identity of 692
the person making the report. If that person's identity is 693
verified, the agency shall provide the person with the 694
information described in division (L)(1) of this section a 695
reasonable number of times, except that the agency shall not 696
disclose any confidential information regarding the child who is 697

the subject of the report other than the information described 698
in those divisions. 699

(3) A request made pursuant to division (L)(1) of this 700
section is not a substitute for any report required to be made 701
pursuant to division (A) of this section. 702

(4) If an agency other than the agency that received or 703
was referred the report is conducting the investigation of the 704
report pursuant to section 2151.422 of the Revised Code, the 705
agency conducting the investigation shall comply with the 706
requirements of division (L) of this section. 707

(5) A health care professional who made a report under 708
division (A) of this section, or on whose behalf such a report 709
was made as provided in division (A)(1)(c) of this section, may 710
authorize a person to obtain the information described in 711
division (L)(1) of this section if the person requesting the 712
information is associated with or acting on behalf of the health 713
care professional who provided health care services to the child 714
about whom the report was made. 715

(M) The director of job and family services shall adopt 716
rules in accordance with Chapter 119. of the Revised Code to 717
implement this section. The department of job and family 718
services may enter into a plan of cooperation with any other 719
governmental entity to aid in ensuring that children are 720
protected from abuse and neglect. The department shall make 721
recommendations to the attorney general that the department 722
determines are necessary to protect children from child abuse 723
and child neglect. 724

(N) Whoever violates division (A) of this section is 725
liable for compensatory and exemplary damages to the child who 726

would have been the subject of the report that was not made. A 727
person who brings a civil action or proceeding pursuant to this 728
division against a person who is alleged to have violated 729
division (A) (1) of this section may use in the action or 730
proceeding reports of other incidents of known or suspected 731
abuse or neglect, provided that any information in a report that 732
would identify the child who is the subject of the report or the 733
maker of the report, if the maker is not the defendant or an 734
agent or employee of the defendant, has been redacted. 735

(O) (1) As used in this division: 736

(a) "Out-of-home care" includes a nonchartered nonpublic 737
school if the alleged child abuse or child neglect, or alleged 738
threat of child abuse or child neglect, described in a report 739
received by a public children services agency allegedly occurred 740
in or involved the nonchartered nonpublic school and the alleged 741
perpetrator named in the report holds a certificate, permit, or 742
license issued by the state board of education under section 743
3301.071 or Chapter 3319. of the Revised Code. 744

(b) "Administrator, director, or other chief 745
administrative officer" means the superintendent of the school 746
district if the out-of-home care entity subject to a report made 747
pursuant to this section is a school operated by the district. 748

(2) No later than the end of the day following the day on 749
which a public children services agency receives a report of 750
alleged child abuse or child neglect, or a report of an alleged 751
threat of child abuse or child neglect, that allegedly occurred 752
in or involved an out-of-home care entity, the agency shall 753
provide written notice of the allegations contained in and the 754
person named as the alleged perpetrator in the report to the 755
administrator, director, or other chief administrative officer 756

of the out-of-home care entity that is the subject of the report 757
unless the administrator, director, or other chief 758
administrative officer is named as an alleged perpetrator in the 759
report. If the administrator, director, or other chief 760
administrative officer of an out-of-home care entity is named as 761
an alleged perpetrator in a report of alleged child abuse or 762
child neglect, or a report of an alleged threat of child abuse 763
or child neglect, that allegedly occurred in or involved the 764
out-of-home care entity, the agency shall provide the written 765
notice to the owner or governing board of the out-of-home care 766
entity that is the subject of the report. The agency shall not 767
provide witness statements or police or other investigative 768
reports. 769

(3) No later than three days after the day on which a 770
public children services agency that conducted the investigation 771
as determined pursuant to section 2151.422 of the Revised Code 772
makes a disposition of an investigation involving a report of 773
alleged child abuse or child neglect, or a report of an alleged 774
threat of child abuse or child neglect, that allegedly occurred 775
in or involved an out-of-home care entity, the agency shall send 776
written notice of the disposition of the investigation to the 777
administrator, director, or other chief administrative officer 778
and the owner or governing board of the out-of-home care entity. 779
The agency shall not provide witness statements or police or 780
other investigative reports. 781

(P) As used in this section: 782

(1) "Children's advocacy center" and "sexual abuse of a 783
child" have the same meanings as in section 2151.425 of the 784
Revised Code. 785

(2) "Health care professional" means an individual who 786

provides health-related services including a physician, hospital 787
intern or resident, dentist, podiatrist, registered nurse, 788
licensed practical nurse, visiting nurse, licensed psychologist, 789
speech pathologist, audiologist, person engaged in social work 790
or the practice of professional counseling, and employee of a 791
home health agency. "Health care professional" does not include 792
a practitioner of a limited branch of medicine as specified in 793
section 4731.15 of the Revised Code, licensed school 794
psychologist, independent marriage and family therapist or 795
marriage and family therapist, or coroner. 796

(3) "Investigation" means the public children services 797
agency's response to an accepted report of child abuse or 798
neglect through either an alternative response or a traditional 799
response. 800

Sec. 2151.4210. (A) As used in this section, "armed 801
forces" has the same meaning as in section 5903.01 of the 802
Revised Code. 803

(B) A public children services agency that is 804
investigating a report of child abuse or neglect shall determine 805
if the person alleged to have inflicted the abuse or neglect is 806
serving in the armed forces. Notwithstanding division (I) of 807
section 2151.421 of the Revised Code, if the agency determines 808
that the person is serving in the armed forces, it shall notify 809
the department of defense family advocacy program that the 810
person is alleged to have inflicted abuse or neglect on the 811
child that is the subject of the report. 812

Sec. 2919.252. (A) As used in this section: 813

(1) "Peace officer" has the same meaning as in section 814
2935.01 of the Revised Code. 815

(2) "Armed forces" has the same meaning as in section 816
5903.01 of the Revised Code. 817

(B) A peace officer investigating an alleged violation of 818
section 2919.25 of the Revised Code shall determine if the 819
person alleged to have committed the violation serves in the 820
armed forces. If the officer determines that the person serves 821
in the armed forces, the officer shall notify the department of 822
defense family advocacy program that the person is alleged to 823
have committed a violation of that section. 824

Sec. 4757.10. (A) The counselor, social worker, and 825
marriage and family therapist board may adopt any rules 826
necessary to carry out this chapter. 827

(B) The board shall adopt rules that do all of the 828
following: 829

~~(A)~~ (1) Concern intervention for and treatment of any 830
impaired person holding a license or certificate of registration 831
issued under this chapter; 832

~~(B)~~ (2) Establish standards for training and experience of 833
supervisors described in division (C) of section 4757.30 of the 834
Revised Code; 835

~~(C)~~ (3) Define the requirement that an applicant be of 836
good moral character in order to be licensed or registered under 837
this chapter; 838

~~(D)~~ (4) Establish requirements for criminal records checks 839
of applicants under section 4776.03 of the Revised Code; 840

~~(E)~~ (5) Establish a graduated system of fines based on the 841
scope and severity of violations and the history of compliance, 842
not to exceed five hundred dollars per incident, that any 843

professional standards committee of the board may charge for a 844
disciplinary violation described in section 4757.36 of the 845
Revised Code; 846

~~(F)~~ (6) Establish the amount and content of corrective 847
action courses required by the board under section ~~4755.36~~ 848
4757.36 of the Revised Code; 849

~~(G)~~ (7) Provide for voluntary registration of all of the 850
following: 851

~~(1)~~ (a) Master's level counselor trainees enrolled in 852
practice and internships; 853

~~(2)~~ (b) Master's level social worker trainees enrolled in 854
fieldwork, practice, and internships; 855

~~(3)~~ (c) Master's level marriage and family therapist 856
trainees enrolled in practice and internships. 857

(8) Establish a schedule of deadlines for renewal. 858

(C) Rules adopted under division ~~(G)~~ (B) ~~(7)~~ of this 859
section shall not require a trainee to register with the board, 860
and if a trainee has not registered, shall prohibit any adverse 861
effect with respect to a trainee's application for licensure by 862
the board. 863

(D) All rules adopted under this section shall be adopted 864
in accordance with Chapter 119. of the Revised Code. When it 865
adopts rules under this section or any other section of this 866
chapter, the board may consider standards established by any 867
national association or other organization representing the 868
interests of those involved in professional counseling, social 869
work, or marriage and family therapy. 870

Sec. 4757.13. ~~(A) Each individual who engages in the~~ 871

~~practice of professional counseling, social work, or marriage
and family therapy shall prominently display, in a conspicuous
place in the office or place where a major portion of the
individual's practice is conducted, and in such a manner as to
be easily seen and read, the license granted to the individual
by the state counselor, social worker, and marriage and family
therapist board.~~

~~(B)~~ A person holding a license holder issued under this
chapter who is engaged in a private individual practice,
partnership, or group practice shall prominently display the
license holder's fee schedule in the office or place where a
major portion of the license holder's practice is conducted. The
bottom of the first page of the fee schedule shall include the
following statement, which shall be followed by the name,
address, and telephone number of the board:

"This information is required by the Counselor, Social
Worker, and Marriage and Family Therapist Board, which regulates
the practices of professional counseling, social work, and
marriage and family therapy in this state."

Sec. 4757.32. A license or certificate of registration
issued under this chapter ~~expires two years after it is issued~~
~~and is~~ valid without further recommendation or examination until
revoked or suspended or until the license or certificate of
registration expires for failure to renew as provided for in
this section. Licenses and certificates of registration shall be
renewed biennially in accordance with the schedule established
in rules adopted by the counselor, social worker, and marriage
and family therapist board under section 4757.10 of the Revised
Code. A license or certificate of registration may be renewed in
accordance with the standard renewal procedure established under

Chapter 4745. of the Revised Code. 902

Subject to section 4757.36 of the Revised Code, the staff 903
of the appropriate professional standards committee of the 904
~~counselor, social worker, and marriage and family therapist~~ 905
board shall, on behalf of each committee, issue a renewed 906
license or certificate of registration to each applicant who has 907
paid the renewal fee established by the board under section 908
4757.31 of the Revised Code and satisfied the continuing 909
education requirements established by the board under section 910
4757.33 of the Revised Code. 911

A license or certificate of registration that is not 912
renewed lapses on its expiration date. A license or certificate 913
of registration that has lapsed may be restored if the 914
individual, not later than two years after the license or 915
certificate expired, applies for restoration of the license or 916
certificate. The staff of the appropriate professional standards 917
committee shall issue a restored license or certificate of 918
registration to the applicant if the applicant pays the renewal 919
fee established under section 4757.31 of the Revised Code and 920
satisfies the continuing education requirements established 921
under section 4757.33 of the Revised Code for restoring the 922
license or certificate of registration. The board and its 923
professional standards committees shall not require a person to 924
take an examination as a condition of having a lapsed license or 925
certificate of registration restored. 926

Sec. 4757.33. (A) Except as provided in division (B) of 927
this section, each person who holds a license ~~or certificate of~~ 928
~~registration~~ issued under this chapter shall complete during the 929
period that the license ~~or certificate~~ is in effect not less 930
than thirty clock hours of continuing professional education as 931

a condition of receiving a renewed license~~or certificate~~. To 932
Except as provided in division (B) of this section, each person 933
who holds a certificate of registration as a social work 934
assistant shall complete during the period the certificate is in 935
effect fifteen clock hours of continuing professional education 936
as a condition of receiving a renewed certificate of 937
registration. 938

To have a lapsed license or certificate of registration 939
restored, a person shall complete the number of hours of 940
continuing education specified by the counselor, social worker, 941
and marriage and family therapist board in rules it shall adopt 942
in accordance with Chapter 119. of the Revised Code. 943

The professional standards committees of the counselor, 944
social worker, and marriage and family therapist board shall 945
adopt rules in accordance with Chapter 119. of the Revised Code 946
establishing standards and procedures to be followed by the 947
committees in conducting the continuing education approval 948
process, which shall include registering individuals and 949
entities to provide continuing education programs approved by 950
the board. 951

(B) The board may waive the continuing education 952
requirements established under this section for persons who are 953
unable to fulfill them because of military service, illness, 954
residence abroad, or any other reason the committee considers 955
acceptable. 956

Section 2. That existing sections 959.99, 2151.421, 957
4757.10, 4757.13, 4757.32, and 4757.33 of the Revised Code are 958
hereby repealed. 959

Section 3. A license or certificate of registration issued 960

under Chapter 4757. of the Revised Code that is in effect on the 961
effective date of this act shall continue in effect until the 962
first biennial renewal date established by the Counselor, Social 963
Worker, and Marriage and Family Therapist Board pursuant to 964
sections 4757.10 and 4757.32 of the Revised Code, as amended by 965
this act. No license or certificate of registration in effect on 966
the effective date of this act is valid for more than three 967
years after the effective date of this act. 968

Section 4. The General Assembly, applying the principle 969
stated in division (B) of section 1.52 of the Revised Code that 970
amendments are to be harmonized if reasonably capable of 971
simultaneous operation, finds that the composite of the sections 972
as amended by the acts indicated, are the resulting version of 973
the sections in effect prior to the effective date of the 974
sections as presented in this act: 975

Section 959.99 of the Revised Code as amended by both Sub. 976
H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. 977

Section 2151.421 of the Revised Code as amended by both 978
Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 979
Assembly. 980