

**As Reported by the Senate Civil Justice Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 493**

**Representatives Sears, Ryan**

**Cosponsors: Representatives Perales, Antonio, Baker, Boyd, Brown, Craig, Fedor,  
LaTourette, Lepore-Hagan, Manning, McClain, O'Brien, M., Patterson, Rezabek,  
Rogers, Sheehy, Slaby, Sweeney**

**Senators Brown, Bacon**

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**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 entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity.

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

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

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

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

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to a child fatality review board while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.625 of the Revised Code to allow review of the death.

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

(b) Division (A) (1) (a) of this section applies to any person who is an attorney; ~~physician, including a hospital intern or resident; dentist; podiatrist~~ health care professional; practitioner of a limited branch of medicine as

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~~ and 266  
any other medical examinations of, and tests or procedures on, 267  
the child. 268

~~(D) As used in this division, "children's advocacy center"~~ 269  
~~and "sexual abuse of a child" have the same meanings as in~~ 270  
~~section 2151.425 of the Revised Code~~ 271

(2) The results and any available reports of examinations, 272  
tests, or procedures made under division (D) (1) of this section 273  
shall be included in a report made pursuant to division (A) of 274  
this section. Any additional reports of examinations, tests, or 275  
procedures that become available shall be provided to the public 276  
children services agency, upon request. 277

(3) If a health care professional provides health care 278  
services in a hospital, children's advocacy center, or emergency 279  
medical facility to a child about whom a report has been made 280  
under division (A) of this section, the health care professional 281  
may take any steps that are reasonably necessary for the release 282  
or discharge of the child to an appropriate environment. Before 283  
the child's release or discharge, the health care professional 284  
may obtain information, or consider information obtained, from 285  
other entities or individuals that have knowledge about the 286  
child. Nothing in division (D) (3) of this section shall be 287  
construed to alter the responsibilities of any person under 288

<u>sections 2151.27 and 2151.31 of the Revised Code.</u>	289
<u>(4) A health care professional may conduct medical</u>	290
<u>examinations, tests, or procedures on the siblings of a child</u>	291
<u>about whom a report has been made under division (A) of this</u>	292
<u>section and on other children who reside in the same home as the</u>	293
<u>child, if the professional determines that the examinations,</u>	294
<u>tests, or procedures are medically necessary to diagnose or</u>	295
<u>treat the siblings or other children in order to determine</u>	296
<u>whether reports under division (A) of this section are warranted</u>	297
<u>with respect to such siblings or other children. The results of</u>	298
<u>the examinations, tests, or procedures on the siblings and other</u>	299
<u>children may be included in a report made pursuant to division</u>	300
<u>(A) of this section.</u>	301
<u>(5) Medical examinations, tests, or procedures conducted</u>	302
<u>under divisions (D)(1) and (4) of this section and decisions</u>	303
<u>regarding the release or discharge of a child under division (D)</u>	304
<u>(3) of this section do not constitute a law enforcement</u>	305
<u>investigation or activity.</u>	306
<u>(E)(1) When a municipal or county peace officer receives a</u>	307
<u>report concerning the possible abuse or neglect of a child or</u>	308
<u>the possible threat of abuse or neglect of a child, upon receipt</u>	309
<u>of the report, the municipal or county peace officer who</u>	310
<u>receives the report shall refer the report to the appropriate</u>	311
<u>public children services agency.</u>	312
<u>(2) When a public children services agency receives a</u>	313
<u>report pursuant to this division or division (A) or (B) of this</u>	314
<u>section, upon receipt of the report, the public children</u>	315
<u>services agency shall do both of the following:</u>	316
<u>(a) Comply with section 2151.422 of the Revised Code;</u>	317

(b) If the county served by the agency is also served by a 318  
children's advocacy center and the report alleges sexual abuse 319  
of a child or another type of abuse of a child that is specified 320  
in the memorandum of understanding that creates the center as 321  
being within the center's jurisdiction, comply regarding the 322  
report with the protocol and procedures for referrals and 323  
investigations, with the coordinating activities, and with the 324  
authority or responsibility for performing or providing 325  
functions, activities, and services stipulated in the 326  
interagency agreement entered into under section 2151.428 of the 327  
Revised Code relative to that center. 328

~~(E)~~ (F) No township, municipal, or county peace officer 329  
shall remove a child about whom a report is made pursuant to 330  
this section from the child's parents, stepparents, or guardian 331  
or any other persons having custody of the child without 332  
consultation with the public children services agency, unless, 333  
in the judgment of the officer, and, if the report was made by 334  
physician, the physician, immediate removal is considered 335  
essential to protect the child from further abuse or neglect. 336  
The agency that must be consulted shall be the agency conducting 337  
the investigation of the report as determined pursuant to 338  
section 2151.422 of the Revised Code. 339

~~(F)~~ (G) (1) Except as provided in section 2151.422 of the 340  
Revised Code or in an interagency agreement entered into under 341  
section 2151.428 of the Revised Code that applies to the 342  
particular report, the public children services agency shall 343  
investigate, within twenty-four hours, each report of child 344  
abuse or child neglect that is known or reasonably suspected or 345  
believed to have occurred and of a threat of child abuse or 346  
child neglect that is known or reasonably suspected or believed 347  
to exist that is referred to it under this section to determine 348

the circumstances surrounding the injuries, abuse, or neglect or 349  
the threat of injury, abuse, or neglect, the cause of the 350  
injuries, abuse, neglect, or threat, and the person or persons 351  
responsible. The investigation shall be made in cooperation with 352  
the law enforcement agency and in accordance with the memorandum 353  
of understanding prepared under division ~~(J)~~(K) of this 354  
section. A representative of the public children services agency 355  
shall, at the time of initial contact with the person subject to 356  
the investigation, inform the person of the specific complaints 357  
or allegations made against the person. The information shall be 358  
given in a manner that is consistent with division ~~(H)~~(I)(1) of 359  
this section and protects the rights of the person making the 360  
report under this section. 361

A failure to make the investigation in accordance with the 362  
memorandum is not grounds for, and shall not result in, the 363  
dismissal of any charges or complaint arising from the report or 364  
the suppression of any evidence obtained as a result of the 365  
report and does not give, and shall not be construed as giving, 366  
any rights or any grounds for appeal or post-conviction relief 367  
to any person. The public children services agency shall report 368  
each case to the uniform statewide automated child welfare 369  
information system that the department of job and family 370  
services shall maintain in accordance with section 5101.13 of 371  
the Revised Code. The public children services agency shall 372  
submit a report of its investigation, in writing, to the law 373  
enforcement agency. 374

(2) The public children services agency shall make any 375  
recommendations to the county prosecuting attorney or city 376  
director of law that it considers necessary to protect any 377  
children that are brought to its attention. 378

~~(G)~~(H)(1) (a) Except as provided in ~~division~~divisions (H) 379  
(1) (b) and (I) (3) of this section, anyone or any person, health 380  
care professional, hospital, institution, school, health 381  
department, or agency participating in the making of reports 382  
under division (A) of this section, anyone or any hospital, 383  
institution, school, health department, or agency participating 384  
in good faith in the making of reports under division (B) of 385  
this section, and anyone participating in good faith in a 386  
judicial proceeding resulting from the reports, shall be immune 387  
from any civil or criminal liability for injury, death, or loss 388  
to person or property that otherwise might be incurred or 389  
imposed as a result of the making of the reports or the 390  
participation in the judicial proceeding shall be immune from 391  
any civil or criminal liability for injury, death, or loss to 392  
person or property that otherwise might be incurred or imposed 393  
as a result of any of the following: 394

(i) Participating in the making of reports pursuant to 395  
division (A) of this section or in the making of reports in good 396  
faith, pursuant to division (B) of this section; 397

(ii) Participating in medical examinations, tests, or 398  
procedures under division (D) of this section; 399

(iii) Providing information used in a report made pursuant 400  
to division (A) of this section or providing information in good 401  
faith used in a report made pursuant to division (B) of this 402  
section; 403

(iv) Participating in a judicial proceeding resulting from 404  
a report made pursuant to division (A) of this section or 405  
participating in good faith in a proceeding resulting from a 406  
report made pursuant to division (B) of this section. 407

(b) Immunity under division (H) (1) (a) (ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession. 408  
409  
410

(c) Notwithstanding section 4731.22 of the Revised Code, 411  
the physician-patient privilege shall not be a ground for 412  
excluding evidence regarding a child's injuries, abuse, or 413  
neglect, or the cause of the injuries, abuse, or neglect in any 414  
judicial proceeding resulting from a report submitted pursuant 415  
to this section. 416

(2) In any civil or criminal action or proceeding in which 417  
it is alleged and proved that participation in the making of a 418  
report under this section was not in good faith or participation 419  
in a judicial proceeding resulting from a report made under this 420  
section was not in good faith, the court shall award the 421  
prevailing party reasonable attorney's fees and costs and, if a 422  
civil action or proceeding is voluntarily dismissed, may award 423  
reasonable attorney's fees and costs to the party against whom 424  
the civil action or proceeding is brought. 425

~~(H)~~(I)(1) Except as provided in divisions ~~(H)~~(I)(4) and 426  
~~(N)~~(O) of this section, a report made under this section is 427  
confidential. The information provided in a report made pursuant 428  
to this section and the name of the person who made the report 429  
shall not be released for use, and shall not be used, as 430  
evidence in any civil action or proceeding brought against the 431  
person who made the report. Nothing in this division shall 432  
preclude the use of reports of other incidents of known or 433  
suspected abuse or neglect in a civil action or proceeding 434  
brought pursuant to division ~~(M)~~(N) of this section against a 435  
person who is alleged to have violated division (A) (1) of this 436  
section, provided that any information in a report that would 437

identify the child who is the subject of the report or the maker 438  
of the report, if the maker of the report is not the defendant 439  
or an agent or employee of the defendant, has been redacted. In 440  
a criminal proceeding, the report is admissible in evidence in 441  
accordance with the Rules of Evidence and is subject to 442  
discovery in accordance with the Rules of Criminal Procedure. 443

~~(2) No (a) Except as provided in division (I) (2) (b) of~~ 444  
this section, no person shall permit or encourage the 445  
unauthorized dissemination of the contents of any report made 446  
under this section. 447

(b) A health care professional that obtains the same 448  
information contained in a report made under this section from a 449  
source other than the report may disseminate the information, if 450  
its dissemination is otherwise permitted by law. 451

(3) A person who knowingly makes or causes another person 452  
to make a false report under division (B) of this section that 453  
alleges that any person has committed an act or omission that 454  
resulted in a child being an abused child or a neglected child 455  
is guilty of a violation of section 2921.14 of the Revised Code. 456

(4) If a report is made pursuant to division (A) or (B) of 457  
this section and the child who is the subject of the report dies 458  
for any reason at any time after the report is made, but before 459  
the child attains eighteen years of age, the public children 460  
services agency or municipal or county peace officer to which 461  
the report was made or referred, on the request of the child 462  
fatality review board or the director of health pursuant to 463  
guidelines established under section 3701.70 of the Revised 464  
Code, shall submit a summary sheet of information providing a 465  
summary of the report to the review board of the county in which 466  
the deceased child resided at the time of death or to the 467



director. On the request of the review board or director, the 468  
agency or peace officer may, at its discretion, make the report 469  
available to the review board or director. If the county served 470  
by the public children services agency is also served by a 471  
children's advocacy center and the report of alleged sexual 472  
abuse of a child or another type of abuse of a child is 473  
specified in the memorandum of understanding that creates the 474  
center as being within the center's jurisdiction, the agency or 475  
center shall perform the duties and functions specified in this 476  
division in accordance with the interagency agreement entered 477  
into under section 2151.428 of the Revised Code relative to that 478  
advocacy center. 479

(5) A public children services agency shall advise a 480  
person alleged to have inflicted abuse or neglect on a child who 481  
is the subject of a report made pursuant to this section, 482  
including a report alleging sexual abuse of a child or another 483  
type of abuse of a child referred to a children's advocacy 484  
center pursuant to an interagency agreement entered into under 485  
section 2151.428 of the Revised Code, in writing of the 486  
disposition of the investigation. The agency shall not provide 487  
to the person any information that identifies the person who 488  
made the report, statements of witnesses, or police or other 489  
investigative reports. 490

~~(I)~~ (J) Any report that is required by this section, other 491  
than a report that is made to the state highway patrol as 492  
described in section 5120.173 of the Revised Code, shall result 493  
in protective services and emergency supportive services being 494  
made available by the public children services agency on behalf 495  
of the children about whom the report is made, in an effort to 496  
prevent further neglect or abuse, to enhance their welfare, and, 497  
whenever possible, to preserve the family unit intact. The 498

agency required to provide the services shall be the agency 499  
conducting the investigation of the report pursuant to section 500  
2151.422 of the Revised Code. 501

~~(J)~~(K)(1) Each public children services agency shall 502  
prepare a memorandum of understanding that is signed by all of 503  
the following: 504

(a) If there is only one juvenile judge in the county, the 505  
juvenile judge of the county or the juvenile judge's 506  
representative; 507

(b) If there is more than one juvenile judge in the 508  
county, a juvenile judge or the juvenile judges' representative 509  
selected by the juvenile judges or, if they are unable to do so 510  
for any reason, the juvenile judge who is senior in point of 511  
service or the senior juvenile judge's representative; 512

(c) The county peace officer; 513

(d) All chief municipal peace officers within the county; 514

(e) Other law enforcement officers handling child abuse 515  
and neglect cases in the county; 516

(f) The prosecuting attorney of the county; 517

(g) If the public children services agency is not the 518  
county department of job and family services, the county 519  
department of job and family services; 520

(h) The county humane society; 521

(i) If the public children services agency participated in 522  
the execution of a memorandum of understanding under section 523  
2151.426 of the Revised Code establishing a children's advocacy 524  
center, each participating member of the children's advocacy 525

center established by the memorandum. 526

(2) A memorandum of understanding shall set forth the 527  
normal operating procedure to be employed by all concerned 528  
officials in the execution of their respective responsibilities 529  
under this section and division (C) of section 2919.21, division 530  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 531  
section 2919.24 of the Revised Code and shall have as two of its 532  
primary goals the elimination of all unnecessary interviews of 533  
children who are the subject of reports made pursuant to 534  
division (A) or (B) of this section and, when feasible, 535  
providing for only one interview of a child who is the subject 536  
of any report made pursuant to division (A) or (B) of this 537  
section. A failure to follow the procedure set forth in the 538  
memorandum by the concerned officials is not grounds for, and 539  
shall not result in, the dismissal of any charges or complaint 540  
arising from any reported case of abuse or neglect or the 541  
suppression of any evidence obtained as a result of any reported 542  
child abuse or child neglect and does not give, and shall not be 543  
construed as giving, any rights or any grounds for appeal or 544  
post-conviction relief to any person. 545

(3) A memorandum of understanding shall include all of the 546  
following: 547

(a) The roles and responsibilities for handling emergency 548  
and nonemergency cases of abuse and neglect; 549

(b) Standards and procedures to be used in handling and 550  
coordinating investigations of reported cases of child abuse and 551  
reported cases of child neglect, methods to be used in 552  
interviewing the child who is the subject of the report and who 553  
allegedly was abused or neglected, and standards and procedures 554  
addressing the categories of persons who may interview the child 555

who is the subject of the report and who allegedly was abused or 556  
neglected. 557

(4) If a public children services agency participated in 558  
the execution of a memorandum of understanding under section 559  
2151.426 of the Revised Code establishing a children's advocacy 560  
center, the agency shall incorporate the contents of that 561  
memorandum in the memorandum prepared pursuant to this section. 562

(5) The clerk of the court of common pleas in the county 563  
may sign the memorandum of understanding prepared under division 564  
~~(J)~~(K)(1) of this section. If the clerk signs the memorandum of 565  
understanding, the clerk shall execute all relevant 566  
responsibilities as required of officials specified in the 567  
memorandum. 568

~~(K)~~(L)(1) Except as provided in division ~~(K)~~(L)(4) or (5) 569  
of this section, a person who is required to make a report 570  
pursuant to division (A) of this section may make a reasonable 571  
number of requests of the public children services agency that 572  
receives or is referred the report, or of the children's 573  
advocacy center that is referred the report if the report is 574  
referred to a children's advocacy center pursuant to an 575  
interagency agreement entered into under section 2151.428 of the 576  
Revised Code, to be provided with the following information: 577

(a) Whether the agency or center has initiated an 578  
investigation of the report; 579

(b) Whether the agency or center is continuing to 580  
investigate the report; 581

(c) Whether the agency or center is otherwise involved 582  
with the child who is the subject of the report; 583

(d) The general status of the health and safety of the 584

child who is the subject of the report; 585

(e) Whether the report has resulted in the filing of a 586  
complaint in juvenile court or of criminal charges in another 587  
court. 588

(2) A person may request the information specified in 589  
division ~~(K)~~(L)(1) of this section only if, at the time the 590  
report is made, the person's name, address, and telephone number 591  
are provided to the person who receives the report. 592

When a municipal or county peace officer or employee of a 593  
public children services agency receives a report pursuant to 594  
division (A) or (B) of this section the recipient of the report 595  
shall inform the person of the right to request the information 596  
described in division ~~(K)~~(L)(1) of this section. The recipient 597  
of the report shall include in the initial child abuse or child 598  
neglect report that the person making the report was so informed 599  
and, if provided at the time of the making of the report, shall 600  
include the person's name, address, and telephone number in the 601  
report. 602

Each request is subject to verification of the identity of 603  
the person making the report. If that person's identity is 604  
verified, the agency shall provide the person with the 605  
information described in division ~~(K)~~(L)(1) of this section a 606  
reasonable number of times, except that the agency shall not 607  
disclose any confidential information regarding the child who is 608  
the subject of the report other than the information described 609  
in those divisions. 610

(3) A request made pursuant to division ~~(K)~~(L)(1) of this 611  
section is not a substitute for any report required to be made 612  
pursuant to division (A) of this section. 613

(4) If an agency other than the agency that received or 614  
was referred the report is conducting the investigation of the 615  
report pursuant to section 2151.422 of the Revised Code, the 616  
agency conducting the investigation shall comply with the 617  
requirements of division ~~(K)~~ (L) of this section. 618

~~(L)~~ (5) A health care professional who made a report under 619  
division (A) of this section, or on whose behalf such a report 620  
was made as provided in division (A) (1) (c) of this section, may 621  
authorize a person to obtain the information described in 622  
division (L) (1) of this section if the person requesting the 623  
information is associated with or acting on behalf of the health 624  
care professional who provided health care services to the child 625  
about whom the report was made. 626

(M) The director of job and family services shall adopt 627  
rules in accordance with Chapter 119. of the Revised Code to 628  
implement this section. The department of job and family 629  
services may enter into a plan of cooperation with any other 630  
governmental entity to aid in ensuring that children are 631  
protected from abuse and neglect. The department shall make 632  
recommendations to the attorney general that the department 633  
determines are necessary to protect children from child abuse 634  
and child neglect. 635

~~(M)~~ (N) Whoever violates division (A) of this section is 636  
liable for compensatory and exemplary damages to the child who 637  
would have been the subject of the report that was not made. A 638  
person who brings a civil action or proceeding pursuant to this 639  
division against a person who is alleged to have violated 640  
division (A) (1) of this section may use in the action or 641  
proceeding reports of other incidents of known or suspected 642  
abuse or neglect, provided that any information in a report that 643

would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

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

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

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

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

child neglect, or a report of an alleged threat of child abuse 674  
or child neglect, that allegedly occurred in or involved the 675  
out-of-home care entity, the agency shall provide the written 676  
notice to the owner or governing board of the out-of-home care 677  
entity that is the subject of the report. The agency shall not 678  
provide witness statements or police or other investigative 679  
reports. 680

(3) No later than three days after the day on which a 681  
public children services agency that conducted the investigation 682  
as determined pursuant to section 2151.422 of the Revised Code 683  
makes a disposition of an investigation involving a report of 684  
alleged child abuse or child neglect, or a report of an alleged 685  
threat of child abuse or child neglect, that allegedly occurred 686  
in or involved an out-of-home care entity, the agency shall send 687  
written notice of the disposition of the investigation to the 688  
administrator, director, or other chief administrative officer 689  
and the owner or governing board of the out-of-home care entity. 690  
The agency shall not provide witness statements or police or 691  
other investigative reports. 692

~~(O)~~ (P) As used in this section, ~~"investigation"~~: 693

(1) "Children's advocacy center" and "sexual abuse of a 694  
child" have the same meanings as in section 2151.425 of the 695  
Revised Code. 696

(2) "Health care professional" means an individual who 697  
provides health-related services including a physician, hospital 698  
intern or resident, dentist, podiatrist, registered nurse, 699  
licensed practical nurse, visiting nurse, licensed psychologist, 700  
speech pathologist, audiologist, person engaged in social work 701  
or the practice of professional counseling, and employee of a 702  
home health agency. "Health care professional" does not include 703



a practitioner of a limited branch of medicine as specified in 704  
section 4731.15 of the Revised Code, licensed school 705  
psychologist, independent marriage and family therapist or 706  
marriage and family therapist, or coroner. 707

(3) "Investigation" means the public children services 708  
agency's response to an accepted report of child abuse or 709  
neglect through either an alternative response or a traditional 710  
response. 711

**Sec. 2151.422.** (A) As used in this section, "Homeless 712  
shelter" means a facility that provides accommodations to 713  
homeless individuals. 714

(B) On receipt of a notice pursuant to division (A), (B), 715  
or ~~(D)~~ (E) of section 2151.421 of the Revised Code, the public 716  
children services agency shall determine whether the child 717  
subject to the report is living in a shelter for victims of 718  
domestic violence or a homeless shelter and whether the child 719  
was brought to that shelter pursuant to an agreement with a 720  
shelter in another county. If the child is living in a shelter 721  
and was brought there from another county, the agency shall 722  
immediately notify the public children services agency of the 723  
county from which the child was brought of the report and all 724  
the information contained in the report. On receipt of the 725  
notice pursuant to this division, the agency of the county from 726  
which the child was brought shall conduct the investigation of 727  
the report required pursuant to section 2151.421 of the Revised 728  
Code and shall perform all duties required of the agency under 729  
this chapter with respect to the child who is the subject of the 730  
report. If the child is not living in a shelter or the child was 731  
not brought to the shelter from another county, the agency that 732  
received the report pursuant to division (A), (B), or ~~(D)~~ (E) of 733

section 2151.421 of the Revised Code shall conduct the 734  
investigation required pursuant to section 2151.421 of the 735  
Revised Code and shall perform all duties required of the agency 736  
under this chapter with respect to the child who is the subject 737  
of the report. The agency of the county in which the shelter is 738  
located in which the child is living and the agency of the 739  
county from which the child was brought may ask the shelter to 740  
provide information concerning the child's residence address and 741  
county of residence to the agency. 742

(C) If a child is living in a shelter for victims of 743  
domestic violence or a homeless shelter and the child was 744  
brought to that shelter pursuant to an agreement with a shelter 745  
in another county, the public children services agency of the 746  
county from which the child was brought shall provide services 747  
to or take custody of the child if services or custody are 748  
needed or required under this Chapter or section 5153.16 of the 749  
Revised Code. 750

(D) When a homeless shelter provides accommodations to a 751  
person, the shelter, on admitting the person to the shelter, 752  
shall determine, if possible, the person's last known 753  
residential address and county of residence. The information 754  
concerning the address and county of residence is confidential 755  
and may only be released to a public children services agency 756  
pursuant to this section. 757

**Sec. 2151.99.** (A) (1) Except as otherwise provided in 758  
division (A) (2) of this section, whoever violates division (D) 759  
(2) or (3) of section 2151.313 or division ~~(A) (4)~~ ~~(H)~~ or (I) 760  
(2) of section 2151.421 of the Revised Code is guilty of a 761  
misdemeanor of the fourth degree. 762

(2) Whoever violates division (A) (4) of section 2151.421 763

of the Revised Code knowing that a child has been abused or 764  
neglected and knowing that the person who committed the abuse or 765  
neglect was a cleric or another person, other than a volunteer, 766  
designated by a church, religious society, or faith acting as a 767  
leader, official, or delegate on behalf of the church, religious 768  
society, or faith, is guilty of a misdemeanor of the first 769  
degree if the person who violates division (A)(4) of this 770  
section and the person who committed the abuse or neglect belong 771  
to the same church, religious society, or faith. 772

(B) Whoever violates division (D)(1) of section 2151.313 773  
of the Revised Code is guilty of a minor misdemeanor. 774

(C) Whoever violates division (A)(1) of section 2151.421 775  
of the Revised Code shall be punished as follows: 776

(1) Except as otherwise provided in division (C)(2) of 777  
this section, the offender is guilty of a misdemeanor of the 778  
fourth degree. 779

(2) The offender is guilty of a misdemeanor of the first 780  
degree if the child who is the subject of the required report 781  
that the offender fails to make suffers or faces the threat of 782  
suffering the physical or mental wound, injury, disability, or 783  
condition that would be the basis of the required report when 784  
the child is under the direct care or supervision of the 785  
offender who is then acting in the offender's official or 786  
professional capacity or when the child is under the direct care 787  
or supervision of another person over whom the offender while 788  
acting in the offender's official or professional capacity has 789  
supervisory control. 790

**Sec. 3701.701.** (A)(1) Notwithstanding section 3701.243 and 791  
any other section of the Revised Code pertaining to 792

confidentiality, any individual, public children services 793  
agency, private child placing agency, or agency that provides 794  
services specifically to individuals or families, law 795  
enforcement agency, or other public or private entity that 796  
provided services to a child whose death is being reviewed by 797  
the director of health pursuant to guidelines established under 798  
section 3701.70 of the Revised Code, on the request of the 799  
director, shall submit to the director a summary sheet of 800  
information. 801

(a) With respect to a request made to a health care 802  
entity, the summary sheet shall contain only information 803  
available and reasonably drawn from the child's medical record 804  
created by the health care entity. 805

(b) With respect to a request made to any other individual 806  
or entity, the summary sheet shall contain only information 807  
available and reasonably drawn from any record involving the 808  
child that the individual or entity develops in the normal 809  
course of business. 810

(c) On the request of the director, an individual or 811  
entity may, at the individual's or entity's discretion, make any 812  
additional information, documents, or reports available to the 813  
director. 814

(2) Notwithstanding section 3701.243 and any other section 815  
of the Revised Code pertaining to confidentiality, in the case 816  
of a child one year of age or younger whose death is being 817  
reviewed by the director, on the request of the director, a 818  
health care entity that provided services to the child's mother 819  
shall submit to the director a summary sheet of information 820  
available and reasonably drawn from the mother's medical record 821  
created by the health care entity. Before submitting the summary 822

sheet, the health care entity shall attempt to obtain the 823  
mother's consent to do so, but lack of consent shall not 824  
preclude the entity from submitting the summary sheet. 825

(3) For purposes of the review, the director shall have 826  
access to confidential information provided to the director 827  
under this section or division ~~(H)~~(I)(4) of section 2151.421 of 828  
the Revised Code, and the director shall preserve the 829  
confidentiality of that information. 830

(B) Notwithstanding division (A) of this section, no 831  
person, entity, law enforcement agency, or prosecuting attorney 832  
shall provide any information regarding the death of a child to 833  
the director pursuant to guidelines established under section 834  
3701.70 of the Revised Code while an investigation of the death 835  
or prosecution of a person for causing the death is pending, 836  
unless the prosecuting attorney agrees to allow the review. 837

**Sec. 5153.16.** (A) Except as provided in section 2151.422 838  
of the Revised Code, in accordance with rules adopted under 839  
section 5153.166 of the Revised Code, and on behalf of children 840  
in the county whom the public children services agency considers 841  
to be in need of public care or protective services, the public 842  
children services agency shall do all of the following: 843

(1) Make an investigation concerning any child alleged to 844  
be an abused, neglected, or dependent child; 845

(2) Enter into agreements with the parent, guardian, or 846  
other person having legal custody of any child, or with the 847  
department of job and family services, department of mental 848  
health and addiction services, department of developmental 849  
disabilities, other department, any certified organization 850  
within or outside the county, or any agency or institution 851

outside the state, having legal custody of any child, with 852  
respect to the custody, care, or placement of any child, or with 853  
respect to any matter, in the interests of the child, provided 854  
the permanent custody of a child shall not be transferred by a 855  
parent to the public children services agency without the 856  
consent of the juvenile court; 857

(3) Accept custody of children committed to the public 858  
children services agency by a court exercising juvenile 859  
jurisdiction; 860

(4) Provide such care as the public children services 861  
agency considers to be in the best interests of any child 862  
adjudicated to be an abused, neglected, or dependent child the 863  
agency finds to be in need of public care or service; 864

(5) Provide social services to any unmarried girl 865  
adjudicated to be an abused, neglected, or dependent child who 866  
is pregnant with or has been delivered of a child; 867

(6) Make available to the bureau for children with medical 868  
handicaps of the department of health at its request any 869  
information concerning a crippled child found to be in need of 870  
treatment under sections 3701.021 to 3701.028 of the Revised 871  
Code who is receiving services from the public children services 872  
agency; 873

(7) Provide temporary emergency care for any child 874  
considered by the public children services agency to be in need 875  
of such care, without agreement or commitment; 876

(8) Find certified foster homes, within or outside the 877  
county, for the care of children, including handicapped children 878  
from other counties attending special schools in the county; 879

(9) Subject to the approval of the board of county 880

commissioners and the state department of job and family 881  
services, establish and operate a training school or enter into 882  
an agreement with any municipal corporation or other political 883  
subdivision of the county respecting the operation, acquisition, 884  
or maintenance of any children's home, training school, or other 885  
institution for the care of children maintained by such 886  
municipal corporation or political subdivision; 887

(10) Acquire and operate a county children's home, 888  
establish, maintain, and operate a receiving home for the 889  
temporary care of children, or procure certified foster homes 890  
for this purpose; 891

(11) Enter into an agreement with the trustees of any 892  
district children's home, respecting the operation of the 893  
district children's home in cooperation with the other county 894  
boards in the district; 895

(12) Cooperate with, make its services available to, and 896  
act as the agent of persons, courts, the department of job and 897  
family services, the department of health, and other 898  
organizations within and outside the state, in matters relating 899  
to the welfare of children, except that the public children 900  
services agency shall not be required to provide supervision of 901  
or other services related to the exercise of parenting time 902  
rights granted pursuant to section 3109.051 or 3109.12 of the 903  
Revised Code or companionship or visitation rights granted 904  
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 905  
Code unless a juvenile court, pursuant to Chapter 2151. of the 906  
Revised Code, or a common pleas court, pursuant to division (E) 907  
(6) of section 3113.31 of the Revised Code, requires the 908  
provision of supervision or other services related to the 909  
exercise of the parenting time rights or companionship or 910

visitation rights;	911
(13) Make investigations at the request of any	912
superintendent of schools in the county or the principal of any	913
school concerning the application of any child adjudicated to be	914
an abused, neglected, or dependent child for release from	915
school, where such service is not provided through a school	916
attendance department;	917
(14) Administer funds provided under Title IV-E of the	918
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as	919
amended, in accordance with rules adopted under section 5101.141	920
of the Revised Code;	921
(15) In addition to administering Title IV-E adoption	922
assistance funds, enter into agreements to make adoption	923
assistance payments under section 5153.163 of the Revised Code;	924
(16) Implement a system of safety and risk assessment, in	925
accordance with rules adopted by the director of job and family	926
services, to assist the public children services agency in	927
determining the risk of abuse or neglect to a child;	928
(17) Enter into a plan of cooperation with the board of	929
county commissioners under section 307.983 of the Revised Code	930
and comply with each fiscal agreement the board enters into	931
under section 307.98 of the Revised Code that include family	932
services duties of public children services agencies and	933
contracts the board enters into under sections 307.981 and	934
307.982 of the Revised Code that affect the public children	935
services agency;	936
(18) Make reasonable efforts to prevent the removal of an	937
alleged or adjudicated abused, neglected, or dependent child	938
from the child's home, eliminate the continued removal of the	939



child from the child's home, or make it possible for the child 940  
to return home safely, except that reasonable efforts of that 941  
nature are not required when a court has made a determination 942  
under division (A) (2) of section 2151.419 of the Revised Code; 943

(19) Make reasonable efforts to place the child in a 944  
timely manner in accordance with the permanency plan approved 945  
under division (E) of section 2151.417 of the Revised Code and 946  
to complete whatever steps are necessary to finalize the 947  
permanent placement of the child; 948

(20) Administer a Title IV-A program identified under 949  
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 950  
that the department of job and family services provides for the 951  
public children services agency to administer under the 952  
department's supervision pursuant to section 5101.801 of the 953  
Revised Code; 954

(21) Administer the kinship permanency incentive program 955  
created under section 5101.802 of the Revised Code under the 956  
supervision of the director of job and family services; 957

(22) Provide independent living services pursuant to 958  
sections 2151.81 to 2151.84 of the Revised Code; 959

(23) File a missing child report with a local law 960  
enforcement agency upon becoming aware that a child in the 961  
custody of the public children services agency is or may be 962  
missing. 963

(B) The public children services agency shall use the 964  
system implemented pursuant to division (A) (16) of this section 965  
in connection with an investigation undertaken pursuant to 966  
division ~~(F)~~ (G) (1) of section 2151.421 of the Revised Code to 967  
assess both of the following: 968

(1) The ongoing safety of the child;	969
(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	970 971 972
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	973 974 975 976 977 978
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	979 980 981 982 983
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:	984 985 986
(i) County departments of job and family services;	987
(ii) Boards of alcohol, drug addiction, and mental health services;	988 989
(iii) County boards of developmental disabilities;	990
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	991 992
(v) Private and government providers of services;	993
(vi) Managed care organizations and prepaid health plans.	994
(b) A public children services agency contract under	995

division (C) (2) (a) of this section regarding the agency's duties 996  
under section 2151.421 of the Revised Code may not provide for 997  
the entity under contract with the agency to perform any service 998  
not authorized by the department's rules. 999

(c) Only a county children services board appointed under 1000  
section 5153.03 of the Revised Code that is a public children 1001  
services agency may contract under division (C) (2) (a) of this 1002  
section. If an entity specified in division (B) or (C) of 1003  
section 5153.02 of the Revised Code is the public children 1004  
services agency for a county, the board of county commissioners 1005  
may enter into contracts pursuant to section 307.982 of the 1006  
Revised Code regarding the agency's duties. 1007

**Sec. 5153.175.** (A) Notwithstanding division ~~(H)~~ (I) (1) of 1008  
section 2151.421, section 5153.17, and any other section of the 1009  
Revised Code pertaining to confidentiality, when a public 1010  
children services agency has determined that child abuse or 1011  
neglect occurred and that abuse or neglect involves a person who 1012  
has applied for licensure as a type A family day-care home or 1013  
type B family day-care home, the agency shall promptly provide 1014  
to the department of job and family services any information the 1015  
agency determines to be relevant for the purpose of evaluating 1016  
the fitness of the person, including, but not limited to, both 1017  
of the following: 1018

(1) A summary report of the chronology of abuse and 1019  
neglect reports made pursuant to section 2151.421 of the Revised 1020  
Code of which the person is the subject where the agency 1021  
determined that abuse or neglect occurred and the final 1022  
disposition of the investigation of the reports or, if the 1023  
investigations have not been completed, the status of the 1024  
investigations; 1025

(2) Any underlying documentation concerning those reports.	1026
(B) The agency shall not include in the information	1027
provided to the department under division (A) of this section	1028
the name of the person or entity that made the report or	1029
participated in the making of the report of child abuse or	1030
neglect.	1031
(C) Upon provision of information under division (A) of	1032
this section, the agency shall notify the department of both of	1033
the following:	1034
(1) That the information is confidential;	1035
(2) That unauthorized dissemination of the information is	1036
a violation of division <del>(H)</del> <u>(I)</u> (2) of section 2151.421 of the	1037
Revised Code and any person who permits or encourages	1038
unauthorized dissemination of the information is guilty of a	1039
misdemeanor of the fourth degree pursuant to section 2151.99 of	1040
the Revised Code.	1041
<b>Sec. 5153.176.</b> As used in this section, "license" has the	1042
same meaning as in section 3319.31 of the Revised Code.	1043
(A) Notwithstanding division <del>(H)</del> <u>(I)</u> (1) of section	1044
2151.421, section 5153.17, or any other section of the Revised	1045
Code pertaining to confidentiality, the director of a public	1046
children services agency shall promptly provide to the	1047
superintendent of public instruction information regarding the	1048
agency's investigation of a report of child abuse or neglect	1049
made pursuant to section 2151.421 of the Revised Code involving	1050
a person who holds a license issued by the state board of	1051
education where the agency has determined that child abuse or	1052
neglect occurred and that abuse or neglect is related to the	1053
person's duties and responsibilities under the license. The	1054

information provided by the director shall include the 1055  
following: 1056

(1) A summary of the nature of the allegations contained 1057  
in the report of which the person is the subject and the final 1058  
disposition of the investigation conducted in response to that 1059  
report or, if the investigation is not complete, the status of 1060  
the investigation; 1061

(2) Upon written request of the superintendent of public 1062  
instruction, the additional information described in division 1063  
(C) of this section regarding the agency's investigation of the 1064  
report, unless the prosecuting attorney of the county served by 1065  
the agency determines that such information may not be released 1066  
pursuant to division (B) of this section. 1067

(B) Upon receipt of a written request from the 1068  
superintendent of public instruction for the additional 1069  
information described in division (C) of this section, the 1070  
director shall determine if the prosecuting attorney of the 1071  
county served by the public children services agency intends to 1072  
prosecute the subject of the report based on the allegations 1073  
contained in the report. If the prosecuting attorney intends to 1074  
prosecute the subject of the report, the prosecuting attorney 1075  
shall determine the information described in division (C) of 1076  
this section that may be released, if any, and shall provide the 1077  
director with written authorization to release the information 1078  
so determined. The director shall provide the superintendent of 1079  
public instruction with any information described in division 1080  
(C) of this section that the prosecuting attorney determines may 1081  
be released, but in no case shall the director provide any 1082  
information that the prosecuting attorney determines shall not 1083  
be released. If the prosecuting attorney does not intend to 1084

prosecute the subject of the report, the prosecuting attorney 1085  
shall notify the director of that fact and the director shall 1086  
provide all of the information described in division (C) of this 1087  
section to the superintendent of public instruction. 1088

(C) In accordance with division (B) of this section, the 1089  
director shall provide information to the superintendent of 1090  
public instruction regarding the public children services 1091  
agency's investigation of the report described in division (A) 1092  
of this section, including, but not limited to, the following: 1093

(1) The following information about the alleged child 1094  
victim of the abuse or neglect: 1095

(a) Full name; 1096

(b) Date of birth; 1097

(c) Address and telephone number; 1098

(d) Grade level; 1099

(e) Name and contact information of the child's parent, 1100  
guardian, or legal custodian; 1101

(f) Name and contact information of any medical facility 1102  
that provided treatment to the child, if the child was injured 1103  
in connection with the abuse or neglect and if that information 1104  
is available; 1105

(g) A summary of interviews with the child or, if an 1106  
entity other than the agency conducted the interviews, the 1107  
contact information for that entity. The summary shall include 1108  
an accounting of the facts and circumstances of the alleged 1109  
abuse or neglect, including, but not limited to, the time and 1110  
place that the abuse or neglect occurred. 1111

(h) Copies of any written correspondence between the child 1112  
and the alleged perpetrator of the abuse or neglect that was 1113  
used by the agency to determine that abuse or neglect occurred, 1114  
the release of which is not otherwise prohibited by law. 1115

(2) The following information about the alleged 1116  
perpetrator of the abuse or neglect: 1117

(a) Full name; 1118

(b) Date of birth; 1119

(c) Address and telephone number; 1120

(d) Name of school district and school building that 1121  
employed the alleged perpetrator at the time the report was 1122  
made; 1123

(e) Name and contact information of any medical facility 1124  
that provided treatment to the alleged perpetrator, if the 1125  
alleged perpetrator was injured in connection with the abuse or 1126  
neglect and if that information is available; 1127

(f) A summary of interviews with the alleged perpetrator 1128  
or, if an entity other than the agency conducted the interviews, 1129  
the contact information for that entity. The summary shall 1130  
include an accounting of the facts and circumstances of the 1131  
alleged abuse or neglect, including, but not limited to, the 1132  
time and place that the abuse or neglect occurred. 1133

(g) Copies of any written correspondence between the 1134  
alleged child victim and the alleged perpetrator that was used 1135  
by the agency to determine that abuse or neglect occurred, the 1136  
release of which is not otherwise prohibited by law; 1137

(h) If the alleged perpetrator has been the subject of any 1138  
previous reports made pursuant to section 2151.421 of the 1139

Revised Code where the agency determined that physical or sexual 1140  
child abuse occurred, a summary of the chronology of those 1141  
reports; the final disposition of the investigations conducted 1142  
in response to those reports, or if an investigation is not 1143  
complete, the status of that investigation; and any underlying 1144  
documentation concerning those reports. 1145

(3) The following information about each person, other 1146  
than the alleged child victim and the alleged perpetrator, whom 1147  
the agency has determined to be important to the investigation, 1148  
except that the information shall not be provided about the 1149  
person who made the report unless that person grants written 1150  
permission for the director to release the information: 1151

(a) Full name; 1152

(b) Address and telephone number; 1153

(c) If the person has been interviewed regarding the 1154  
alleged abuse or neglect, a summary of those interviews or, if 1155  
an entity other than the agency conducted the interviews, the 1156  
contact information for such entity. 1157

(D) Upon provision of any information to the 1158  
superintendent of public instruction under this section, the 1159  
director shall notify the superintendent of both of the 1160  
following: 1161

(1) That the information is confidential; 1162

(2) That unauthorized dissemination of the information is 1163  
a violation of division ~~(H)~~(I)(2) of section 2151.421 and 1164  
section 3319.311 of the Revised Code and any person who permits 1165  
or encourages unauthorized dissemination of the information is 1166  
guilty of a misdemeanor of the fourth degree pursuant to section 1167  
2151.99 of the Revised Code. 1168



If the director determines that the superintendent of public instruction or any person involved in the conduct of an investigation under section 3319.311 of the Revised Code committed, caused, permitted, or encouraged the unauthorized dissemination of any information provided under this section, the director shall provide written notification of the unauthorized dissemination to the prosecuting attorney of the county or the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which the unauthorized dissemination occurred. A copy of the notification shall be retained in the investigative record maintained by the public children services agency.

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

(1) A list of the information provided;

(2) The date the information was provided;

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

(4) The reason for providing the information;

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

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

(G) A director of a public children services agency who 1198  
provides information to the superintendent of public instruction 1199  
in accordance with this section in good faith shall be immune 1200  
from any civil or criminal liability that otherwise might be 1201  
incurred or imposed for injury, death, or loss to person or 1202  
property as a result of the provision of that information. 1203

(H) Notwithstanding any provision to the contrary in 1204  
Chapter 4117. of the Revised Code, the provisions of this 1205  
section prevail over any conflicting provisions of a collective 1206  
bargaining agreement or contract for employment entered into 1207  
after March 30, 2007. 1208

**Section 2.** That existing sections 307.627, 2151.421, 1209  
2151.422, 2151.99, 3701.701, 5153.16, 5153.175, and 5153.176 of 1210  
the Revised Code are hereby repealed. 1211

**Section 3.** Section 2151.99 of the Revised Code is 1212  
presented in this act as a composite of the section as amended 1213  
by both Am. Sub. S.B. 17 and Sub. S.B. 137 of the 126th General 1214  
Assembly. The General Assembly, applying the principle stated in 1215  
division (B) of section 1.52 of the Revised Code that amendments 1216  
are to be harmonized if reasonably capable of simultaneous 1217  
operation, finds that the composite is the resulting version of 1218  
the section in effect prior to the effective date of the section 1219  
as presented in this act. 1220