

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 558**

**Representative Abrams**

**Cosponsors: Representatives LaRe, Seitz, Kelly, Carruthers, Richardson,  
Ghanbari, Manchester, Lanese, Russo, Holmes, A., Weinstein, Grendell, Crawley,  
Butler, Brinkman, Manning, D.**

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**A BILL**

To amend sections 2151.421 and 2151.423 and to 1  
enact section 2151.4210 of the Revised Code to 2  
require public children services agencies to 3  
report child abuse or neglect in military 4  
families to the appropriate military 5  
authorities. 6

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

**Section 1.** That sections 2151.421 and 2151.423 be amended 7  
and section 2151.4210 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 2151.421.** (A) (1) (a) No person described in division 10  
(A) (1) (b) of this section who is acting in an official or 11  
professional capacity and knows, or has reasonable cause to 12  
suspect based on facts that would cause a reasonable person in a 13  
similar position to suspect, that a child under eighteen years 14  
of age, or a person under twenty-one years of age with a 15  
developmental disability or physical impairment, has suffered or 16  
faces a threat of suffering any physical or mental wound, 17

injury, disability, or condition of a nature that reasonably 18  
indicates abuse or neglect of the child shall fail to 19  
immediately report that knowledge or reasonable cause to suspect 20  
to the entity or persons specified in this division. Except as 21  
otherwise provided in this division or section 5120.173 of the 22  
Revised Code, the person making the report shall make it to the 23  
public children services agency or a peace officer in the county 24  
in which the child resides or in which the abuse or neglect is 25  
occurring or has occurred. If the person making the report is a 26  
peace officer, the officer shall make it to the public children 27  
services agency in the county in which the child resides or in 28  
which the abuse or neglect is occurring or has occurred. In the 29  
circumstances described in section 5120.173 of the Revised Code, 30  
the person making the report shall make it to the entity 31  
specified in that section. 32

(b) Division (A)(1)(a) of this section applies to any 33  
person who is an attorney; health care professional; 34  
practitioner of a limited branch of medicine as specified in 35  
section 4731.15 of the Revised Code; licensed school 36  
psychologist; independent marriage and family therapist or 37  
marriage and family therapist; coroner; administrator or 38  
employee of a child day-care center; administrator or employee 39  
of a residential camp, child day camp, or private, nonprofit 40  
therapeutic wilderness camp; administrator or employee of a 41  
certified child care agency or other public or private children 42  
services agency; school teacher; school employee; school 43  
authority; peace officer; agent of a county humane society; 44  
person, other than a cleric, rendering spiritual treatment 45  
through prayer in accordance with the tenets of a well- 46  
recognized religion; employee of a county department of job and 47  
family services who is a professional and who works with 48

children and families; superintendent or regional administrator 49  
employed by the department of youth services; superintendent, 50  
board member, or employee of a county board of developmental 51  
disabilities; investigative agent contracted with by a county 52  
board of developmental disabilities; employee of the department 53  
of developmental disabilities; employee of a facility or home 54  
that provides respite care in accordance with section 5123.171 55  
of the Revised Code; employee of an entity that provides 56  
homemaker services; employee of a qualified organization as 57  
defined in section 2151.90 of the Revised Code; a host family as 58  
defined in section 2151.90 of the Revised Code; foster 59  
caregiver; a person performing the duties of an assessor 60  
pursuant to Chapter 3107. or 5103. of the Revised Code; third 61  
party employed by a public children services agency to assist in 62  
providing child or family related services; court appointed 63  
special advocate; or guardian ad litem. 64

(c) If two or more health care professionals, after 65  
providing health care services to a child, determine or suspect 66  
that the child has been or is being abused or neglected, the 67  
health care professionals may designate one of the health care 68  
professionals to report the abuse or neglect. A single report 69  
made under this division shall meet the reporting requirements 70  
of division (A)(1) of this section. 71

(2) Except as provided in division (A)(3) of this section, 72  
an attorney or a physician is not required to make a report 73  
pursuant to division (A)(1) of this section concerning any 74  
communication the attorney or physician receives from a client 75  
or patient in an attorney-client or physician-patient 76  
relationship, if, in accordance with division (A) or (B) of 77  
section 2317.02 of the Revised Code, the attorney or physician 78  
could not testify with respect to that communication in a civil 79

or criminal proceeding. 80

(3) The client or patient in an attorney-client or 81  
physician-patient relationship described in division (A) (2) of 82  
this section is deemed to have waived any testimonial privilege 83  
under division (A) or (B) of section 2317.02 of the Revised Code 84  
with respect to any communication the attorney or physician 85  
receives from the client or patient in that attorney-client or 86  
physician-patient relationship, and the attorney or physician 87  
shall make a report pursuant to division (A) (1) of this section 88  
with respect to that communication, if all of the following 89  
apply: 90

(a) The client or patient, at the time of the 91  
communication, is a child under eighteen years of age or is a 92  
person under twenty-one years of age with a developmental 93  
disability or physical impairment. 94

(b) The attorney or physician knows, or has reasonable 95  
cause to suspect based on facts that would cause a reasonable 96  
person in similar position to suspect that the client or patient 97  
has suffered or faces a threat of suffering any physical or 98  
mental wound, injury, disability, or condition of a nature that 99  
reasonably indicates abuse or neglect of the client or patient. 100

(c) The abuse or neglect does not arise out of the 101  
client's or patient's attempt to have an abortion without the 102  
notification of her parents, guardian, or custodian in 103  
accordance with section 2151.85 of the Revised Code. 104

(4) (a) No cleric and no person, other than a volunteer, 105  
designated by any church, religious society, or faith acting as 106  
a leader, official, or delegate on behalf of the church, 107  
religious society, or faith who is acting in an official or 108

professional capacity, who knows, or has reasonable cause to 109  
believe based on facts that would cause a reasonable person in a 110  
similar position to believe, that a child under eighteen years 111  
of age, or a person under twenty-one years of age with a 112  
developmental disability or physical impairment, has suffered or 113  
faces a threat of suffering any physical or mental wound, 114  
injury, disability, or condition of a nature that reasonably 115  
indicates abuse or neglect of the child, and who knows, or has 116  
reasonable cause to believe based on facts that would cause a 117  
reasonable person in a similar position to believe, that another 118  
cleric or another person, other than a volunteer, designated by 119  
a church, religious society, or faith acting as a leader, 120  
official, or delegate on behalf of the church, religious 121  
society, or faith caused, or poses the threat of causing, the 122  
wound, injury, disability, or condition that reasonably 123  
indicates abuse or neglect shall fail to immediately report that 124  
knowledge or reasonable cause to believe to the entity or 125  
persons specified in this division. Except as provided in 126  
section 5120.173 of the Revised Code, the person making the 127  
report shall make it to the public children services agency or a 128  
peace officer in the county in which the child resides or in 129  
which the abuse or neglect is occurring or has occurred. In the 130  
circumstances described in section 5120.173 of the Revised Code, 131  
the person making the report shall make it to the entity 132  
specified in that section. 133

(b) Except as provided in division (A) (4) (c) of this 134  
section, a cleric is not required to make a report pursuant to 135  
division (A) (4) (a) of this section concerning any communication 136  
the cleric receives from a penitent in a cleric-penitent 137  
relationship, if, in accordance with division (C) of section 138  
2317.02 of the Revised Code, the cleric could not testify with 139

respect to that communication in a civil or criminal proceeding. 140

(c) The penitent in a cleric-penitent relationship 141  
described in division (A) (4) (b) of this section is deemed to 142  
have waived any testimonial privilege under division (C) of 143  
section 2317.02 of the Revised Code with respect to any 144  
communication the cleric receives from the penitent in that 145  
cleric-penitent relationship, and the cleric shall make a report 146  
pursuant to division (A) (4) (a) of this section with respect to 147  
that communication, if all of the following apply: 148

(i) The penitent, at the time of the communication, is a 149  
child under eighteen years of age or is a person under twenty- 150  
one years of age with a developmental disability or physical 151  
impairment. 152

(ii) The cleric knows, or has reasonable cause to believe 153  
based on facts that would cause a reasonable person in a similar 154  
position to believe, as a result of the communication or any 155  
observations made during that communication, the penitent has 156  
suffered or faces a threat of suffering any physical or mental 157  
wound, injury, disability, or condition of a nature that 158  
reasonably indicates abuse or neglect of the penitent. 159

(iii) The abuse or neglect does not arise out of the 160  
penitent's attempt to have an abortion performed upon a child 161  
under eighteen years of age or upon a person under twenty-one 162  
years of age with a developmental disability or physical 163  
impairment without the notification of her parents, guardian, or 164  
custodian in accordance with section 2151.85 of the Revised 165  
Code. 166

(d) Divisions (A) (4) (a) and (c) of this section do not 167  
apply in a cleric-penitent relationship when the disclosure of 168

any communication the cleric receives from the penitent is in 169  
violation of the sacred trust. 170

(e) As used in divisions (A) (1) and (4) of this section, 171  
"cleric" and "sacred trust" have the same meanings as in section 172  
2317.02 of the Revised Code. 173

(B) Anyone who knows, or has reasonable cause to suspect 174  
based on facts that would cause a reasonable person in similar 175  
circumstances to suspect, that a child under eighteen years of 176  
age, or a person under twenty-one years of age with a 177  
developmental disability or physical impairment, has suffered or 178  
faces a threat of suffering any physical or mental wound, 179  
injury, disability, or other condition of a nature that 180  
reasonably indicates abuse or neglect of the child may report or 181  
cause reports to be made of that knowledge or reasonable cause 182  
to suspect to the entity or persons specified in this division. 183  
Except as provided in section 5120.173 of the Revised Code, a 184  
person making a report or causing a report to be made under this 185  
division shall make it or cause it to be made to the public 186  
children services agency or to a peace officer. In the 187  
circumstances described in section 5120.173 of the Revised Code, 188  
a person making a report or causing a report to be made under 189  
this division shall make it or cause it to be made to the entity 190  
specified in that section. 191

(C) Any report made pursuant to division (A) or (B) of 192  
this section shall be made forthwith either by telephone or in 193  
person and shall be followed by a written report, if requested 194  
by the receiving agency or officer. The written report shall 195  
contain: 196

(1) The names and addresses of the child and the child's 197  
parents or the person or persons having custody of the child, if 198

known; 199

(2) The child's age and the nature and extent of the 200  
child's injuries, abuse, or neglect that is known or reasonably 201  
suspected or believed, as applicable, to have occurred or of the 202  
threat of injury, abuse, or neglect that is known or reasonably 203  
suspected or believed, as applicable, to exist, including any 204  
evidence of previous injuries, abuse, or neglect; 205

(3) Any other information, including, but not limited to, 206  
results and reports of any medical examinations, tests, or 207  
procedures performed under division (D) of this section, that 208  
might be helpful in establishing the cause of the injury, abuse, 209  
or neglect that is known or reasonably suspected or believed, as 210  
applicable, to have occurred or of the threat of injury, abuse, 211  
or neglect that is known or reasonably suspected or believed, as 212  
applicable, to exist. 213

(D) (1) Any person, who is required by division (A) of this 214  
section to report child abuse or child neglect that is known or 215  
reasonably suspected or believed to have occurred, may take or 216  
cause to be taken color photographs of areas of trauma visible 217  
on a child and, if medically necessary for the purpose of 218  
diagnosing or treating injuries that are suspected to have 219  
occurred as a result of child abuse or child neglect, perform or 220  
cause to be performed radiological examinations and any other 221  
medical examinations of, and tests or procedures on, the child. 222

(2) The results and any available reports of examinations, 223  
tests, or procedures made under division (D) (1) of this section 224  
shall be included in a report made pursuant to division (A) of 225  
this section. Any additional reports of examinations, tests, or 226  
procedures that become available shall be provided to the public 227  
children services agency, upon request. 228



(3) If a health care professional provides health care 229  
services in a hospital, children's advocacy center, or emergency 230  
medical facility to a child about whom a report has been made 231  
under division (A) of this section, the health care professional 232  
may take any steps that are reasonably necessary for the release 233  
or discharge of the child to an appropriate environment. Before 234  
the child's release or discharge, the health care professional 235  
may obtain information, or consider information obtained, from 236  
other entities or individuals that have knowledge about the 237  
child. Nothing in division (D) (3) of this section shall be 238  
construed to alter the responsibilities of any person under 239  
sections 2151.27 and 2151.31 of the Revised Code. 240

(4) A health care professional may conduct medical 241  
examinations, tests, or procedures on the siblings of a child 242  
about whom a report has been made under division (A) of this 243  
section and on other children who reside in the same home as the 244  
child, if the professional determines that the examinations, 245  
tests, or procedures are medically necessary to diagnose or 246  
treat the siblings or other children in order to determine 247  
whether reports under division (A) of this section are warranted 248  
with respect to such siblings or other children. The results of 249  
the examinations, tests, or procedures on the siblings and other 250  
children may be included in a report made pursuant to division 251  
(A) of this section. 252

(5) Medical examinations, tests, or procedures conducted 253  
under divisions (D) (1) and (4) of this section and decisions 254  
regarding the release or discharge of a child under division (D) 255  
(3) of this section do not constitute a law enforcement 256  
investigation or activity. 257

(E) (1) When a peace officer receives a report made 258

pursuant to division (A) or (B) of this section, upon receipt of 259  
the report, the peace officer who receives the report shall 260  
refer the report to the appropriate public children services 261  
agency, unless an arrest is made at the time of the report that 262  
results in the appropriate public children services agency being 263  
contacted concerning the possible abuse or neglect of a child or 264  
the possible threat of abuse or neglect of a child. 265

(2) When a public children services agency receives a 266  
report pursuant to this division or division (A) or (B) of this 267  
section, upon receipt of the report, the public children 268  
services agency shall do both of the following: 269

(a) Comply with section 2151.422 of the Revised Code; 270

(b) If the county served by the agency is also served by a 271  
children's advocacy center and the report alleges sexual abuse 272  
of a child or another type of abuse of a child that is specified 273  
in the memorandum of understanding that creates the center as 274  
being within the center's jurisdiction, comply regarding the 275  
report with the protocol and procedures for referrals and 276  
investigations, with the coordinating activities, and with the 277  
authority or responsibility for performing or providing 278  
functions, activities, and services stipulated in the 279  
interagency agreement entered into under section 2151.428 of the 280  
Revised Code relative to that center. 281

(F) No peace officer shall remove a child about whom a 282  
report is made pursuant to this section from the child's 283  
parents, stepparents, or guardian or any other persons having 284  
custody of the child without consultation with the public 285  
children services agency, unless, in the judgment of the 286  
officer, and, if the report was made by physician, the 287  
physician, immediate removal is considered essential to protect 288

the child from further abuse or neglect. The agency that must be 289  
consulted shall be the agency conducting the investigation of 290  
the report as determined pursuant to section 2151.422 of the 291  
Revised Code. 292

(G) (1) Except as provided in section 2151.422 of the 293  
Revised Code or in an interagency agreement entered into under 294  
section 2151.428 of the Revised Code that applies to the 295  
particular report, the public children services agency shall 296  
investigate, within twenty-four hours, each report of child 297  
abuse or child neglect that is known or reasonably suspected or 298  
believed to have occurred and of a threat of child abuse or 299  
child neglect that is known or reasonably suspected or believed 300  
to exist that is referred to it under this section to determine 301  
the circumstances surrounding the injuries, abuse, or neglect or 302  
the threat of injury, abuse, or neglect, the cause of the 303  
injuries, abuse, neglect, or threat, and the person or persons 304  
responsible. The investigation shall be made in cooperation with 305  
the law enforcement agency and in accordance with the memorandum 306  
of understanding prepared under division (K) of this section. A 307  
representative of the public children services agency shall, at 308  
the time of initial contact with the person subject to the 309  
investigation, inform the person of the specific complaints or 310  
allegations made against the person. The information shall be 311  
given in a manner that is consistent with division (I) (1) of 312  
this section and protects the rights of the person making the 313  
report under this section. 314

A failure to make the investigation in accordance with the 315  
memorandum is not grounds for, and shall not result in, the 316  
dismissal of any charges or complaint arising from the report or 317  
the suppression of any evidence obtained as a result of the 318  
report and does not give, and shall not be construed as giving, 319

any rights or any grounds for appeal or post-conviction relief 320  
to any person. The public children services agency shall report 321  
each case to the uniform statewide automated child welfare 322  
information system that the department of job and family 323  
services shall maintain in accordance with section 5101.13 of 324  
the Revised Code. The public children services agency shall 325  
submit a report of its investigation, in writing, to the law 326  
enforcement agency. 327

(2) The public children services agency shall make any 328  
recommendations to the county prosecuting attorney or city 329  
director of law that it considers necessary to protect any 330  
children that are brought to its attention. 331

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 332  
(I) (3) of this section, any person, health care professional, 333  
hospital, institution, school, health department, or agency 334  
shall be immune from any civil or criminal liability for injury, 335  
death, or loss to person or property that otherwise might be 336  
incurred or imposed as a result of any of the following: 337

(i) Participating in the making of reports pursuant to 338  
division (A) of this section or in the making of reports in good 339  
faith, pursuant to division (B) of this section; 340

(ii) Participating in medical examinations, tests, or 341  
procedures under division (D) of this section; 342

(iii) Providing information used in a report made pursuant 343  
to division (A) of this section or providing information in good 344  
faith used in a report made pursuant to division (B) of this 345  
section; 346

(iv) Participating in a judicial proceeding resulting from 347  
a report made pursuant to division (A) of this section or 348

participating in good faith in a proceeding resulting from a 349  
report made pursuant to division (B) of this section. 350

(b) Immunity under division (H)(1)(a)(ii) of this section 351  
shall not apply when a health care provider has deviated from 352  
the standard of care applicable to the provider's profession. 353

(c) Notwithstanding section 4731.22 of the Revised Code, 354  
the physician-patient privilege shall not be a ground for 355  
excluding evidence regarding a child's injuries, abuse, or 356  
neglect, or the cause of the injuries, abuse, or neglect in any 357  
judicial proceeding resulting from a report submitted pursuant 358  
to this section. 359

(2) In any civil or criminal action or proceeding in which 360  
it is alleged and proved that participation in the making of a 361  
report under this section was not in good faith or participation 362  
in a judicial proceeding resulting from a report made under this 363  
section was not in good faith, the court shall award the 364  
prevailing party reasonable attorney's fees and costs and, if a 365  
civil action or proceeding is voluntarily dismissed, may award 366  
reasonable attorney's fees and costs to the party against whom 367  
the civil action or proceeding is brought. 368

(I)(1) Except as provided in divisions (I)(4) and (O) of 369  
this section and sections 2151.423 and 2151.4210 of the Revised 370  
Code, a report made under this section is confidential. The 371  
information provided in a report made pursuant to this section 372  
and the name of the person who made the report shall not be 373  
released for use, and shall not be used, as evidence in any 374  
civil action or proceeding brought against the person who made 375  
the report. Nothing in this division shall preclude the use of 376  
reports of other incidents of known or suspected abuse or 377  
neglect in a civil action or proceeding brought pursuant to 378

division (N) of this section against a person who is alleged to 379  
have violated division (A) (1) of this section, provided that any 380  
information in a report that would identify the child who is the 381  
subject of the report or the maker of the report, if the maker 382  
of the report is not the defendant or an agent or employee of 383  
the defendant, has been redacted. In a criminal proceeding, the 384  
report is admissible in evidence in accordance with the Rules of 385  
Evidence and is subject to discovery in accordance with the 386  
Rules of Criminal Procedure. 387

(2) (a) Except as provided in division (I) (2) (b) of this 388  
section, no person shall permit or encourage the unauthorized 389  
dissemination of the contents of any report made under this 390  
section. 391

(b) A health care professional that obtains the same 392  
information contained in a report made under this section from a 393  
source other than the report may disseminate the information, if 394  
its dissemination is otherwise permitted by law. 395

(3) A person who knowingly makes or causes another person 396  
to make a false report under division (B) of this section that 397  
alleges that any person has committed an act or omission that 398  
resulted in a child being an abused child or a neglected child 399  
is guilty of a violation of section 2921.14 of the Revised Code. 400

(4) If a report is made pursuant to division (A) or (B) of 401  
this section and the child who is the subject of the report dies 402  
for any reason at any time after the report is made, but before 403  
the child attains eighteen years of age, the public children 404  
services agency or peace officer to which the report was made or 405  
referred, on the request of the child fatality review board or 406  
the director of health pursuant to guidelines established under 407  
section 3701.70 of the Revised Code, shall submit a summary 408

sheet of information providing a summary of the report to the 409  
review board of the county in which the deceased child resided 410  
at the time of death or to the director. On the request of the 411  
review board or director, the agency or peace officer may, at 412  
its discretion, make the report available to the review board or 413  
director. If the county served by the public children services 414  
agency is also served by a children's advocacy center and the 415  
report of alleged sexual abuse of a child or another type of 416  
abuse of a child is specified in the memorandum of understanding 417  
that creates the center as being within the center's 418  
jurisdiction, the agency or center shall perform the duties and 419  
functions specified in this division in accordance with the 420  
interagency agreement entered into under section 2151.428 of the 421  
Revised Code relative to that advocacy center. 422

(5) A public children services agency shall advise a 423  
person alleged to have inflicted abuse or neglect on a child who 424  
is the subject of a report made pursuant to this section, 425  
including a report alleging sexual abuse of a child or another 426  
type of abuse of a child referred to a children's advocacy 427  
center pursuant to an interagency agreement entered into under 428  
section 2151.428 of the Revised Code, in writing of the 429  
disposition of the investigation. The agency shall not provide 430  
to the person any information that identifies the person who 431  
made the report, statements of witnesses, or police or other 432  
investigative reports. 433

(J) Any report that is required by this section, other 434  
than a report that is made to the state highway patrol as 435  
described in section 5120.173 of the Revised Code, shall result 436  
in protective services and emergency supportive services being 437  
made available by the public children services agency on behalf 438  
of the children about whom the report is made, in an effort to 439

prevent further neglect or abuse, to enhance their welfare, and, 440  
whenever possible, to preserve the family unit intact. The 441  
agency required to provide the services shall be the agency 442  
conducting the investigation of the report pursuant to section 443  
2151.422 of the Revised Code. 444

(K) (1) Each public children services agency shall prepare 445  
a memorandum of understanding that is signed by all of the 446  
following: 447

(a) If there is only one juvenile judge in the county, the 448  
juvenile judge of the county or the juvenile judge's 449  
representative; 450

(b) If there is more than one juvenile judge in the 451  
county, a juvenile judge or the juvenile judges' representative 452  
selected by the juvenile judges or, if they are unable to do so 453  
for any reason, the juvenile judge who is senior in point of 454  
service or the senior juvenile judge's representative; 455

(c) The county peace officer; 456

(d) All chief municipal peace officers within the county; 457

(e) Other law enforcement officers handling child abuse 458  
and neglect cases in the county; 459

(f) The prosecuting attorney of the county; 460

(g) If the public children services agency is not the 461  
county department of job and family services, the county 462  
department of job and family services; 463

(h) The county humane society; 464

(i) If the public children services agency participated in 465  
the execution of a memorandum of understanding under section 466



2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

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

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

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

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who

allegedly was abused or neglected, and standards and procedures 497  
addressing the categories of persons who may interview the child 498  
who is the subject of the report and who allegedly was abused or 499  
neglected. 500

(4) If a public children services agency participated in 501  
the execution of a memorandum of understanding under section 502  
2151.426 of the Revised Code establishing a children's advocacy 503  
center, the agency shall incorporate the contents of that 504  
memorandum in the memorandum prepared pursuant to this section. 505

(5) The clerk of the court of common pleas in the county 506  
may sign the memorandum of understanding prepared under division 507  
(K) (1) of this section. If the clerk signs the memorandum of 508  
understanding, the clerk shall execute all relevant 509  
responsibilities as required of officials specified in the 510  
memorandum. 511

(L) (1) Except as provided in division (L) (4) or (5) of 512  
this section, a person who is required to make a report pursuant 513  
to division (A) of this section may make a reasonable number of 514  
requests of the public children services agency that receives or 515  
is referred the report, or of the children's advocacy center 516  
that is referred the report if the report is referred to a 517  
children's advocacy center pursuant to an interagency agreement 518  
entered into under section 2151.428 of the Revised Code, to be 519  
provided with the following information: 520

(a) Whether the agency or center has initiated an 521  
investigation of the report; 522

(b) Whether the agency or center is continuing to 523  
investigate the report; 524

(c) Whether the agency or center is otherwise involved 525

with the child who is the subject of the report; 526

(d) The general status of the health and safety of the 527  
child who is the subject of the report; 528

(e) Whether the report has resulted in the filing of a 529  
complaint in juvenile court or of criminal charges in another 530  
court. 531

(2) A person may request the information specified in 532  
division (L)(1) of this section only if, at the time the report 533  
is made, the person's name, address, and telephone number are 534  
provided to the person who receives the report. 535

When a peace officer or employee of a public children 536  
services agency receives a report pursuant to division (A) or 537  
(B) of this section the recipient of the report shall inform the 538  
person of the right to request the information described in 539  
division (L)(1) of this section. The recipient of the report 540  
shall include in the initial child abuse or child neglect report 541  
that the person making the report was so informed and, if 542  
provided at the time of the making of the report, shall include 543  
the person's name, address, and telephone number in the report. 544

Each request is subject to verification of the identity of 545  
the person making the report. If that person's identity is 546  
verified, the agency shall provide the person with the 547  
information described in division (L)(1) of this section a 548  
reasonable number of times, except that the agency shall not 549  
disclose any confidential information regarding the child who is 550  
the subject of the report other than the information described 551  
in those divisions. 552

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

pursuant to division (A) of this section. 555

(4) If an agency other than the agency that received or 556  
was referred the report is conducting the investigation of the 557  
report pursuant to section 2151.422 of the Revised Code, the 558  
agency conducting the investigation shall comply with the 559  
requirements of division (L) of this section. 560

(5) A health care professional who made a report under 561  
division (A) of this section, or on whose behalf such a report 562  
was made as provided in division (A)(1)(c) of this section, may 563  
authorize a person to obtain the information described in 564  
division (L)(1) of this section if the person requesting the 565  
information is associated with or acting on behalf of the health 566  
care professional who provided health care services to the child 567  
about whom the report was made. 568

(M) The director of job and family services shall adopt 569  
rules in accordance with Chapter 119. of the Revised Code to 570  
implement this section. The department of job and family 571  
services may enter into a plan of cooperation with any other 572  
governmental entity to aid in ensuring that children are 573  
protected from abuse and neglect. The department shall make 574  
recommendations to the attorney general that the department 575  
determines are necessary to protect children from child abuse 576  
and child neglect. 577

(N) Whoever violates division (A) of this section is 578  
liable for compensatory and exemplary damages to the child who 579  
would have been the subject of the report that was not made. A 580  
person who brings a civil action or proceeding pursuant to this 581  
division against a person who is alleged to have violated 582  
division (A)(1) of this section may use in the action or 583  
proceeding reports of other incidents of known or suspected 584

abuse or neglect, provided that any information in a report that 585  
would identify the child who is the subject of the report or the 586  
maker of the report, if the maker is not the defendant or an 587  
agent or employee of the defendant, has been redacted. 588

(O) (1) As used in this division: 589

(a) "Out-of-home care" includes a nonchartered nonpublic 590  
school if the alleged child abuse or child neglect, or alleged 591  
threat of child abuse or child neglect, described in a report 592  
received by a public children services agency allegedly occurred 593  
in or involved the nonchartered nonpublic school and the alleged 594  
perpetrator named in the report holds a certificate, permit, or 595  
license issued by the state board of education under section 596  
3301.071 or Chapter 3319. of the Revised Code. 597

(b) "Administrator, director, or other chief 598  
administrative officer" means the superintendent of the school 599  
district if the out-of-home care entity subject to a report made 600  
pursuant to this section is a school operated by the district. 601

(2) No later than the end of the day following the day on 602  
which a public children services agency receives a report of 603  
alleged child abuse or child neglect, or a report of an alleged 604  
threat of child abuse or child neglect, that allegedly occurred 605  
in or involved an out-of-home care entity, the agency shall 606  
provide written notice of the allegations contained in and the 607  
person named as the alleged perpetrator in the report to the 608  
administrator, director, or other chief administrative officer 609  
of the out-of-home care entity that is the subject of the report 610  
unless the administrator, director, or other chief 611  
administrative officer is named as an alleged perpetrator in the 612  
report. If the administrator, director, or other chief 613  
administrative officer of an out-of-home care entity is named as 614

an alleged perpetrator in a report of alleged child abuse or 615  
child neglect, or a report of an alleged threat of child abuse 616  
or child neglect, that allegedly occurred in or involved the 617  
out-of-home care entity, the agency shall provide the written 618  
notice to the owner or governing board of the out-of-home care 619  
entity that is the subject of the report. The agency shall not 620  
provide witness statements or police or other investigative 621  
reports. 622

(3) No later than three days after the day on which a 623  
public children services agency that conducted the investigation 624  
as determined pursuant to section 2151.422 of the Revised Code 625  
makes a disposition of an investigation involving a report of 626  
alleged child abuse or child neglect, or a report of an alleged 627  
threat of child abuse or child neglect, that allegedly occurred 628  
in or involved an out-of-home care entity, the agency shall send 629  
written notice of the disposition of the investigation to the 630  
administrator, director, or other chief administrative officer 631  
and the owner or governing board of the out-of-home care entity. 632  
The agency shall not provide witness statements or police or 633  
other investigative reports. 634

(P) As used in this section: 635

(1) "Children's advocacy center" and "sexual abuse of a 636  
child" have the same meanings as in section 2151.425 of the 637  
Revised Code. 638

(2) "Health care professional" means an individual who 639  
provides health-related services including a physician, hospital 640  
intern or resident, dentist, podiatrist, registered nurse, 641  
licensed practical nurse, visiting nurse, licensed psychologist, 642  
speech pathologist, audiologist, person engaged in social work 643  
or the practice of professional counseling, and employee of a 644

home health agency. "Health care professional" does not include 645  
a practitioner of a limited branch of medicine as specified in 646  
section 4731.15 of the Revised Code, licensed school 647  
psychologist, independent marriage and family therapist or 648  
marriage and family therapist, or coroner. 649

(3) "Investigation" means the public children services 650  
agency's response to an accepted report of child abuse or 651  
neglect through either an alternative response or a traditional 652  
response. 653

(4) "Peace officer" means a sheriff, deputy sheriff, 654  
constable, police officer of a township or joint police 655  
district, marshal, deputy marshal, municipal police officer, or 656  
a state highway patrol trooper. 657

**Sec. 2151.423.** A public children services agency shall 658  
disclose confidential information discovered during an 659  
investigation conducted pursuant to section 2151.421 or 2151.422 660  
of the Revised Code to any federal, state, or local government 661  
entity, including any appropriate military authority, that needs 662  
the information to carry out its responsibilities to protect 663  
children from abuse or neglect. 664

Information disclosed pursuant to this section is 665  
confidential and is not subject to disclosure pursuant to 666  
section 149.43 or 1347.08 of the Revised Code by the agency to 667  
whom the information was disclosed. The agency receiving the 668  
information shall maintain the confidentiality of information 669  
disclosed pursuant to this section. 670

**Sec. 2151.4210.** (A) A public children services agency 671  
shall determine as soon as practicable if a parent, guardian, or 672  
custodian of a child who is subject to an investigation under 673

section 2151.421 or 2151.422 of the Revised Code is in the armed 674  
forces. 675

(B) If the agency determines that the parent, guardian, or 676  
custodian is in the armed forces, the agency shall notify the 677  
appropriate authority of that armed force in which the parent, 678  
guardian, or custodian serves, in accordance with the memorandum 679  
of understanding established by that authority, that an 680  
investigation is being made of a report of child abuse or 681  
neglect that relates to the parent, guardian, or custodian. 682

(C) As used in this section, "armed forces" has the same 683  
meaning as in 10 U.S.C. 101. 684

685

**Section 2.** That existing sections 2151.421 and 2151.423 of 686  
the Revised Code are hereby repealed. 687