

**As Passed by the Senate**

**132nd General Assembly**

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**Am. H. B. No. 137**

**Representative Kent**

**Cosponsors: Representatives Ashford, Miller, Clyde, Manning, Rezabek, Celebrezze, Rogers, Anielski, Antonio, Arndt, Boccieri, Boggs, Boyd, Brenner, Brown, Carfagna, Craig, Cupp, Edwards, Fedor, Galonski, Gavarone, Ginter, Greenspan, Hagan, Hambley, Holmes, Howse, Hughes, Ingram, Johnson, Kelly, Kick, Landis, Lanese, Lang, LaTourette, Leland, Lepore-Hagan, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Ryan, Schaffer, Scherer, Schuring, Sheehy, Smith, K., Smith, R., Sprague, Stein, Strahorn, Sweeney, Sykes, Thompson, West, Young**

**Senators Coley, Uecker, LaRose, Beagle, Dolan, Eklund, Hackett, Hoagland, Kunze, Lehner, Manning, McColley, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson**

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**A BILL**

To amend section 2151.421 of the Revised Code to	1
make peace officers mandatory reporters of child	2
abuse or neglect and to expand the types of	3
peace officers authorized to receive reports of	4
child abuse and neglect.	5

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

<b>Section 1.</b> That section 2151.421 of the Revised Code be	6
amended to read as follows:	7

<b>Sec. 2151.421.</b> (A) (1) (a) No person described in division	8
(A) (1) (b) of this section who is acting in an official or	9
professional capacity and knows, or has reasonable cause to	10
suspect based on facts that would cause a reasonable person in a	11

similar position to suspect, that a child under eighteen years 12  
of age, or a person under twenty-one years of age with a 13  
developmental disability or physical impairment, has suffered or 14  
faces a threat of suffering any physical or mental wound, 15  
injury, disability, or condition of a nature that reasonably 16  
indicates abuse or neglect of the child shall fail to 17  
immediately report that knowledge or reasonable cause to suspect 18  
to the entity or persons specified in this division. Except as 19  
otherwise provided in this division or section 5120.173 of the 20  
Revised Code, the person making the report shall make it to the 21  
public children services agency or a ~~municipal or county~~ peace 22  
officer in the county in which the child resides or in which the 23  
abuse or neglect is occurring or has occurred. If the person 24  
making the report is a peace officer, the officer shall make it 25  
to the public children services agency in the county in which 26  
the child resides or in which the abuse or neglect is occurring 27  
or has occurred. In the circumstances described in section 28  
5120.173 of the Revised Code, the person making the report shall 29  
make it to the entity specified in that section. 30

(b) Division (A)(1)(a) of this section applies to any 31  
person who is an attorney; health care professional; 32  
practitioner of a limited branch of medicine as specified in 33  
section 4731.15 of the Revised Code; licensed school 34  
psychologist; independent marriage and family therapist or 35  
marriage and family therapist; coroner; administrator or 36  
employee of a child day-care center; administrator or employee 37  
of a residential camp, child day camp, or private, nonprofit 38  
therapeutic wilderness camp; administrator or employee of a 39  
certified child care agency or other public or private children 40  
services agency; school teacher; school employee; school 41  
authority; peace officer; agent of a county humane society; 42

person, other than a cleric, rendering spiritual treatment 43  
through prayer in accordance with the tenets of a well- 44  
recognized religion; employee of a county department of job and 45  
family services who is a professional and who works with 46  
children and families; superintendent or regional administrator 47  
employed by the department of youth services; superintendent, 48  
board member, or employee of a county board of developmental 49  
disabilities; investigative agent contracted with by a county 50  
board of developmental disabilities; employee of the department 51  
of developmental disabilities; employee of a facility or home 52  
that provides respite care in accordance with section 5123.171 53  
of the Revised Code; employee of an entity that provides 54  
homemaker services; a person performing the duties of an 55  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 56  
third party employed by a public children services agency to 57  
assist in providing child or family related services; court 58  
appointed special advocate; or guardian ad litem. 59

(c) If two or more health care professionals, after 60  
providing health care services to a child, determine or suspect 61  
that the child has been or is being abused or neglected, the 62  
health care professionals may designate one of the health care 63  
professionals to report the abuse or neglect. A single report 64  
made under this division shall meet the reporting requirements 65  
of division (A) (1) of this section. 66

(2) Except as provided in division (A) (3) of this section, 67  
an attorney or a physician is not required to make a report 68  
pursuant to division (A) (1) of this section concerning any 69  
communication the attorney or physician receives from a client 70  
or patient in an attorney-client or physician-patient 71  
relationship, if, in accordance with division (A) or (B) of 72  
section 2317.02 of the Revised Code, the attorney or physician 73

could not testify with respect to that communication in a civil 74  
or criminal proceeding. 75

(3) The client or patient in an attorney-client or 76  
physician-patient relationship described in division (A)(2) of 77  
this section is deemed to have waived any testimonial privilege 78  
under division (A) or (B) of section 2317.02 of the Revised Code 79  
with respect to any communication the attorney or physician 80  
receives from the client or patient in that attorney-client or 81  
physician-patient relationship, and the attorney or physician 82  
shall make a report pursuant to division (A)(1) of this section 83  
with respect to that communication, if all of the following 84  
apply: 85

(a) The client or patient, at the time of the 86  
communication, is a child under eighteen years of age or is a 87  
person under twenty-one years of age with a developmental 88  
disability or physical impairment. 89

(b) The attorney or physician knows, or has reasonable 90  
cause to suspect based on facts that would cause a reasonable 91  
person in similar position to suspect that the client or patient 92  
has suffered or faces a threat of suffering any physical or 93  
mental wound, injury, disability, or condition of a nature that 94  
reasonably indicates abuse or neglect of the client or patient. 95

(c) The abuse or neglect does not arise out of the 96  
client's or patient's attempt to have an abortion without the 97  
notification of her parents, guardian, or custodian in 98  
accordance with section 2151.85 of the Revised Code. 99

(4) (a) No cleric and no person, other than a volunteer, 100  
designated by any church, religious society, or faith acting as 101  
a leader, official, or delegate on behalf of the church, 102

religious society, or faith who is acting in an official or 103  
professional capacity, who knows, or has reasonable cause to 104  
believe based on facts that would cause a reasonable person in a 105  
similar position to believe, that a child under eighteen years 106  
of age, or a person under twenty-one years of age with a 107  
developmental disability or physical impairment, has suffered or 108  
faces a threat of suffering any physical or mental wound, 109  
injury, disability, or condition of a nature that reasonably 110  
indicates abuse or neglect of the child, and who knows, or has 111  
reasonable cause to believe based on facts that would cause a 112  
reasonable person in a similar position to believe, that another 113  
cleric or another person, other than a volunteer, designated by 114  
a church, religious society, or faith acting as a leader, 115  
official, or delegate on behalf of the church, religious 116  
society, or faith caused, or poses the threat of causing, the 117  
wound, injury, disability, or condition that reasonably 118  
indicates abuse or neglect shall fail to immediately report that 119  
knowledge or reasonable cause to believe to the entity or 120  
persons specified in this division. Except as provided in 121  
section 5120.173 of the Revised Code, the person making the 122  
report shall make it to the public children services agency or a 123  
~~municipal or county~~ peace officer in the county in which the 124  
child resides or in which the abuse or neglect is occurring or 125  
has occurred. In the circumstances described in section 5120.173 126  
of the Revised Code, the person making the report shall make it 127  
to the entity specified in that section. 128

(b) Except as provided in division (A) (4) (c) of this 129  
section, a cleric is not required to make a report pursuant to 130  
division (A) (4) (a) of this section concerning any communication 131  
the cleric receives from a penitent in a cleric-penitent 132  
relationship, if, in accordance with division (C) of section 133

2317.02 of the Revised Code, the cleric could not testify with 134  
respect to that communication in a civil or criminal proceeding. 135

(c) The penitent in a cleric-penitent relationship 136  
described in division (A) (4) (b) of this section is deemed to 137  
have waived any testimonial privilege under division (C) of 138  
section 2317.02 of the Revised Code with respect to any 139  
communication the cleric receives from the penitent in that 140  
cleric-penitent relationship, and the cleric shall make a report 141  
pursuant to division (A) (4) (a) of this section with respect to 142  
that communication, if all of the following apply: 143

(i) The penitent, at the time of the communication, is a 144  
child under eighteen years of age or is a person under twenty- 145  
one years of age with a developmental disability or physical 146  
impairment. 147

(ii) The cleric knows, or has reasonable cause to believe 148  
based on facts that would cause a reasonable person in a similar 149  
position to believe, as a result of the communication or any 150  
observations made during that communication, the penitent has 151  
suffered or faces a threat of suffering any physical or mental 152  
wound, injury, disability, or condition of a nature that 153  
reasonably indicates abuse or neglect of the penitent. 154

(iii) The abuse or neglect does not arise out of the 155  
penitent's attempt to have an abortion performed upon a child 156  
under eighteen years of age or upon a person under twenty-one 157  
years of age with a developmental disability or physical 158  
impairment without the notification of her parents, guardian, or 159  
custodian in accordance with section 2151.85 of the Revised 160  
Code. 161

(d) Divisions (A) (4) (a) and (c) of this section do not 162

apply in a cleric-penitent relationship when the disclosure of 163  
any communication the cleric receives from the penitent is in 164  
violation of the sacred trust. 165

(e) As used in divisions (A) (1) and (4) of this section, 166  
"cleric" and "sacred trust" have the same meanings as in section 167  
2317.02 of the Revised Code. 168

(B) Anyone who knows, or has reasonable cause to suspect 169  
based on facts that would cause a reasonable person in similar 170  
circumstances to suspect, that a child under eighteen years of 171  
age, or a person under twenty-one years of age with a 172  
developmental disability or physical impairment, has suffered or 173  
faces a threat of suffering any physical or mental wound, 174  
injury, disability, or other condition of a nature that 175  
reasonably indicates abuse or neglect of the child may report or 176  
cause reports to be made of that knowledge or reasonable cause 177  
to suspect to the entity or persons specified in this division. 178  
Except as provided in section 5120.173 of the Revised Code, a 179  
person making a report or causing a report to be made under this 180  
division shall make it or cause it to be made to the public 181  
children services agency or to a ~~municipal or county~~ peace 182  
officer. In the circumstances described in section 5120.173 of 183  
the Revised Code, a person making a report or causing a report 184  
to be made under this division shall make it or cause it to be 185  
made to the entity specified in that section. 186

(C) Any report made pursuant to division (A) or (B) of 187  
this section shall be made forthwith either by telephone or in 188  
person and shall be followed by a written report, if requested 189  
by the receiving agency or officer. The written report shall 190  
contain: 191

(1) The names and addresses of the child and the child's 192

parents or the person or persons having custody of the child, if 193  
known; 194

(2) The child's age and the nature and extent of the 195  
child's injuries, abuse, or neglect that is known or reasonably 196  
suspected or believed, as applicable, to have occurred or of the 197  
threat of injury, abuse, or neglect that is known or reasonably 198  
suspected or believed, as applicable, to exist, including any 199  
evidence of previous injuries, abuse, or neglect; 200

(3) Any other information, including, but not limited to, 201  
results and reports of any medical examinations, tests, or 202  
procedures performed under division (D) of this section, that 203  
might be helpful in establishing the cause of the injury, abuse, 204  
or neglect that is known or reasonably suspected or believed, as 205  
applicable, to have occurred or of the threat of injury, abuse, 206  
or neglect that is known or reasonably suspected or believed, as 207  
applicable, to exist. 208

(D) (1) Any person, who is required by division (A) of this 209  
section to report child abuse or child neglect that is known or 210  
reasonably suspected or believed to have occurred, may take or 211  
cause to be taken color photographs of areas of trauma visible 212  
on a child and, if medically necessary for the purpose of 213  
diagnosing or treating injuries that are suspected to have 214  
occurred as a result of child abuse or child neglect, perform or 215  
cause to be performed radiological examinations and any other 216  
medical examinations of, and tests or procedures on, the child. 217

(2) The results and any available reports of examinations, 218  
tests, or procedures made under division (D) (1) of this section 219  
shall be included in a report made pursuant to division (A) of 220  
this section. Any additional reports of examinations, tests, or 221  
procedures that become available shall be provided to the public 222



children services agency, upon request. 223

(3) If a health care professional provides health care 224  
services in a hospital, children's advocacy center, or emergency 225  
medical facility to a child about whom a report has been made 226  
under division (A) of this section, the health care professional 227  
may take any steps that are reasonably necessary for the release 228  
or discharge of the child to an appropriate environment. Before 229  
the child's release or discharge, the health care professional 230  
may obtain information, or consider information obtained, from 231  
other entities or individuals that have knowledge about the 232  
child. Nothing in division (D) (3) of this section shall be 233  
construed to alter the responsibilities of any person under 234  
sections 2151.27 and 2151.31 of the Revised Code. 235

(4) A health care professional may conduct medical 236  
examinations, tests, or procedures on the siblings of a child 237  
about whom a report has been made under division (A) of this 238  
section and on other children who reside in the same home as the 239  
child, if the professional determines that the examinations, 240  
tests, or procedures are medically necessary to diagnose or 241  
treat the siblings or other children in order to determine 242  
whether reports under division (A) of this section are warranted 243  
with respect to such siblings or other children. The results of 244  
the examinations, tests, or procedures on the siblings and other 245  
children may be included in a report made pursuant to division 246  
(A) of this section. 247

(5) Medical examinations, tests, or procedures conducted 248  
under divisions (D) (1) and (4) of this section and decisions 249  
regarding the release or discharge of a child under division (D) 250  
(3) of this section do not constitute a law enforcement 251  
investigation or activity. 252

(E) (1) When a ~~municipal or county~~ peace officer receives a 253  
report ~~concerning the possible abuse or neglect of a child or~~ 254  
~~the possible threat of abuse or neglect of a child~~ made pursuant 255  
to division (A) or (B) of this section, upon receipt of the 256  
report, the ~~municipal or county~~ peace officer who receives the 257  
report shall refer the report to the appropriate public children 258  
services agency, unless an arrest is made at the time of the 259  
report that results in the appropriate public children services 260  
agency being contacted concerning the possible abuse or neglect 261  
of a child or the possible threat of abuse or neglect of a 262  
child. 263

(2) When a public children services agency receives a 264  
report pursuant to this division or division (A) or (B) of this 265  
section, upon receipt of the report, the public children 266  
services agency shall do both of the following: 267

(a) Comply with section 2151.422 of the Revised Code; 268

(b) If the county served by the agency is also served by a 269  
children's advocacy center and the report alleges sexual abuse 270  
of a child or another type of abuse of a child that is specified 271  
in the memorandum of understanding that creates the center as 272  
being within the center's jurisdiction, comply regarding the 273  
report with the protocol and procedures for referrals and 274  
investigations, with the coordinating activities, and with the 275  
authority or responsibility for performing or providing 276  
functions, activities, and services stipulated in the 277  
interagency agreement entered into under section 2151.428 of the 278  
Revised Code relative to that center. 279

(F) No ~~township, municipal, or county~~ peace officer shall 280  
remove a child about whom a report is made pursuant to this 281  
section from the child's parents, stepparents, or guardian or 282

any other persons having custody of the child without 283  
consultation with the public children services agency, unless, 284  
in the judgment of the officer, and, if the report was made by 285  
physician, the physician, immediate removal is considered 286  
essential to protect the child from further abuse or neglect. 287  
The agency that must be consulted shall be the agency conducting 288  
the investigation of the report as determined pursuant to 289  
section 2151.422 of the Revised Code. 290

(G) (1) Except as provided in section 2151.422 of the 291  
Revised Code or in an interagency agreement entered into under 292  
section 2151.428 of the Revised Code that applies to the 293  
particular report, the public children services agency shall 294  
investigate, within twenty-four hours, each report of child 295  
abuse or child neglect that is known or reasonably suspected or 296  
believed to have occurred and of a threat of child abuse or 297  
child neglect that is known or reasonably suspected or believed 298  
to exist that is referred to it under this section to determine 299  
the circumstances surrounding the injuries, abuse, or neglect or 300  
the threat of injury, abuse, or neglect, the cause of the 301  
injuries, abuse, neglect, or threat, and the person or persons 302  
responsible. The investigation shall be made in cooperation with 303  
the law enforcement agency and in accordance with the memorandum 304  
of understanding prepared under division (K) of this section. A 305  
representative of the public children services agency shall, at 306  
the time of initial contact with the person subject to the 307  
investigation, inform the person of the specific complaints or 308  
allegations made against the person. The information shall be 309  
given in a manner that is consistent with division (I) (1) of 310  
this section and protects the rights of the person making the 311  
report under this section. 312

A failure to make the investigation in accordance with the 313

memorandum is not grounds for, and shall not result in, the 314  
dismissal of any charges or complaint arising from the report or 315  
the suppression of any evidence obtained as a result of the 316  
report and does not give, and shall not be construed as giving, 317  
any rights or any grounds for appeal or post-conviction relief 318  
to any person. The public children services agency shall report 319  
each case to the uniform statewide automated child welfare 320  
information system that the department of job and family 321  
services shall maintain in accordance with section 5101.13 of 322  
the Revised Code. The public children services agency shall 323  
submit a report of its investigation, in writing, to the law 324  
enforcement agency. 325

(2) The public children services agency shall make any 326  
recommendations to the county prosecuting attorney or city 327  
director of law that it considers necessary to protect any 328  
children that are brought to its attention. 329

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 330  
(I) (3) of this section, any person, health care professional, 331  
hospital, institution, school, health department, or agency 332  
shall be immune from any civil or criminal liability for injury, 333  
death, or loss to person or property that otherwise might be 334  
incurred or imposed as a result of any of the following: 335

(i) Participating in the making of reports pursuant to 336  
division (A) of this section or in the making of reports in good 337  
faith, pursuant to division (B) of this section; 338

(ii) Participating in medical examinations, tests, or 339  
procedures under division (D) of this section; 340

(iii) Providing information used in a report made pursuant 341  
to division (A) of this section or providing information in good 342

faith used in a report made pursuant to division (B) of this 343  
section; 344

(iv) Participating in a judicial proceeding resulting from 345  
a report made pursuant to division (A) of this section or 346  
participating in good faith in a proceeding resulting from a 347  
report made pursuant to division (B) of this section. 348

(b) Immunity under division (H) (1) (a) (ii) of this section 349  
shall not apply when a health care provider has deviated from 350  
the standard of care applicable to the provider's profession. 351

(c) Notwithstanding section 4731.22 of the Revised Code, 352  
the physician-patient privilege shall not be a ground for 353  
excluding evidence regarding a child's injuries, abuse, or 354  
neglect, or the cause of the injuries, abuse, or neglect in any 355  
judicial proceeding resulting from a report submitted pursuant 356  
to this section. 357

(2) In any civil or criminal action or proceeding in which 358  
it is alleged and proved that participation in the making of a 359  
report under this section was not in good faith or participation 360  
in a judicial proceeding resulting from a report made under this 361  
section was not in good faith, the court shall award the 362  
prevailing party reasonable attorney's fees and costs and, if a 363  
civil action or proceeding is voluntarily dismissed, may award 364  
reasonable attorney's fees and costs to the party against whom 365  
the civil action or proceeding is brought. 366

(I) (1) Except as provided in divisions (I) (4) and (O) of 367  
this section, a report made under this section is confidential. 368  
The information provided in a report made pursuant to this 369  
section and the name of the person who made the report shall not 370  
be released for use, and shall not be used, as evidence in any 371

civil action or proceeding brought against the person who made 372  
the report. Nothing in this division shall preclude the use of 373  
reports of other incidents of known or suspected abuse or 374  
neglect in a civil action or proceeding brought pursuant to 375  
division (N) of this section against a person who is alleged to 376  
have violated division (A)(1) of this section, provided that any 377  
information in a report that would identify the child who is the 378  
subject of the report or the maker of the report, if the maker 379  
of the report is not the defendant or an agent or employee of 380  
the defendant, has been redacted. In a criminal proceeding, the 381  
report is admissible in evidence in accordance with the Rules of 382  
Evidence and is subject to discovery in accordance with the 383  
Rules of Criminal Procedure. 384

(2)(a) Except as provided in division (I)(2)(b) of this 385  
section, no person shall permit or encourage the unauthorized 386  
dissemination of the contents of any report made under this 387  
section. 388

(b) A health care professional that obtains the same 389  
information contained in a report made under this section from a 390  
source other than the report may disseminate the information, if 391  
its dissemination is otherwise permitted by law. 392

(3) A person who knowingly makes or causes another person 393  
to make a false report under division (B) of this section that 394  
alleges that any person has committed an act or omission that 395  
resulted in a child being an abused child or a neglected child 396  
is guilty of a violation of section 2921.14 of the Revised Code. 397

(4) If a report is made pursuant to division (A) or (B) of 398  
this section and the child who is the subject of the report dies 399  
for any reason at any time after the report is made, but before 400  
the child attains eighteen years of age, the public children 401

services agency or ~~municipal or county~~ peace officer to which 402  
the report was made or referred, on the request of the child 403  
fatality review board or the director of health pursuant to 404  
guidelines established under section 3701.70 of the Revised 405  
Code, shall submit a summary sheet of information providing a 406  
summary of the report to the review board of the county in which 407  
the deceased child resided at the time of death or to the 408  
director. On the request of the review board or director, the 409  
agency or peace officer may, at its discretion, make the report 410  
available to the review board or director. If the county served 411  
by the public children services agency is also served by a 412  
children's advocacy center and the report of alleged sexual 413  
abuse of a child or another type of abuse of a child is 414  
specified in the memorandum of understanding that creates the 415  
center as being within the center's jurisdiction, the agency or 416  
center shall perform the duties and functions specified in this 417  
division in accordance with the interagency agreement entered 418  
into under section 2151.428 of the Revised Code relative to that 419  
advocacy center. 420

(5) A public children services agency shall advise a 421  
person alleged to have inflicted abuse or neglect on a child who 422  
is the subject of a report made pursuant to this section, 423  
including a report alleging sexual abuse of a child or another 424  
type of abuse of a child referred to a children's advocacy 425  
center pursuant to an interagency agreement entered into under 426  
section 2151.428 of the Revised Code, in writing of the 427  
disposition of the investigation. The agency shall not provide 428  
to the person any information that identifies the person who 429  
made the report, statements of witnesses, or police or other 430  
investigative reports. 431

(J) Any report that is required by this section, other 432

than a report that is made to the state highway patrol as 433  
described in section 5120.173 of the Revised Code, shall result 434  
in protective services and emergency supportive services being 435  
made available by the public children services agency on behalf 436  
of the children about whom the report is made, in an effort to 437  
prevent further neglect or abuse, to enhance their welfare, and, 438  
whenever possible, to preserve the family unit intact. The 439  
agency required to provide the services shall be the agency 440  
conducting the investigation of the report pursuant to section 441  
2151.422 of the Revised Code. 442

(K) (1) Each public children services agency shall prepare 443  
a memorandum of understanding that is signed by all of the 444  
following: 445

(a) If there is only one juvenile judge in the county, the 446  
juvenile judge of the county or the juvenile judge's 447  
representative; 448

(b) If there is more than one juvenile judge in the 449  
county, a juvenile judge or the juvenile judges' representative 450  
selected by the juvenile judges or, if they are unable to do so 451  
for any reason, the juvenile judge who is senior in point of 452  
service or the senior juvenile judge's representative; 453

(c) The county peace officer; 454

(d) All chief municipal peace officers within the county; 455

(e) Other law enforcement officers handling child abuse 456  
and neglect cases in the county; 457

(f) The prosecuting attorney of the county; 458

(g) If the public children services agency is not the 459  
county department of job and family services, the county 460



department of job and family services; 461

(h) The county humane society; 462

(i) If the public children services agency participated in 463  
the execution of a memorandum of understanding under section 464  
2151.426 of the Revised Code establishing a children's advocacy 465  
center, each participating member of the children's advocacy 466  
center established by the memorandum. 467

(2) A memorandum of understanding shall set forth the 468  
normal operating procedure to be employed by all concerned 469  
officials in the execution of their respective responsibilities 470  
under this section and division (C) of section 2919.21, division 471  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 472  
section 2919.24 of the Revised Code and shall have as two of its 473  
primary goals the elimination of all unnecessary interviews of 474  
children who are the subject of reports made pursuant to 475  
division (A) or (B) of this section and, when feasible, 476  
providing for only one interview of a child who is the subject 477  
of any report made pursuant to division (A) or (B) of this 478  
section. A failure to follow the procedure set forth in the 479  
memorandum by the concerned officials is not grounds for, and 480  
shall not result in, the dismissal of any charges or complaint 481  
arising from any reported case of abuse or neglect or the 482  
suppression of any evidence obtained as a result of any reported 483  
child abuse or child neglect and does not give, and shall not be 484  
construed as giving, any rights or any grounds for appeal or 485  
post-conviction relief to any person. 486

(3) A memorandum of understanding shall include all of the 487  
following: 488

(a) The roles and responsibilities for handling emergency 489

and nonemergency cases of abuse and neglect; 490

(b) Standards and procedures to be used in handling and 491  
coordinating investigations of reported cases of child abuse and 492  
reported cases of child neglect, methods to be used in 493  
interviewing the child who is the subject of the report and who 494  
allegedly was abused or neglected, and standards and procedures 495  
addressing the categories of persons who may interview the child 496  
who is the subject of the report and who allegedly was abused or 497  
neglected. 498

(4) If a public children services agency participated in 499  
the execution of a memorandum of understanding under section 500  
2151.426 of the Revised Code establishing a children's advocacy 501  
center, the agency shall incorporate the contents of that 502  
memorandum in the memorandum prepared pursuant to this section. 503

(5) The clerk of the court of common pleas in the county 504  
may sign the memorandum of understanding prepared under division 505  
(K) (1) of this section. If the clerk signs the memorandum of 506  
understanding, the clerk shall execute all relevant 507  
responsibilities as required of officials specified in the 508  
memorandum. 509

(L) (1) Except as provided in division (L) (4) or (5) of 510  
this section, a person who is required to make a report pursuant 511  
to division (A) of this section may make a reasonable number of 512  
requests of the public children services agency that receives or 513  
is referred the report, or of the children's advocacy center 514  
that is referred the report if the report is referred to a 515  
children's advocacy center pursuant to an interagency agreement 516  
entered into under section 2151.428 of the Revised Code, to be 517  
provided with the following information: 518

(a) Whether the agency or center has initiated an investigation of the report; 519  
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(b) Whether the agency or center is continuing to investigate the report; 521  
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(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 523  
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(d) The general status of the health and safety of the child who is the subject of the report; 525  
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(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 527  
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(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 530  
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When a ~~municipal or county~~ peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 534  
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a 544  
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reasonable number of times, except that the agency shall not 548  
disclose any confidential information regarding the child who is 549  
the subject of the report other than the information described 550  
in those divisions. 551

(3) A request made pursuant to division (L)(1) of this 552  
section is not a substitute for any report required to be made 553  
pursuant to division (A) of this section. 554

(4) If an agency other than the agency that received or 555  
was referred the report is conducting the investigation of the 556  
report pursuant to section 2151.422 of the Revised Code, the 557  
agency conducting the investigation shall comply with the 558  
requirements of division (L) of this section. 559

(5) A health care professional who made a report under 560  
division (A) of this section, or on whose behalf such a report 561  
was made as provided in division (A)(1)(c) of this section, may 562  
authorize a person to obtain the information described in 563  
division (L)(1) of this section if the person requesting the 564  
information is associated with or acting on behalf of the health 565  
care professional who provided health care services to the child 566  
about whom the report was made. 567

(M) The director of job and family services shall adopt 568  
rules in accordance with Chapter 119. of the Revised Code to 569  
implement this section. The department of job and family 570  
services may enter into a plan of cooperation with any other 571  
governmental entity to aid in ensuring that children are 572  
protected from abuse and neglect. The department shall make 573  
recommendations to the attorney general that the department 574  
determines are necessary to protect children from child abuse 575  
and child neglect. 576

(N) Whoever violates division (A) of this section is 577  
liable for compensatory and exemplary damages to the child who 578  
would have been the subject of the report that was not made. A 579  
person who brings a civil action or proceeding pursuant to this 580  
division against a person who is alleged to have violated 581  
division (A)(1) of this section may use in the action or 582  
proceeding reports of other incidents of known or suspected 583  
abuse or neglect, provided that any information in a report that 584  
would identify the child who is the subject of the report or the 585  
maker of the report, if the maker is not the defendant or an 586  
agent or employee of the defendant, has been redacted. 587

(O)(1) As used in this division: 588

(a) "Out-of-home care" includes a nonchartered nonpublic 589  
school if the alleged child abuse or child neglect, or alleged 590  
threat of child abuse or child neglect, described in a report 591  
received by a public children services agency allegedly occurred 592  
in or involved the nonchartered nonpublic school and the alleged 593  
perpetrator named in the report holds a certificate, permit, or 594  
license issued by the state board of education under section 595  
3301.071 or Chapter 3319. of the Revised Code. 596

(b) "Administrator, director, or other chief 597  
administrative officer" means the superintendent of the school 598  
district if the out-of-home care entity subject to a report made 599  
pursuant to this section is a school operated by the district. 600

(2) No later than the end of the day following the day on 601  
which a public children services agency receives a report of 602  
alleged child abuse or child neglect, or a report of an alleged 603  
threat of child abuse or child neglect, that allegedly occurred 604  
in or involved an out-of-home care entity, the agency shall 605  
provide written notice of the allegations contained in and the 606

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

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

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the

Revised Code.

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

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

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

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**Section 2.** That existing section 2151.421 of the Revised Code is hereby repealed.

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**Section 3.** Section 2151.421 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of

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the section in effect prior to the effective date of the section	666
as presented in this act.	667