

As Introduced

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H. B. No. 493

Representatives Sears, Ryan

Cosponsor: Representative Perales

A BILL

To amend sections 307.627, 2151.421, 2151.422, 1
2151.99, 3701.701, 5153.16, 5153.175, and 2
5153.176 of the Revised Code to make changes in 3
the child abuse and neglect reporting law. 4

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

Section 1. That sections 307.627, 2151.421, 2151.422, 5
2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of the 6
Revised Code be amended to read as follows: 7

Sec. 307.627. (A) (1) Notwithstanding section 3701.243 and 8
any other section of the Revised Code pertaining to 9
confidentiality, any individual; public children services 10
agency, private child placing agency, or agency that provides 11
services specifically to individuals or families; law 12
enforcement agency; or other public or private entity that 13
provided services to a child whose death is being reviewed by a 14
child fatality review board, on the request of the review board, 15
shall submit to the review board a summary sheet of information. 16

(a) With respect to a request made to a health care 17
entity, the summary sheet shall contain only information 18

available and reasonably drawn from the child's medical record 19
created by the health care entity. 20

(b) With respect to a request made to any other individual 21
or entity, the summary shall contain only information available 22
and reasonably drawn from any record involving the child that 23
the individual or entity develops in the normal course of 24
business. 25

(c) On the request of the review board, an individual or 26
entity may, at the individual or entity's discretion, make any 27
additional information, documents, or reports available to the 28
review board. 29

(2) Notwithstanding section 3701.243 and any other section 30
of the Revised Code pertaining to confidentiality, in the case 31
of a child one year of age or younger whose death is being 32
reviewed by a child fatality review board, on the request of the 33
review board, a health care entity that provided services to the 34
child's mother shall submit to the review board a summary sheet 35
of information available and reasonably drawn from the mother's 36
medical record created by the health care entity. Before 37
submitting the summary sheet, the health care entity shall 38
attempt to obtain the mother's consent to do so, but lack of 39
consent shall not preclude the entity from submitting the 40
summary sheet. 41

(3) For purposes of the review, the review board shall 42
have access to confidential information provided to the review 43
board under this section or division ~~(H)~~(I) (4) of section 44
2151.421 of the Revised Code, and each member of the review 45
board shall preserve the confidentiality of that information. 46

(B) Notwithstanding division (A) of this section, no 47

person, entity, law enforcement agency, or prosecuting attorney 48
shall provide any information regarding the death of a child to 49
a child fatality review board while an investigation of the 50
death or prosecution of a person for causing the death is 51
pending unless the prosecuting attorney has agreed pursuant to 52
section 307.625 of the Revised Code to allow review of the 53
death. 54

Sec. 2151.421. (A) (1) (a) No person described in division 55
(A) (1) (b) of this section who is acting in an official or 56
professional capacity and knows, or has reasonable cause to 57
suspect based on facts that would cause a reasonable person in a 58
similar position to suspect, that a child under eighteen years 59
of age or a mentally retarded, developmentally disabled, or 60
physically impaired child under twenty-one years of age has 61
suffered or faces a threat of suffering any physical or mental 62
wound, injury, disability, or condition of a nature that 63
reasonably indicates abuse or neglect of the child shall fail to 64
immediately report that knowledge or reasonable cause to suspect 65
to the entity or persons specified in this division. Except as 66
provided in section 5120.173 of the Revised Code, the person 67
making the report shall make it to the public children services 68
agency or a municipal or county peace officer in the county in 69
which the child resides or in which the abuse or neglect is 70
occurring or has occurred. In the circumstances described in 71
section 5120.173 of the Revised Code, the person making the 72
report shall make it to the entity specified in that section. 73

(b) Division (A) (1) (a) of this section applies to any 74
person who is an attorney; ~~physician, including a hospital-~~ 75
~~intern or resident; dentist; podiatrist~~ health care 76
professional; practitioner of a limited branch of medicine as 77
specified in section 4731.15 of the Revised Code; ~~registered~~ 78

~~nurse; licensed practical nurse; visiting nurse; other health-~~ 79
~~care professional; licensed psychologist;~~ licensed school 80
psychologist; independent marriage and family therapist or 81
marriage and family therapist; ~~speech pathologist or~~ 82
~~audiologist;~~ coroner; administrator or employee of a child day- 83
care center; administrator or employee of a residential camp, 84
child day camp, or private, nonprofit therapeutic wilderness 85
camp; administrator or employee of a certified child care agency 86
or other public or private children services agency; school 87
teacher; school employee; school authority; ~~person engaged in-~~ 88
~~social work or the practice of professional counseling;~~ agent of 89
a county humane society; person, other than a cleric, rendering 90
spiritual treatment through prayer in accordance with the tenets 91
of a well-recognized religion; employee of a county department 92
of job and family services who is a professional and who works 93
with children and families; superintendent or regional 94
administrator employed by the department of youth services; 95
superintendent, board member, or employee of a county board of 96
developmental disabilities; investigative agent contracted with 97
by a county board of developmental disabilities; employee of the 98
department of developmental disabilities; employee of a facility 99
or home that provides respite care in accordance with section 100
5123.171 of the Revised Code; ~~employee of a home health agency;~~ 101
employee of an entity that provides homemaker services; a person 102
performing the duties of an assessor pursuant to Chapter 3107. 103
or 5103. of the Revised Code; third party employed by a public 104
children services agency to assist in providing child or family 105
related services; court appointed special advocate; or guardian 106
ad litem. 107

(c) If two or more health care professionals, after 108
providing health care services to a child, determine or suspect 109

that the child has been or is being abused or neglected, the 110
health care professionals may designate one of the health care 111
professionals to report the abuse or neglect. A single report 112
made under this division shall meet the reporting requirements 113
of division (A) (1) of this section. 114

(2) Except as provided in division (A) (3) of this section, 115
an attorney or a physician is not required to make a report 116
pursuant to division (A) (1) of this section concerning any 117
communication the attorney or physician receives from a client 118
or patient in an attorney-client or physician-patient 119
relationship, if, in accordance with division (A) or (B) of 120
section 2317.02 of the Revised Code, the attorney or physician 121
could not testify with respect to that communication in a civil 122
or criminal proceeding. 123

(3) The client or patient in an attorney-client or 124
physician-patient relationship described in division (A) (2) of 125
this section is deemed to have waived any testimonial privilege 126
under division (A) or (B) of section 2317.02 of the Revised Code 127
with respect to any communication the attorney or physician 128
receives from the client or patient in that attorney-client or 129
physician-patient relationship, and the attorney or physician 130
shall make a report pursuant to division (A) (1) of this section 131
with respect to that communication, if all of the following 132
apply: 133

(a) The client or patient, at the time of the 134
communication, is either a child under eighteen years of age or 135
a mentally retarded, developmentally disabled, or physically 136
impaired person under twenty-one years of age. 137

(b) The attorney or physician knows, or has reasonable 138
cause to suspect based on facts that would cause a reasonable 139

person in similar position to suspect,~~as a result of the~~ 140
~~communication or any observations made during that~~ 141
~~communication,~~ that the client or patient has suffered or faces 142
a threat of suffering any physical or mental wound, injury, 143
disability, or condition of a nature that reasonably indicates 144
abuse or neglect of the client or patient. 145

(c) The abuse or neglect does not arise out of the 146
client's or patient's attempt to have an abortion without the 147
notification of her parents, guardian, or custodian in 148
accordance with section 2151.85 of the Revised Code. 149

(4) (a) No cleric and no person, other than a volunteer, 150
designated by any church, religious society, or faith acting as 151
a leader, official, or delegate on behalf of the church, 152
religious society, or faith who is acting in an official or 153
professional capacity, who knows, or has reasonable cause to 154
believe based on facts that would cause a reasonable person in a 155
similar position to believe, that a child under eighteen years 156
of age or a mentally retarded, developmentally disabled, or 157
physically impaired child under twenty-one years of age has 158
suffered or faces a threat of suffering any physical or mental 159
wound, injury, disability, or condition of a nature that 160
reasonably indicates abuse or neglect of the child, and who 161
knows, or has reasonable cause to believe based on facts that 162
would cause a reasonable person in a similar position to 163
believe, that another cleric or another person, other than a 164
volunteer, designated by a church, religious society, or faith 165
acting as a leader, official, or delegate on behalf of the 166
church, religious society, or faith caused, or poses the threat 167
of causing, the wound, injury, disability, or condition that 168
reasonably indicates abuse or neglect shall fail to immediately 169
report that knowledge or reasonable cause to believe to the 170

entity or persons specified in this division. Except as provided 171
in section 5120.173 of the Revised Code, the person making the 172
report shall make it to the public children services agency or a 173
municipal or county peace officer in the county in which the 174
child resides or in which the abuse or neglect is occurring or 175
has occurred. In the circumstances described in section 5120.173 176
of the Revised Code, the person making the report shall make it 177
to the entity specified in that section. 178

(b) Except as provided in division (A) (4) (c) of this 179
section, a cleric is not required to make a report pursuant to 180
division (A) (4) (a) of this section concerning any communication 181
the cleric receives from a penitent in a cleric-penitent 182
relationship, if, in accordance with division (C) of section 183
2317.02 of the Revised Code, the cleric could not testify with 184
respect to that communication in a civil or criminal proceeding. 185

(c) The penitent in a cleric-penitent relationship 186
described in division (A) (4) (b) of this section is deemed to 187
have waived any testimonial privilege under division (C) of 188
section 2317.02 of the Revised Code with respect to any 189
communication the cleric receives from the penitent in that 190
cleric-penitent relationship, and the cleric shall make a report 191
pursuant to division (A) (4) (a) of this section with respect to 192
that communication, if all of the following apply: 193

(i) The penitent, at the time of the communication, is 194
either a child under eighteen years of age or a mentally 195
retarded, developmentally disabled, or physically impaired 196
person under twenty-one years of age. 197

(ii) The cleric knows, or has reasonable cause to believe 198
based on facts that would cause a reasonable person in a similar 199
position to believe, as a result of the communication or any 200

observations made during that communication, the penitent has 201
suffered or faces a threat of suffering any physical or mental 202
wound, injury, disability, or condition of a nature that 203
reasonably indicates abuse or neglect of the penitent. 204

(iii) The abuse or neglect does not arise out of the 205
penitent's attempt to have an abortion performed upon a child 206
under eighteen years of age or upon a mentally retarded, 207
developmentally disabled, or physically impaired person under 208
twenty-one years of age without the notification of her parents, 209
guardian, or custodian in accordance with section 2151.85 of the 210
Revised Code. 211

(d) Divisions (A) (4) (a) and (c) of this section do not 212
apply in a cleric-penitent relationship when the disclosure of 213
any communication the cleric receives from the penitent is in 214
violation of the sacred trust. 215

(e) As used in divisions (A) (1) and (4) of this section, 216
"cleric" and "sacred trust" have the same meanings as in section 217
2317.02 of the Revised Code. 218

(B) Anyone who knows, or has reasonable cause to suspect 219
based on facts that would cause a reasonable person in similar 220
circumstances to suspect, that a child under eighteen years of 221
age or a mentally retarded, developmentally disabled, or 222
physically impaired person under twenty-one years of age has 223
suffered or faces a threat of suffering any physical or mental 224
wound, injury, disability, or other condition of a nature that 225
reasonably indicates abuse or neglect of the child may report or 226
cause reports to be made of that knowledge or reasonable cause 227
to suspect to the entity or persons specified in this division. 228
Except as provided in section 5120.173 of the Revised Code, a 229
person making a report or causing a report to be made under this 230

division shall make it or cause it to be made to the public 231
children services agency or to a municipal or county peace 232
officer. In the circumstances described in section 5120.173 of 233
the Revised Code, a person making a report or causing a report 234
to be made under this division shall make it or cause it to be 235
made to the entity specified in that section. 236

(C) Any report made pursuant to division (A) or (B) of 237
this section shall be made forthwith either by telephone or in 238
person and shall be followed by a written report, if requested 239
by the receiving agency or officer. The written report shall 240
contain: 241

(1) The names and addresses of the child and the child's 242
parents or the person or persons having custody of the child, if 243
known; 244

(2) The child's age and the nature and extent of the 245
child's injuries, abuse, or neglect that is known or reasonably 246
suspected or believed, as applicable, to have occurred or of the 247
threat of injury, abuse, or neglect that is known or reasonably 248
suspected or believed, as applicable, to exist, including any 249
evidence of previous injuries, abuse, or neglect; 250

(3) Any other information, including, but not limited to, 251
results and reports of any medical examinations, tests, or 252
procedures performed under division (D) of this section, that 253
might be helpful in establishing the cause of the injury, abuse, 254
or neglect that is known or reasonably suspected or believed, as 255
applicable, to have occurred or of the threat of injury, abuse, 256
or neglect that is known or reasonably suspected or believed, as 257
applicable, to exist. 258

(D) (1) Any person, who is required by division (A) of this 259

section to report child abuse or child neglect that is known or 260
reasonably suspected or believed to have occurred, may take or 261
cause to be taken color photographs of areas of trauma visible 262
on a child and, if medically ~~indicated~~ necessary for the purpose 263
of diagnosing or treating injuries that are suspected to have 264
occurred as a result of child abuse or child neglect, perform or 265
cause to be performed radiological examinations ~~of the child.~~ 266

~~(D) As used in this division, "children's advocacy center"~~ 267
~~and "sexual abuse of a child" have the same meanings as in~~ 268
~~section 2151.425 of the Revised Code and any other medical~~ 269
~~examinations of, and tests or procedures on, the child.~~ 270

(2) The results and any reports of examinations, tests, or 271
procedures made under division (D)(1) of this section shall be 272
included in a report made pursuant to division (A) of this 273
section. 274

(3) If a health care professional provides health care 275
services in a hospital, children's advocacy center, or emergency 276
medical facility to a child about whom a report has been made 277
under division (A) of this section, the health care professional 278
may take any steps that are reasonably necessary for the release 279
or discharge of the child to an appropriate environment. Before 280
the child's release or discharge, the health care professional 281
may obtain information, or consider information obtained, from 282
other entities or individuals that have knowledge about the 283
child. 284

(4) A health care professional may conduct medical 285
examinations, tests, or procedures on the siblings of a child 286
about whom a report has been made under division (A) of this 287
section and on other children who reside in the same home as the 288
child, if the professional determines that the examinations, 289

tests, or procedures are medically necessary to diagnose or 290
treat the siblings or other children in order to determine 291
whether reports under division (A) of this section are warranted 292
with respect to such siblings or other children. The results of 293
the examinations, tests, or procedures on the siblings and other 294
children may be included in a report made pursuant to division 295
(A) of this section. 296

(5) Medical examinations, tests, or procedures conducted 297
under divisions (D) (1) and (4) of this section and decisions 298
regarding the release or discharge of a child under division (D) 299
(3) of this section do not constitute a law enforcement 300
investigation or activity. 301

(E) (1) When a municipal or county peace officer receives a 302
report concerning the possible abuse or neglect of a child or 303
the possible threat of abuse or neglect of a child, upon receipt 304
of the report, the municipal or county peace officer who 305
receives the report shall refer the report to the appropriate 306
public children services agency. 307

(2) When a public children services agency receives a 308
report pursuant to this division or division (A) or (B) of this 309
section, upon receipt of the report, the public children 310
services agency shall do both of the following: 311

(a) Comply with section 2151.422 of the Revised Code; 312

(b) If the county served by the agency is also served by a 313
children's advocacy center and the report alleges sexual abuse 314
of a child or another type of abuse of a child that is specified 315
in the memorandum of understanding that creates the center as 316
being within the center's jurisdiction, comply regarding the 317
report with the protocol and procedures for referrals and 318

investigations, with the coordinating activities, and with the 319
authority or responsibility for performing or providing 320
functions, activities, and services stipulated in the 321
interagency agreement entered into under section 2151.428 of the 322
Revised Code relative to that center. 323

~~(E)~~(F) No township, municipal, or county peace officer 324
shall remove a child about whom a report is made pursuant to 325
this section from the child's parents, stepparents, or guardian 326
or any other persons having custody of the child without 327
consultation with the public children services agency, unless, 328
in the judgment of the officer, and, if the report was made by 329
physician, the physician, immediate removal is considered 330
essential to protect the child from further abuse or neglect. 331
The agency that must be consulted shall be the agency conducting 332
the investigation of the report as determined pursuant to 333
section 2151.422 of the Revised Code. 334

~~(F)~~(G) (1) Except as provided in section 2151.422 of the 335
Revised Code or in an interagency agreement entered into under 336
section 2151.428 of the Revised Code that applies to the 337
particular report, the public children services agency shall 338
investigate, within twenty-four hours, each report of child 339
abuse or child neglect that is known or reasonably suspected or 340
believed to have occurred and of a threat of child abuse or 341
child neglect that is known or reasonably suspected or believed 342
to exist that is referred to it under this section to determine 343
the circumstances surrounding the injuries, abuse, or neglect or 344
the threat of injury, abuse, or neglect, the cause of the 345
injuries, abuse, neglect, or threat, and the person or persons 346
responsible. The investigation shall be made in cooperation with 347
the law enforcement agency and in accordance with the memorandum 348
of understanding prepared under division ~~(J)~~(K) of this 349

section. A representative of the public children services agency 350
shall, at the time of initial contact with the person subject to 351
the investigation, inform the person of the specific complaints 352
or allegations made against the person. The information shall be 353
given in a manner that is consistent with division ~~(H)~~(I)(1) of 354
this section and protects the rights of the person making the 355
report under this section. 356

A failure to make the investigation in accordance with the 357
memorandum is not grounds for, and shall not result in, the 358
dismissal of any charges or complaint arising from the report or 359
the suppression of any evidence obtained as a result of the 360
report and does not give, and shall not be construed as giving, 361
any rights or any grounds for appeal or post-conviction relief 362
to any person. The public children services agency shall report 363
each case to the uniform statewide automated child welfare 364
information system that the department of job and family 365
services shall maintain in accordance with section 5101.13 of 366
the Revised Code. The public children services agency shall 367
submit a report of its investigation, in writing, to the law 368
enforcement agency. 369

(2) The public children services agency shall make any 370
recommendations to the county prosecuting attorney or city 371
director of law that it considers necessary to protect any 372
children that are brought to its attention. 373

~~(G)~~(H)(1)(a) Except as provided in division ~~(H)~~(I)(3) of 374
this section, ~~anyone or any~~ person, health care professional, 375
~~hospital, institution, school, health department, or agency~~ 376
~~participating in the making of reports under division (A) of~~ 377
~~this section, anyone or any hospital, institution, school,~~ 378
~~health department, or agency participating in good faith in the~~ 379

~~making of reports under division (B) of this section, and anyone~~ 380
~~participating in good faith in a judicial proceeding resulting~~ 381
~~from the reports, shall be immune from any civil or criminal~~ 382
~~liability for injury, death, or loss to person or property that~~ 383
~~otherwise might be incurred or imposed as a result of the making~~ 384
~~of the reports or the participation in the judicial proceeding~~ 385
shall be immune from any civil or criminal liability for injury, 386
death, or loss to person or property that otherwise might be 387
incurred or imposed as a result of any of the following: 388

(i) Participating in the making of reports pursuant to 389
division (A) of this section or in the making of reports in good 390
faith, pursuant to division (B) of this section; 391

(ii) Participating in medical examinations, tests, or 392
procedures under division (D) of this section; 393

(iii) Providing information used in a report made pursuant 394
to division (A) of this section or providing information in good 395
faith used in a report made pursuant to division (B) of this 396
section; 397

(iv) Participating in a judicial proceeding resulting from 398
a report made pursuant to division (A) of this section or 399
participating in good faith in a proceeding resulting from a 400
report made pursuant to division (B) of this section. 401

(b) Notwithstanding section 4731.22 of the Revised Code, 402
the physician-patient privilege shall not be a ground for 403
excluding evidence regarding a child's injuries, abuse, or 404
neglect, or the cause of the injuries, abuse, or neglect in any 405
judicial proceeding resulting from a report submitted pursuant 406
to this section. 407

(2) In any civil or criminal action or proceeding in which 408

it is alleged and proved that participation in the making of a 409
report under this section was not in good faith or participation 410
in a judicial proceeding resulting from a report made under this 411
section was not in good faith, the court shall award the 412
prevailing party reasonable attorney's fees and costs and, if a 413
civil action or proceeding is voluntarily dismissed, may award 414
reasonable attorney's fees and costs to the party against whom 415
the civil action or proceeding is brought. 416

~~(H)~~(I)(1) Except as provided in divisions ~~(H)~~(I)(4) and 417
~~(N)~~(O) of this section, a report made under this section is 418
confidential. The information provided in a report made pursuant 419
to this section and the name of the person who made the report 420
shall not be released for use, and shall not be used, as 421
evidence in any civil action or proceeding brought against the 422
person who made the report. Nothing in this division shall 423
preclude the use of reports of other incidents of known or 424
suspected abuse or neglect in a civil action or proceeding 425
brought pursuant to division ~~(M)~~(N) of this section against a 426
person who is alleged to have violated division (A)(1) of this 427
section, provided that any information in a report that would 428
identify the child who is the subject of the report or the maker 429
of the report, if the maker of the report is not the defendant 430
or an agent or employee of the defendant, has been redacted. In 431
a criminal proceeding, the report is admissible in evidence in 432
accordance with the Rules of Evidence and is subject to 433
discovery in accordance with the Rules of Criminal Procedure. 434

~~(2)~~No (a) Except as provided in division (I)(2)(b) of 435
this section, no person shall permit or encourage the 436
unauthorized dissemination of the contents of any report made 437
under this section. 438

(b) A health care professional that obtains the same 439
information contained in a report made under this section from a 440
source other than the report may disseminate the information, if 441
its dissemination is otherwise permitted by law. 442

(3) A person who knowingly makes or causes another person 443
to make a false report under division (B) of this section that 444
alleges that any person has committed an act or omission that 445
resulted in a child being an abused child or a neglected child 446
is guilty of a violation of section 2921.14 of the Revised Code. 447

(4) If a report is made pursuant to division (A) or (B) of 448
this section and the child who is the subject of the report dies 449
for any reason at any time after the report is made, but before 450
the child attains eighteen years of age, the public children 451
services agency or municipal or county peace officer to which 452
the report was made or referred, on the request of the child 453
fatality review board or the director of health pursuant to 454
guidelines established under section 3701.70 of the Revised 455
Code, shall submit a summary sheet of information providing a 456
summary of the report to the review board of the county in which 457
the deceased child resided at the time of death or to the 458
director. On the request of the review board or director, the 459
agency or peace officer may, at its discretion, make the report 460
available to the review board or director. If the county served 461
by the public children services agency is also served by a 462
children's advocacy center and the report of alleged sexual 463
abuse of a child or another type of abuse of a child is 464
specified in the memorandum of understanding that creates the 465
center as being within the center's jurisdiction, the agency or 466
center shall perform the duties and functions specified in this 467
division in accordance with the interagency agreement entered 468
into under section 2151.428 of the Revised Code relative to that 469

advocacy center. 470

(5) A public children services agency shall advise a 471
person alleged to have inflicted abuse or neglect on a child who 472
is the subject of a report made pursuant to this section, 473
including a report alleging sexual abuse of a child or another 474
type of abuse of a child referred to a children's advocacy 475
center pursuant to an interagency agreement entered into under 476
section 2151.428 of the Revised Code, in writing of the 477
disposition of the investigation. The agency shall not provide 478
to the person any information that identifies the person who 479
made the report, statements of witnesses, or police or other 480
investigative reports. 481

~~(I)~~ (J) Any report that is required by this section, other 482
than a report that is made to the state highway patrol as 483
described in section 5120.173 of the Revised Code, shall result 484
in protective services and emergency supportive services being 485
made available by the public children services agency on behalf 486
of the children about whom the report is made, in an effort to 487
prevent further neglect or abuse, to enhance their welfare, and, 488
whenever possible, to preserve the family unit intact. The 489
agency required to provide the services shall be the agency 490
conducting the investigation of the report pursuant to section 491
2151.422 of the Revised Code. 492

~~(J)~~ (K) (1) Each public children services agency shall 493
prepare a memorandum of understanding that is signed by all of 494
the following: 495

(a) If there is only one juvenile judge in the county, the 496
juvenile judge of the county or the juvenile judge's 497
representative; 498

(b) If there is more than one juvenile judge in the	499
county, a juvenile judge or the juvenile judges' representative	500
selected by the juvenile judges or, if they are unable to do so	501
for any reason, the juvenile judge who is senior in point of	502
service or the senior juvenile judge's representative;	503
(c) The county peace officer;	504
(d) All chief municipal peace officers within the county;	505
(e) Other law enforcement officers handling child abuse	506
and neglect cases in the county;	507
(f) The prosecuting attorney of the county;	508
(g) If the public children services agency is not the	509
county department of job and family services, the county	510
department of job and family services;	511
(h) The county humane society;	512
(i) If the public children services agency participated in	513
the execution of a memorandum of understanding under section	514
2151.426 of the Revised Code establishing a children's advocacy	515
center, each participating member of the children's advocacy	516
center established by the memorandum.	517
(2) A memorandum of understanding shall set forth the	518
normal operating procedure to be employed by all concerned	519
officials in the execution of their respective responsibilities	520
under this section and division (C) of section 2919.21, division	521
(B) (1) of section 2919.22, division (B) of section 2919.23, and	522
section 2919.24 of the Revised Code and shall have as two of its	523
primary goals the elimination of all unnecessary interviews of	524
children who are the subject of reports made pursuant to	525
division (A) or (B) of this section and, when feasible,	526

providing for only one interview of a child who is the subject 527
of any report made pursuant to division (A) or (B) of this 528
section. A failure to follow the procedure set forth in the 529
memorandum by the concerned officials is not grounds for, and 530
shall not result in, the dismissal of any charges or complaint 531
arising from any reported case of abuse or neglect or the 532
suppression of any evidence obtained as a result of any reported 533
child abuse or child neglect and does not give, and shall not be 534
construed as giving, any rights or any grounds for appeal or 535
post-conviction relief to any person. 536

(3) A memorandum of understanding shall include all of the 537
following: 538

(a) The roles and responsibilities for handling emergency 539
and nonemergency cases of abuse and neglect; 540

(b) Standards and procedures to be used in handling and 541
coordinating investigations of reported cases of child abuse and 542
reported cases of child neglect, methods to be used in 543
interviewing the child who is the subject of the report and who 544
allegedly was abused or neglected, and standards and procedures 545
addressing the categories of persons who may interview the child 546
who is the subject of the report and who allegedly was abused or 547
neglected. 548

(4) If a public children services agency participated in 549
the execution of a memorandum of understanding under section 550
2151.426 of the Revised Code establishing a children's advocacy 551
center, the agency shall incorporate the contents of that 552
memorandum in the memorandum prepared pursuant to this section. 553

(5) The clerk of the court of common pleas in the county 554
may sign the memorandum of understanding prepared under division 555

~~(J)~~(K)(1) of this section. If the clerk signs the memorandum of 556
understanding, the clerk shall execute all relevant 557
responsibilities as required of officials specified in the 558
memorandum. 559

~~(K)~~(L)(1) Except as provided in division ~~(K)~~(L)(4) or (5) 560
of this section, a person who is required to make a report 561
pursuant to division (A) of this section may make a reasonable 562
number of requests of the public children services agency that 563
receives or is referred the report, or of the children's 564
advocacy center that is referred the report if the report is 565
referred to a children's advocacy center pursuant to an 566
interagency agreement entered into under section 2151.428 of the 567
Revised Code, to be provided with the following information: 568

(a) Whether the agency or center has initiated an 569
investigation of the report; 570

(b) Whether the agency or center is continuing to 571
investigate the report; 572

(c) Whether the agency or center is otherwise involved 573
with the child who is the subject of the report; 574

(d) The general status of the health and safety of the 575
child who is the subject of the report; 576

(e) Whether the report has resulted in the filing of a 577
complaint in juvenile court or of criminal charges in another 578
court. 579

(2) A person may request the information specified in 580
division ~~(K)~~(L)(1) of this section only if, at the time the 581
report is made, the person's name, address, and telephone number 582
are provided to the person who receives the report. 583

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 ~~(K)~~(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.

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 ~~(K)~~(L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

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

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

~~(L)~~(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in

division (L) (1) of this section if the person requesting the 614
information is associated with or acting on behalf of the health 615
care professional who provided health care services to the child 616
about whom the report was made. 617

(M) The director of job and family services shall adopt 618
rules in accordance with Chapter 119. of the Revised Code to 619
implement this section. The department of job and family 620
services may enter into a plan of cooperation with any other 621
governmental entity to aid in ensuring that children are 622
protected from abuse and neglect. The department shall make 623
recommendations to the attorney general that the department 624
determines are necessary to protect children from child abuse 625
and child neglect. 626

~~(M)~~ (N) Whoever violates division (A) of this section is 627
liable for compensatory and exemplary damages to the child who 628
would have been the subject of the report that was not made. A 629
person who brings a civil action or proceeding pursuant to this 630
division against a person who is alleged to have violated 631
division (A) (1) of this section may use in the action or 632
proceeding reports of other incidents of known or suspected 633
abuse or neglect, provided that any information in a report that 634
would identify the child who is the subject of the report or the 635
maker of the report, if the maker is not the defendant or an 636
agent or employee of the defendant, has been redacted. 637

~~(N)~~ (O) (1) As used in this division: 638

(a) "Out-of-home care" includes a nonchartered nonpublic 639
school if the alleged child abuse or child neglect, or alleged 640
threat of child abuse or child neglect, described in a report 641
received by a public children services agency allegedly occurred 642
in or involved the nonchartered nonpublic school and the alleged 643

perpetrator named in the report holds a certificate, permit, or 644
license issued by the state board of education under section 645
3301.071 or Chapter 3319. of the Revised Code. 646

(b) "Administrator, director, or other chief 647
administrative officer" means the superintendent of the school 648
district if the out-of-home care entity subject to a report made 649
pursuant to this section is a school operated by the district. 650

(2) No later than the end of the day following the day on 651
which a public children services agency receives a report of 652
alleged child abuse or child neglect, or a report of an alleged 653
threat of child abuse or child neglect, that allegedly occurred 654
in or involved an out-of-home care entity, the agency shall 655
provide written notice of the allegations contained in and the 656
person named as the alleged perpetrator in the report to the 657
administrator, director, or other chief administrative officer 658
of the out-of-home care entity that is the subject of the report 659
unless the administrator, director, or other chief 660
administrative officer is named as an alleged perpetrator in the 661
report. If the administrator, director, or other chief 662
administrative officer of an out-of-home care entity is named as 663
an alleged perpetrator in a report of alleged child abuse or 664
child neglect, or a report of an alleged threat of child abuse 665
or child neglect, that allegedly occurred in or involved the 666
out-of-home care entity, the agency shall provide the written 667
notice to the owner or governing board of the out-of-home care 668
entity that is the subject of the report. The agency shall not 669
provide witness statements or police or other investigative 670
reports. 671

(3) No later than three days after the day on which a 672
public children services agency that conducted the investigation 673

as determined pursuant to section 2151.422 of the Revised Code 674
makes a disposition of an investigation involving a report of 675
alleged child abuse or child neglect, or a report of an alleged 676
threat of child abuse or child neglect, that allegedly occurred 677
in or involved an out-of-home care entity, the agency shall send 678
written notice of the disposition of the investigation to the 679
administrator, director, or other chief administrative officer 680
and the owner or governing board of the out-of-home care entity. 681
The agency shall not provide witness statements or police or 682
other investigative reports. 683

~~(O)~~ (P) As used in this section, "investigation": 684

(1) "Children's advocacy center" and "sexual abuse of a 685
child" have the same meanings as in section 2151.425 of the 686
Revised Code. 687

(2) "Health care professional" means an individual who 688
provides health-related services including a physician, hospital 689
intern or resident, dentist, podiatrist, registered nurse, 690
licensed practical nurse, visiting nurse, licensed psychologist, 691
speech pathologist, audiologist, person engaged in social work 692
or the practice of professional counseling, and employee of a 693
home health agency. "Health care professional" does not include 694
a practitioner of a limited branch of medicine as specified in 695
section 4731.15 of the Revised Code, licensed school 696
psychologist, independent marriage and family therapist or 697
marriage and family therapist, or coroner. 698

(3) "Investigation" means the public children services 699
agency's response to an accepted report of child abuse or 700
neglect through either an alternative response or a traditional 701
response. 702

Sec. 2151.422. (A) As used in this section, "Homeless shelter" means a facility that provides accommodations to homeless individuals.

(B) On receipt of a notice pursuant to division (A), (B), or ~~(D)~~ (E) of section 2151.421 of the Revised Code, the public children services agency shall determine whether the child subject to the report is living in a shelter for victims of domestic violence or a homeless shelter and whether the child was brought to that shelter pursuant to an agreement with a shelter in another county. If the child is living in a shelter and was brought there from another county, the agency shall immediately notify the public children services agency of the county from which the child was brought of the report and all the information contained in the report. On receipt of the notice pursuant to this division, the agency of the county from which the child was brought shall conduct the investigation of the report required pursuant to section 2151.421 of the Revised Code and shall perform all duties required of the agency under this chapter with respect to the child who is the subject of the report. If the child is not living in a shelter or the child was not brought to the shelter from another county, the agency that received the report pursuant to division (A), (B), or ~~(D)~~ (E) of section 2151.421 of the Revised Code shall conduct the investigation required pursuant to section 2151.421 of the Revised Code and shall perform all duties required of the agency under this chapter with respect to the child who is the subject of the report. The agency of the county in which the shelter is located in which the child is living and the agency of the county from which the child was brought may ask the shelter to provide information concerning the child's residence address and county of residence to the agency.

(C) If a child is living in a shelter for victims of 734
domestic violence or a homeless shelter and the child was 735
brought to that shelter pursuant to an agreement with a shelter 736
in another county, the public children services agency of the 737
county from which the child was brought shall provide services 738
to or take custody of the child if services or custody are 739
needed or required under this Chapter or section 5153.16 of the 740
Revised Code. 741

(D) When a homeless shelter provides accommodations to a 742
person, the shelter, on admitting the person to the shelter, 743
shall determine, if possible, the person's last known 744
residential address and county of residence. The information 745
concerning the address and county of residence is confidential 746
and may only be released to a public children services agency 747
pursuant to this section. 748

Sec. 2151.99. (A) (1) Except as otherwise provided in 749
division (A) (2) of this section, whoever violates division (D) 750
(2) or (3) of section 2151.313 or division ~~(A) (4), (H) or (I)~~ 751
(2) of section 2151.421 of the Revised Code is guilty of a 752
misdemeanor of the fourth degree. 753

(2) Whoever violates division (A) (4) of section 2151.421 754
of the Revised Code knowing that a child has been abused or 755
neglected and knowing that the person who committed the abuse or 756
neglect was a cleric or another person, other than a volunteer, 757
designated by a church, religious society, or faith acting as a 758
leader, official, or delegate on behalf of the church, religious 759
society, or faith, is guilty of a misdemeanor of the first 760
degree if the person who violates division (A) (4) of this 761
section and the person who committed the abuse or neglect belong 762
to the same church, religious society, or faith. 763

(B) Whoever violates division (D) (1) of section 2151.313 764
of the Revised Code is guilty of a minor misdemeanor. 765

(C) Whoever violates division (A) (1) of section 2151.421 766
of the Revised Code shall be punished as follows: 767

(1) Except as otherwise provided in division (C) (2) of 768
this section, the offender is guilty of a misdemeanor of the 769
fourth degree. 770

(2) The offender is guilty of a misdemeanor of the first 771
degree if the child who is the subject of the required report 772
that the offender fails to make suffers or faces the threat of 773
suffering the physical or mental wound, injury, disability, or 774
condition that would be the basis of the required report when 775
the child is under the direct care or supervision of the 776
offender who is then acting in the offender's official or 777
professional capacity or when the child is under the direct care 778
or supervision of another person over whom the offender while 779
acting in the offender's official or professional capacity has 780
supervisory control. 781

Sec. 3701.701. (A) (1) Notwithstanding section 3701.243 and 782
any other section of the Revised Code pertaining to 783
confidentiality, any individual, public children services 784
agency, private child placing agency, or agency that provides 785
services specifically to individuals or families, law 786
enforcement agency, or other public or private entity that 787
provided services to a child whose death is being reviewed by 788
the director of health pursuant to guidelines established under 789
section 3701.70 of the Revised Code, on the request of the 790
director, shall submit to the director a summary sheet of 791
information. 792

(a) With respect to a request made to a health care 793
entity, the summary sheet shall contain only information 794
available and reasonably drawn from the child's medical record 795
created by the health care entity. 796

(b) With respect to a request made to any other individual 797
or entity, the summary sheet shall contain only information 798
available and reasonably drawn from any record involving the 799
child that the individual or entity develops in the normal 800
course of business. 801

(c) On the request of the director, an individual or 802
entity may, at the individual's or entity's discretion, make any 803
additional information, documents, or reports available to the 804
director. 805

(2) Notwithstanding section 3701.243 and any other section 806
of the Revised Code pertaining to confidentiality, in the case 807
of a child one year of age or younger whose death is being 808
reviewed by the director, on the request of the director, a 809
health care entity that provided services to the child's mother 810
shall submit to the director a summary sheet of information 811
available and reasonably drawn from the mother's medical record 812
created by the health care entity. Before submitting the summary 813
sheet, the health care entity shall attempt to obtain the 814
mother's consent to do so, but lack of consent shall not 815
preclude the entity from submitting the summary sheet. 816

(3) For purposes of the review, the director shall have 817
access to confidential information provided to the director 818
under this section or division ~~(H)~~(I) (4) of section 2151.421 of 819
the Revised Code, and the director shall preserve the 820
confidentiality of that information. 821

(B) Notwithstanding division (A) of this section, no 822
person, entity, law enforcement agency, or prosecuting attorney 823
shall provide any information regarding the death of a child to 824
the director pursuant to guidelines established under section 825
3701.70 of the Revised Code while an investigation of the death 826
or prosecution of a person for causing the death is pending, 827
unless the prosecuting attorney agrees to allow the review. 828

Sec. 5153.16. (A) Except as provided in section 2151.422 829
of the Revised Code, in accordance with rules adopted under 830
section 5153.166 of the Revised Code, and on behalf of children 831
in the county whom the public children services agency considers 832
to be in need of public care or protective services, the public 833
children services agency shall do all of the following: 834

(1) Make an investigation concerning any child alleged to 835
be an abused, neglected, or dependent child; 836

(2) Enter into agreements with the parent, guardian, or 837
other person having legal custody of any child, or with the 838
department of job and family services, department of mental 839
health and addiction services, department of developmental 840
disabilities, other department, any certified organization 841
within or outside the county, or any agency or institution 842
outside the state, having legal custody of any child, with 843
respect to the custody, care, or placement of any child, or with 844
respect to any matter, in the interests of the child, provided 845
the permanent custody of a child shall not be transferred by a 846
parent to the public children services agency without the 847
consent of the juvenile court; 848

(3) Accept custody of children committed to the public 849
children services agency by a court exercising juvenile 850
jurisdiction; 851

- (4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;
- (5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;
- (6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;
- (7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;
- (8) Find certified foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county;
- (9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;
- (10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the

temporary care of children, or procure certified foster homes 881
for this purpose; 882

(11) Enter into an agreement with the trustees of any 883
district children's home, respecting the operation of the 884
district children's home in cooperation with the other county 885
boards in the district; 886

(12) Cooperate with, make its services available to, and 887
act as the agent of persons, courts, the department of job and 888
family services, the department of health, and other 889
organizations within and outside the state, in matters relating 890
to the welfare of children, except that the public children 891
services agency shall not be required to provide supervision of 892
or other services related to the exercise of parenting time 893
rights granted pursuant to section 3109.051 or 3109.12 of the 894
Revised Code or companionship or visitation rights granted 895
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 896
Code unless a juvenile court, pursuant to Chapter 2151. of the 897
Revised Code, or a common pleas court, pursuant to division (E) 898
(6) of section 3113.31 of the Revised Code, requires the 899
provision of supervision or other services related to the 900
exercise of the parenting time rights or companionship or 901
visitation rights; 902

(13) Make investigations at the request of any 903
superintendent of schools in the county or the principal of any 904
school concerning the application of any child adjudicated to be 905
an abused, neglected, or dependent child for release from 906
school, where such service is not provided through a school 907
attendance department; 908

(14) Administer funds provided under Title IV-E of the 909
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 910

amended, in accordance with rules adopted under section 5101.141 911
of the Revised Code; 912

(15) In addition to administering Title IV-E adoption 913
assistance funds, enter into agreements to make adoption 914
assistance payments under section 5153.163 of the Revised Code; 915

(16) Implement a system of safety and risk assessment, in 916
accordance with rules adopted by the director of job and family 917
services, to assist the public children services agency in 918
determining the risk of abuse or neglect to a child; 919

(17) Enter into a plan of cooperation with the board of 920
county commissioners under section 307.983 of the Revised Code 921
and comply with each fiscal agreement the board enters into 922
under section 307.98 of the Revised Code that include family 923
services duties of public children services agencies and 924
contracts the board enters into under sections 307.981 and 925
307.982 of the Revised Code that affect the public children 926
services agency; 927

(18) Make reasonable efforts to prevent the removal of an 928
alleged or adjudicated abused, neglected, or dependent child 929
from the child's home, eliminate the continued removal of the 930
child from the child's home, or make it possible for the child 931
to return home safely, except that reasonable efforts of that 932
nature are not required when a court has made a determination 933
under division (A) (2) of section 2151.419 of the Revised Code; 934

(19) Make reasonable efforts to place the child in a 935
timely manner in accordance with the permanency plan approved 936
under division (E) of section 2151.417 of the Revised Code and 937
to complete whatever steps are necessary to finalize the 938
permanent placement of the child; 939

(20) Administer a Title IV-A program identified under 940
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 941
that the department of job and family services provides for the 942
public children services agency to administer under the 943
department's supervision pursuant to section 5101.801 of the 944
Revised Code; 945

(21) Administer the kinship permanency incentive program 946
created under section 5101.802 of the Revised Code under the 947
supervision of the director of job and family services; 948

(22) Provide independent living services pursuant to 949
sections 2151.81 to 2151.84 of the Revised Code; 950

(23) File a missing child report with a local law 951
enforcement agency upon becoming aware that a child in the 952
custody of the public children services agency is or may be 953
missing. 954

(B) The public children services agency shall use the 955
system implemented pursuant to division (A) (16) of this section 956
in connection with an investigation undertaken pursuant to 957
division ~~(F)~~ (G) (1) of section 2151.421 of the Revised Code to 958
assess both of the following: 959

(1) The ongoing safety of the child; 960

(2) The appropriateness of the intensity and duration of 961
the services provided to meet child and family needs throughout 962
the duration of a case. 963

(C) Except as provided in section 2151.422 of the Revised 964
Code, in accordance with rules of the director of job and family 965
services, and on behalf of children in the county whom the 966
public children services agency considers to be in need of 967
public care or protective services, the public children services 968

agency may do the following:	969
(1) Provide or find, with other child serving systems,	970
specialized foster care for the care of children in a	971
specialized foster home, as defined in section 5103.02 of the	972
Revised Code, certified under section 5103.03 of the Revised	973
Code;	974
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of	975
this section, contract with the following for the purpose of	976
assisting the agency with its duties:	977
(i) County departments of job and family services;	978
(ii) Boards of alcohol, drug addiction, and mental health	979
services;	980
(iii) County boards of developmental disabilities;	981
(iv) Regional councils of political subdivisions	982
established under Chapter 167. of the Revised Code;	983
(v) Private and government providers of services;	984
(vi) Managed care organizations and prepaid health plans.	985
(b) A public children services agency contract under	986
division (C) (2) (a) of this section regarding the agency's duties	987
under section 2151.421 of the Revised Code may not provide for	988
the entity under contract with the agency to perform any service	989
not authorized by the department's rules.	990
(c) Only a county children services board appointed under	991
section 5153.03 of the Revised Code that is a public children	992
services agency may contract under division (C) (2) (a) of this	993
section. If an entity specified in division (B) or (C) of	994
section 5153.02 of the Revised Code is the public children	995

services agency for a county, the board of county commissioners 996
may enter into contracts pursuant to section 307.982 of the 997
Revised Code regarding the agency's duties. 998

Sec. 5153.175. (A) Notwithstanding division ~~(H)~~(I)(1) of 999
section 2151.421, section 5153.17, and any other section of the 1000
Revised Code pertaining to confidentiality, when a public 1001
children services agency has determined that child abuse or 1002
neglect occurred and that abuse or neglect involves a person who 1003
has applied for licensure as a type A family day-care home or 1004
type B family day-care home, the agency shall promptly provide 1005
to the department of job and family services any information the 1006
agency determines to be relevant for the purpose of evaluating 1007
the fitness of the person, including, but not limited to, both 1008
of the following: 1009

(1) A summary report of the chronology of abuse and 1010
neglect reports made pursuant to section 2151.421 of the Revised 1011
Code of which the person is the subject where the agency 1012
determined that abuse or neglect occurred and the final 1013
disposition of the investigation of the reports or, if the 1014
investigations have not been completed, the status of the 1015
investigations; 1016

(2) Any underlying documentation concerning those reports. 1017

(B) The agency shall not include in the information 1018
provided to the department under division (A) of this section 1019
the name of the person or entity that made the report or 1020
participated in the making of the report of child abuse or 1021
neglect. 1022

(C) Upon provision of information under division (A) of 1023
this section, the agency shall notify the department of both of 1024

the following: 1025

(1) That the information is confidential; 1026

(2) That unauthorized dissemination of the information is 1027
a violation of division ~~(H)~~(I)(2) of section 2151.421 of the 1028
Revised Code and any person who permits or encourages 1029
unauthorized dissemination of the information is guilty of a 1030
misdemeanor of the fourth degree pursuant to section 2151.99 of 1031
the Revised Code. 1032

Sec. 5153.176. As used in this section, "license" has the 1033
same meaning as in section 3319.31 of the Revised Code. 1034

(A) Notwithstanding division ~~(H)~~(I)(1) of section 1035
2151.421, section 5153.17, or any other section of the Revised 1036
Code pertaining to confidentiality, the director of a public 1037
children services agency shall promptly provide to the 1038
superintendent of public instruction information regarding the 1039
agency's investigation of a report of child abuse or neglect 1040
made pursuant to section 2151.421 of the Revised Code involving 1041
a person who holds a license issued by the state board of 1042
education where the agency has determined that child abuse or 1043
neglect occurred and that abuse or neglect is related to the 1044
person's duties and responsibilities under the license. The 1045
information provided by the director shall include the 1046
following: 1047

(1) A summary of the nature of the allegations contained 1048
in the report of which the person is the subject and the final 1049
disposition of the investigation conducted in response to that 1050
report or, if the investigation is not complete, the status of 1051
the investigation; 1052

(2) Upon written request of the superintendent of public 1053

instruction, the additional information described in division 1054
(C) of this section regarding the agency's investigation of the 1055
report, unless the prosecuting attorney of the county served by 1056
the agency determines that such information may not be released 1057
pursuant to division (B) of this section. 1058

(B) Upon receipt of a written request from the 1059
superintendent of public instruction for the additional 1060
information described in division (C) of this section, the 1061
director shall determine if the prosecuting attorney of the 1062
county served by the public children services agency intends to 1063
prosecute the subject of the report based on the allegations 1064
contained in the report. If the prosecuting attorney intends to 1065
prosecute the subject of the report, the prosecuting attorney 1066
shall determine the information described in division (C) of 1067
this section that may be released, if any, and shall provide the 1068
director with written authorization to release the information 1069
so determined. The director shall provide the superintendent of 1070
public instruction with any information described in division 1071
(C) of this section that the prosecuting attorney determines may 1072
be released, but in no case shall the director provide any 1073
information that the prosecuting attorney determines shall not 1074
be released. If the prosecuting attorney does not intend to 1075
prosecute the subject of the report, the prosecuting attorney 1076
shall notify the director of that fact and the director shall 1077
provide all of the information described in division (C) of this 1078
section to the superintendent of public instruction. 1079

(C) In accordance with division (B) of this section, the 1080
director shall provide information to the superintendent of 1081
public instruction regarding the public children services 1082
agency's investigation of the report described in division (A) 1083
of this section, including, but not limited to, the following: 1084

(1) The following information about the alleged child	1085
victim of the abuse or neglect:	1086
(a) Full name;	1087
(b) Date of birth;	1088
(c) Address and telephone number;	1089
(d) Grade level;	1090
(e) Name and contact information of the child's parent, guardian, or legal custodian;	1091 1092
(f) Name and contact information of any medical facility that provided treatment to the child, if the child was injured in connection with the abuse or neglect and if that information is available;	1093 1094 1095 1096
(g) A summary of interviews with the child or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.	1097 1098 1099 1100 1101 1102
(h) Copies of any written correspondence between the child and the alleged perpetrator of the abuse or neglect that was used by the agency to determine that abuse or neglect occurred, the release of which is not otherwise prohibited by law.	1103 1104 1105 1106
(2) The following information about the alleged	1107
perpetrator of the abuse or neglect:	1108
(a) Full name;	1109
(b) Date of birth;	1110
(c) Address and telephone number;	1111

(d) Name of school district and school building that 1112
employed the alleged perpetrator at the time the report was 1113
made; 1114

(e) Name and contact information of any medical facility 1115
that provided treatment to the alleged perpetrator, if the 1116
alleged perpetrator was injured in connection with the abuse or 1117
neglect and if that information is available; 1118

(f) A summary of interviews with the alleged perpetrator 1119
or, if an entity other than the agency conducted the interviews, 1120
the contact information for that entity. The summary shall 1121
include an accounting of the facts and circumstances of the 1122
alleged abuse or neglect, including, but not limited to, the 1123
time and place that the abuse or neglect occurred. 1124

(g) Copies of any written correspondence between the 1125
alleged child victim and the alleged perpetrator that was used 1126
by the agency to determine that abuse or neglect occurred, the 1127
release of which is not otherwise prohibited by law; 1128

(h) If the alleged perpetrator has been the subject of any 1129
previous reports made pursuant to section 2151.421 of the 1130
Revised Code where the agency determined that physical or sexual 1131
child abuse occurred, a summary of the chronology of those 1132
reports; the final disposition of the investigations conducted 1133
in response to those reports, or if an investigation is not 1134
complete, the status of that investigation; and any underlying 1135
documentation concerning those reports. 1136

(3) The following information about each person, other 1137
than the alleged child victim and the alleged perpetrator, whom 1138
the agency has determined to be important to the investigation, 1139
except that the information shall not be provided about the 1140

person who made the report unless that person grants written 1141
permission for the director to release the information: 1142

(a) Full name; 1143

(b) Address and telephone number; 1144

(c) If the person has been interviewed regarding the 1145
alleged abuse or neglect, a summary of those interviews or, if 1146
an entity other than the agency conducted the interviews, the 1147
contact information for such entity. 1148

(D) Upon provision of any information to the 1149
superintendent of public instruction under this section, the 1150
director shall notify the superintendent of both of the 1151
following: 1152

(1) That the information is confidential; 1153

(2) That unauthorized dissemination of the information is 1154
a violation of division ~~(H)~~(I)(2) of section 2151.421 and 1155
section 3319.311 of the Revised Code and any person who permits 1156
or encourages unauthorized dissemination of the information is 1157
guilty of a misdemeanor of the fourth degree pursuant to section 1158
2151.99 of the Revised Code. 1159

If the director determines that the superintendent of 1160
public instruction or any person involved in the conduct of an 1161
investigation under section 3319.311 of the Revised Code 1162
committed, caused, permitted, or encouraged the unauthorized 1163
dissemination of any information provided under this section, 1164
the director shall provide written notification of the 1165
unauthorized dissemination to the prosecuting attorney of the 1166
county or the village solicitor, city director of law, or 1167
similar chief legal officer of the municipal corporation in 1168
which the unauthorized dissemination occurred. A copy of the 1169

notification shall be retained in the investigative record 1170
maintained by the public children services agency. 1171

(E) The director shall include documentation of the 1172
information provided to the superintendent of public instruction 1173
under this section in the investigative record maintained by the 1174
public children services agency. The documentation shall include 1175
the following: 1176

(1) A list of the information provided; 1177

(2) The date the information was provided; 1178

(3) If the superintendent of public instruction designates 1179
a person to receive the information on the superintendent's 1180
behalf, the name of that person; 1181

(4) The reason for providing the information; 1182

(5) If written authorization to provide the information is 1183
required from the prosecuting attorney under division (B) of 1184
this section, a copy of that authorization. 1185

(F) No director of a public children services agency shall 1186
knowingly fail to comply with division (A) or (C) of this 1187
section. 1188

(G) A director of a public children services agency who 1189
provides information to the superintendent of public instruction 1190
in accordance with this section in good faith shall be immune 1191
from any civil or criminal liability that otherwise might be 1192
incurred or imposed for injury, death, or loss to person or 1193
property as a result of the provision of that information. 1194

(H) Notwithstanding any provision to the contrary in 1195
Chapter 4117. of the Revised Code, the provisions of this 1196
section prevail over any conflicting provisions of a collective 1197

bargaining agreement or contract for employment entered into 1198
after March 30, 2007. 1199

Section 2. That existing sections 307.627, 2151.421, 1200
2151.422, 2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of 1201
the Revised Code are hereby repealed. 1202

Section 3. Section 2151.99 of the Revised Code is 1203
presented in this act as a composite of the section as amended 1204
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 1205
Assembly. The General Assembly, applying the principle stated in 1206
division (B) of section 1.52 of the Revised Code that amendments 1207
are to be harmonized if reasonably capable of simultaneous 1208
operation, finds that the composite is the resulting version of 1209
the section in effect prior to the effective date of the section 1210
as presented in this act. 1211