

_____ moved to amend as follows:

In line 1 of the title, delete ", 2151.23"	1
In line 2 of the title, delete "2151.25,"	2
In line 6 of the title, after "5101.891" insert ", 5101.892"; after "5101.893" insert ", 5101.894"	3
In line 14 of the title, delete "children service" and insert "youth and family"	4
In line 15, delete ", 2151.23"	5
In line 16, delete "2151.25,"	6
In line 19, after "5101.891" insert ", 5101.892"; after "5101.893" insert ", 5101.894"	7
Delete lines 87 through 1039	8
After line 1039, insert:	9
"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	10
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suspect based on facts that would cause a reasonable person in a 16
similar position to suspect, that a child under eighteen years 17
of age, or a person under twenty-one years of age with a 18
developmental disability or physical impairment, has suffered or 19
faces a threat of suffering any physical or mental wound, 20
injury, disability, or condition of a nature that reasonably 21
indicates abuse or neglect of the child shall fail to 22
immediately report that knowledge or reasonable cause to suspect 23
to the entity or persons specified in this division. Except as 24
otherwise provided in this division or section 5120.173 of the 25
Revised Code, the person making the report shall make it to the 26
public children services agency or a peace officer in the county 27
in which the child resides or in which the abuse or neglect is 28
occurring or has occurred. If the person making the report is a 29
peace officer, the officer shall make it to the public children 30
services agency in the county in which the child resides or in 31
which the abuse or neglect is occurring or has occurred. In the 32
circumstances described in section 5120.173 of the Revised Code, 33
the person making the report shall make it to the entity 34
specified in that section. 35

(b) Division (A)(1)(a) of this section applies to any 36
person who is an attorney; health care professional; 37
practitioner of a limited branch of medicine as specified in 38
section 4731.15 of the Revised Code; licensed school 39
psychologist; independent marriage and family therapist or 40
marriage and family therapist; coroner; administrator or 41
employee of a child day-care center; administrator or employee 42
of a residential camp, child day camp, or private, nonprofit 43
therapeutic wilderness camp; administrator or employee of a 44
certified child care agency or other public or private children 45
services agency; school teacher; school employee; school 46

authority; peace officer; humane society agent; dog warden, 47
deputy dog warden, or other person appointed to act as an animal 48
control officer for a municipal corporation or township in 49
accordance with state law, an ordinance, or a resolution; 50
person, other than a cleric, rendering spiritual treatment 51
through prayer in accordance with the tenets of a well- 52
recognized religion; employee of a county department of job and 53
family services who is a professional and who works with 54
children and families; superintendent or regional administrator 55
employed by the department of youth services; superintendent, 56
board member, or employee of a county board of developmental 57
disabilities; investigative agent contracted with by a county 58
board of developmental disabilities; employee of the department 59
of developmental disabilities; employee of a facility or home 60
that provides respite care in accordance with section 5123.171 61
of the Revised Code; employee of an entity that provides 62
homemaker services; employee of a qualified organization as 63
defined in section 2151.90 of the Revised Code; a host family as 64
defined in section 2151.90 of the Revised Code; foster 65
caregiver; a person performing the duties of an assessor 66
pursuant to Chapter 3107. or 5103. of the Revised Code; third 67
party employed by a public children services agency to assist in 68
providing child or family related services; court appointed 69
special advocate; or guardian ad litem. 70

(c) If two or more health care professionals, after 71
providing health care services to a child, determine or suspect 72
that the child has been or is being abused or neglected, the 73
health care professionals may designate one of the health care 74
professionals to report the abuse or neglect. A single report 75
made under this division shall meet the reporting requirements 76
of division (A)(1) of this section. 77

(2) Except as provided in division (A) (3) of this section, 78
an attorney or a physician is not required to make a report 79
pursuant to division (A) (1) of this section concerning any 80
communication the attorney or physician receives from a client 81
or patient in an attorney-client or physician-patient 82
relationship, if, in accordance with division (A) or (B) of 83
section 2317.02 of the Revised Code, the attorney or physician 84
could not testify with respect to that communication in a civil 85
or criminal proceeding. 86

(3) The client or patient in an attorney-client or 87
physician-patient relationship described in division (A) (2) of 88
this section is deemed to have waived any testimonial privilege 89
under division (A) or (B) of section 2317.02 of the Revised Code 90
with respect to any communication the attorney or physician 91
receives from the client or patient in that attorney-client or 92
physician-patient relationship, and the attorney or physician 93
shall make a report pursuant to division (A) (1) of this section 94
with respect to that communication, if all of the following 95
apply: 96

(a) The client or patient, at the time of the 97
communication, is a child under eighteen years of age or is a 98
person under twenty-one years of age with a developmental 99
disability or physical impairment. 100

(b) The attorney or physician knows, or has reasonable 101
cause to suspect based on facts that would cause a reasonable 102
person in similar position to suspect that the client or patient 103
has suffered or faces a threat of suffering any physical or 104
mental wound, injury, disability, or condition of a nature that 105
reasonably indicates abuse or neglect of the client or patient. 106

(c) The abuse or neglect does not arise out of the 107

client's or patient's attempt to have an abortion without the 108
notification of her parents, guardian, or custodian in 109
accordance with section 2151.85 of the Revised Code. 110

(4) (a) No cleric and no person, other than a volunteer, 111
designated by any church, religious society, or faith acting as 112
a leader, official, or delegate on behalf of the church, 113
religious society, or faith who is acting in an official or 114
professional capacity, who knows, or has reasonable cause to 115
believe based on facts that would cause a reasonable person in a 116
similar position to believe, that a child under eighteen years 117
of age, or a person under twenty-one years of age with a 118
developmental disability or physical impairment, has suffered or 119
faces a threat of suffering any physical or mental wound, 120
injury, disability, or condition of a nature that reasonably 121
indicates abuse or neglect of the child, and who knows, or has 122
reasonable cause to believe based on facts that would cause a 123
reasonable person in a similar position to believe, that another 124
cleric or another person, other than a volunteer, designated by 125
a church, religious society, or faith acting as a leader, 126
official, or delegate on behalf of the church, religious 127
society, or faith caused, or poses the threat of causing, the 128
wound, injury, disability, or condition that reasonably 129
indicates abuse or neglect shall fail to immediately report that 130
knowledge or reasonable cause to believe to the entity or 131
persons specified in this division. Except as provided in 132
section 5120.173 of the Revised Code, the person making the 133
report shall make it to the public children services agency or a 134
peace officer in the county in which the child resides or in 135
which the abuse or neglect is occurring or has occurred. In the 136
circumstances described in section 5120.173 of the Revised Code, 137
the person making the report shall make it to the entity 138

specified in that section.	139
(b) Except as provided in division (A) (4) (c) of this section, a cleric is not required to make a report pursuant to division (A) (4) (a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.	140 141 142 143 144 145 146
(c) The penitent in a cleric-penitent relationship described in division (A) (4) (b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A) (4) (a) of this section with respect to that communication, if all of the following apply:	147 148 149 150 151 152 153 154
(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.	155 156 157 158
(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent 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 penitent.	159 160 161 162 163 164 165
(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child	166 167

under eighteen years of age or upon a person under twenty-one 168
years of age with a developmental disability or physical 169
impairment without the notification of her parents, guardian, or 170
custodian in accordance with section 2151.85 of the Revised 171
Code. 172

(d) Divisions (A) (4) (a) and (c) of this section do not 173
apply in a cleric-penitent relationship when the disclosure of 174
any communication the cleric receives from the penitent is in 175
violation of the sacred trust. 176

(e) As used in divisions (A) (1) and (4) of this section, 177
"cleric" and "sacred trust" have the same meanings as in section 178
2317.02 of the Revised Code. 179

(B) Anyone who knows, or has reasonable cause to suspect 180
based on facts that would cause a reasonable person in similar 181
circumstances to suspect, that a child under eighteen years of 182
age, or a person under twenty-one years of age with a 183
developmental disability or physical impairment, has suffered or 184
faces a threat of suffering any physical or mental wound, 185
injury, disability, or other condition of a nature that 186
reasonably indicates abuse or neglect of the child may report or 187
cause reports to be made of that knowledge or reasonable cause 188
to suspect to the entity or persons specified in this division. 189
Except as provided in section 5120.173 of the Revised Code, a 190
person making a report or causing a report to be made under this 191
division shall make it or cause it to be made to the public 192
children services agency or to a peace officer. In the 193
circumstances described in section 5120.173 of the Revised Code, 194
a person making a report or causing a report to be made under 195
this division shall make it or cause it to be made to the entity 196
specified in that section. 197

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

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

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

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

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

medical examinations of, and tests or procedures on, the child.	228
(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.	229 230 231 232 233 234
(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.	235 236 237 238 239 240 241 242 243 244 245 246
(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division	247 248 249 250 251 252 253 254 255 256 257

(A) of this section.	258
(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.	259 260 261 262 263
(E) (1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, <u>in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code</u> , unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.	264 265 266 267 268 269 270 271 272 273
(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do <u>both</u> <u>all</u> of the following:	274 275 276 277
(a) Comply with section 2151.422 of the Revised Code;	278
(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing	279 280 281 282 283 284 285 286

functions, activities, and services stipulated in the 287
interagency agreement entered into under section 2151.428 of the 288
Revised Code relative to that center; 289

(c) Unless an arrest is made at the time of the report 290
that results in the appropriate law enforcement agency being 291
contacted concerning the possible abuse or neglect of a child or 292
the possible threat of abuse or neglect of a child, and in 293
accordance with requirements specified under division (B) (6) of 294
section 2151.4211 of the Revised Code, notify the appropriate 295
law enforcement agency of the report, if the public children 296
services agency received either of the following: 297

(i) A report of abuse of a child; 298
(ii) A report of neglect of a child that alleges a type of 299
neglect identified by the department of job and family services 300
in rules adopted under division (L) (2) of this section. 301

(F) No peace officer shall remove a child about whom a 302
report is made pursuant to this section from the child's 303
parents, stepparents, or guardian or any other persons having 304
custody of the child without consultation with the public 305
children services agency, unless, in the judgment of the 306
officer, and, if the report was made by physician, the 307
physician, immediate removal is considered essential to protect 308
the child from further abuse or neglect. The agency that must be 309
consulted shall be the agency conducting the investigation of 310
the report as determined pursuant to section 2151.422 of the 311
Revised Code. 312

(G) (1) Except as provided in section 2151.422 of the 313
Revised Code or in an interagency agreement entered into under 314
section 2151.428 of the Revised Code that applies to the 315

particular report, the public children services agency shall 316
investigate, within twenty-four hours, each report of child 317
abuse or child neglect that is known or reasonably suspected or 318
believed to have occurred and of a threat of child abuse or 319
child neglect that is known or reasonably suspected or believed 320
to exist that is referred to it under this section to determine 321
the circumstances surrounding the injuries, abuse, or neglect or 322
the threat of injury, abuse, or neglect, the cause of the 323
injuries, abuse, neglect, or threat, and the person or persons 324
responsible. The investigation shall be made in cooperation with 325
the law enforcement agency and in accordance with the memorandum 326
of understanding prepared under ~~division (K) of this~~ 327
~~section~~sections 2151.4210 to 2151.4224 of the Revised Code. A 328
representative of the public children services agency shall, at 329
the time of initial contact with the person subject to the 330
investigation, inform the person of the specific complaints or 331
allegations made against the person. The information shall be 332
given in a manner that is consistent with division (I)(1) of 333
this section and protects the rights of the person making the 334
report under this section. 335

A failure to make the investigation in accordance with the 336
memorandum is not grounds for, and shall not result in, the 337
dismissal of any charges or complaint arising from the report or 338
the suppression of any evidence obtained as a result of the 339
report and does not give, and shall not be construed as giving, 340
any rights or any grounds for appeal or post-conviction relief 341
to any person. The public children services agency shall report 342
each case to the uniform statewide automated child welfare 343
information system that the department of job and family 344
services shall maintain in accordance with section 5101.13 of 345
the Revised Code. The public children services agency shall 346

submit a report of its investigation, in writing, to the law enforcement agency.	347
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(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.	349
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(H) (1) (a) Except as provided in divisions (H) (1) (b) and (I) (3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:	353
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(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;	359
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(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;	362
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(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;	364
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(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.	368
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(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.	372
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(c) Notwithstanding section 4731.22 of the Revised Code, 375
the physician-patient privilege shall not be a ground for 376
excluding evidence regarding a child's injuries, abuse, or 377
neglect, or the cause of the injuries, abuse, or neglect in any 378
judicial proceeding resulting from a report submitted pursuant 379
to this section. 380

(2) In any civil or criminal action or proceeding in which 381
it is alleged and proved that participation in the making of a 382
report under this section was not in good faith or participation 383
in a judicial proceeding resulting from a report made under this 384
section was not in good faith, the court shall award the 385
prevailing party reasonable attorney's fees and costs and, if a 386
civil action or proceeding is voluntarily dismissed, may award 387
reasonable attorney's fees and costs to the party against whom 388
the civil action or proceeding is brought. 389

(I) (1) Except as provided in divisions (I) (4) and ~~(O)~~(N) 390
of this section and sections 2151.423 and 2151.4210 of the 391
Revised Code, a report made under this section is confidential. 392
The information provided in a report made pursuant to this 393
section and the name of the person who made the report shall not 394
be released for use, and shall not be used, as evidence in any 395
civil action or proceeding brought against the person who made 396
the report. Nothing in this division shall preclude the use of 397
reports of other incidents of known or suspected abuse or 398
neglect in a civil action or proceeding brought pursuant to 399
division ~~(N)~~(M) of this section against a person who is alleged 400
to have violated division (A) (1) of this section, provided that 401
any information in a report that would identify the child who is 402
the subject of the report or the maker of the report, if the 403
maker of the report is not the defendant or an agent or employee 404
of the defendant, has been redacted. In a criminal proceeding, 405

the report is admissible in evidence in accordance with the 406
Rules of Evidence and is subject to discovery in accordance with 407
the Rules of Criminal Procedure. 408

(2) (a) Except as provided in division (I) (2) (b) of this 409
section, no person shall permit or encourage the unauthorized 410
dissemination of the contents of any report made under this 411
section. 412

(b) A health care professional that obtains the same 413
information contained in a report made under this section from a 414
source other than the report may disseminate the information, if 415
its dissemination is otherwise permitted by law. 416

(3) A person who knowingly makes or causes another person 417
to make a false report under division (B) of this section that 418
alleges that any person has committed an act or omission that 419
resulted in a child being an abused child or a neglected child 420
is guilty of a violation of section 2921.14 of the Revised Code. 421

(4) If a report is made pursuant to division (A) or (B) of 422
this section and the child who is the subject of the report dies 423
for any reason at any time after the report is made, but before 424
the child attains eighteen years of age, the public children 425
services agency or peace officer to which the report was made or 426
referred, on the request of the child fatality review board, the 427
suicide fatality review committee, or the director of health 428
pursuant to guidelines established under section 3701.70 of the 429
Revised Code, shall submit a summary sheet of information 430
providing a summary of the report to the review board or review 431
committee of the county in which the deceased child resided at 432
the time of death or to the director. On the request of the 433
review board, review committee, or director, the agency or peace 434
officer may, at its discretion, make the report available to the 435

review board, review committee, or director. If the county 436
served by the public children services agency is also served by 437
a children's advocacy center and the report of alleged sexual 438
abuse of a child or another type of abuse of a child is 439
specified in the memorandum of understanding that creates the 440
center as being within the center's jurisdiction, the agency or 441
center shall perform the duties and functions specified in this 442
division in accordance with the interagency agreement entered 443
into under section 2151.428 of the Revised Code relative to that 444
advocacy center. 445

(5) A public children services agency shall advise a 446
person alleged to have inflicted abuse or neglect on a child who 447
is the subject of a report made pursuant to this section, 448
including a report alleging sexual abuse of a child or another 449
type of abuse of a child referred to a children's advocacy 450
center pursuant to an interagency agreement entered into under 451
section 2151.428 of the Revised Code, in writing of the 452
disposition of the investigation. The agency shall not provide 453
to the person any information that identifies the person who 454
made the report, statements of witnesses, or police or other 455
investigative reports. 456

(J) Any report that is required by this section, other 457
than a report that is made to the state highway patrol as 458
described in section 5120.173 of the Revised Code, shall result 459
in protective services and emergency supportive services being 460
made available by the public children services agency on behalf 461
of the children about whom the report is made, in an effort to 462
prevent further neglect or abuse, to enhance their welfare, and, 463
whenever possible, to preserve the family unit intact. The 464
agency required to provide the services shall be the agency 465
conducting the investigation of the report pursuant to section 466

2151.422 of the Revised Code.

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

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

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

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(c) The county peace officer;

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

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

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(f) The prosecuting attorney of the county;

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

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(h) The county humane society;

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

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(2) A memorandum of understanding shall set forth the

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normal operating procedure to be employed by all concerned 494
officials in the execution of their respective responsibilities 495
under this section and division (C) of section 2919.21, division 496
(B) (1) of section 2919.22, division (B) of section 2919.23, and 497
section 2919.24 of the Revised Code and shall have as two of its 498
primary goals the elimination of all unnecessary interviews of 499
children who are the subject of reports made pursuant to 500
division (A) or (B) of this section and, when feasible, 501
providing for only one interview of a child who is the subject 502
of any report made pursuant to division (A) or (B) of this 503
section. A failure to follow the procedure set forth in the 504
memorandum by the concerned officials is not grounds for, and 505
shall not result in, the dismissal of any charges or complaint 506
arising from any reported case of abuse or neglect or the 507
suppression of any evidence obtained as a result of any reported 508
child abuse or child neglect and does not give, and shall not be 509
construed as giving, any rights or any grounds for appeal or 510
post-conviction relief to any person. 511

(3) A memorandum of understanding shall include all of the 512
following: 513

(a) The roles and responsibilities for handling emergency 514
and nonemergency cases of abuse and neglect; 515

(b) Standards and procedures to be used in handling and 516
coordinating investigations of reported cases of child abuse and 517
reported cases of child neglect, methods to be used in 518
interviewing the child who is the subject of the report and who 519
allegedly was abused or neglected, and standards and procedures 520
addressing the categories of persons who may interview the child 521
who is the subject of the report and who allegedly was abused or 522
neglected. 523

(4) If a public children services agency participated in	524
the execution of a memorandum of understanding under section	525
2151.426 of the Revised Code establishing a children's advocacy	526
center, the agency shall incorporate the contents of that	527
memorandum in the memorandum prepared pursuant to this section.	528
(5) The clerk of the court of common pleas in the county	529
may sign the memorandum of understanding prepared under division	530
(K)(1) of this section. If the clerk signs the memorandum of	531
understanding, the clerk shall execute all relevant	532
responsibilities as required of officials specified in the	533
memorandum.	534
(E)(1) Except as provided in division (L)(4)-(K)(4) or (5)	535
of this section, a person who is required to make a report	536
pursuant to <u>under</u> division (A) of this section may make a	537
reasonable number of requests of the public children services	538
agency that receives or is referred the report, or of the	539
children's advocacy center that is referred the report if the	540
report is referred to a children's advocacy center pursuant to	541
an interagency agreement entered into under section 2151.428 of	542
the Revised Code, to be provided with the following information:	543
(a) Whether the agency or center has initiated an	544
investigation of the report;	545
(b) Whether the agency or center is continuing to	546
investigate the report;	547
(c) Whether the agency or center is otherwise involved	548
with the child who is the subject of the report;	549
(d) The general status of the health and safety of the	550
child who is the subject of the report;	551

(e) Whether the report has resulted in the filing of a 552
complaint in juvenile court or of criminal charges in another 553
court. 554

(2) (a) A person may request the information specified in 555
division ~~(L)(1)-(K)(1)~~ of this section only if, at the time the 556
report is made, the person's name, address, and telephone number 557
are provided to the person who receives the report. 558

(b) When a peace officer or employee of a public children 559
services agency receives a report pursuant to division (A) or 560
(B) of this section the recipient of the report shall inform the 561
person of the right to request the information described in 562
division ~~(L)(1)-(K)(1)~~ of this section. The recipient of the 563
report shall include in the initial child abuse or child neglect 564
report that the person making the report was so informed and, if 565
provided at the time of the making of the report, shall include 566
the person's name, address, and telephone number in the report. 567

(c) If the person making the report provides the person's 568
name and contact information on making the report, the public 569
children services agency that received or was referred the 570
report shall send a written notice via United States mail or 571
electronic mail, in accordance with the person's preference, to 572
the person not later than seven calendar days after receipt of 573
the report. The notice shall provide the status of the agency's 574
investigation into the report made, who the person may contact 575
at the agency for further information, and a description of the 576
person's rights under division (K)(1) of this section. 577

(d) Each request is subject to verification of the 578
identity of the person making the report. If that person's 579
identity is verified, the agency shall provide the person with 580
the information described in division ~~(L)(1)-(K)(1)~~ of this 581

section a reasonable number of times, except that the agency 582
shall not disclose any confidential information regarding the 583
child who is the subject of the report other than the 584
information described in those divisions. 585

(3) A request made pursuant to division ~~(L)(1)-(K)(1)~~ of 586
this section is not a substitute for any report required to be 587
made pursuant to division (A) of this section. 588

(4) If an agency other than the agency that received or 589
was referred the report is conducting the investigation of the 590
report pursuant to section 2151.422 of the Revised Code, the 591
agency conducting the investigation shall comply with the 592
requirements of division ~~(L)-(K)~~ of this section. 593

(5) A health care professional who made a report under 594
division (A) of this section, or on whose behalf such a report 595
was made as provided in division (A)(1)(c) of this section, may 596
authorize a person to obtain the information described in 597
division ~~(L)(1)-(K)(1)~~ of this section if the person requesting 598
the information is associated with or acting on behalf of the 599
health care professional who provided health care services to 600
the child about whom the report was made. 601

(M) (6) If the person making the report provides the 602
person's name and contact information on making the report, the 603
public children services agency that received or was referred 604
the report shall send a written notice via United States mail or 605
electronic mail, in accordance with the person's preference, to 606
the person not later than seven calendar days after the agency 607
closes the investigation into the case reported by the person. 608
The notice shall notify the person that the agency has closed 609
the investigation. 610

(L) (1) The director of job and family services shall adopt 611
rules in accordance with Chapter 119. of the Revised Code to 612
implement this section. The department of job and family 613
services may enter into a plan of cooperation with any other 614
governmental entity to aid in ensuring that children are 615
protected from abuse and neglect. The department shall make 616
recommendations to the attorney general that the department 617
determines are necessary to protect children from child abuse 618
and child neglect. 619

(N) (2) Not later than ninety days after the effective 620
date of this amendment, the director of job and family services 621
shall adopt rules in accordance with Chapter 119. of the Revised 622
Code to identify the types of neglect of a child that a public 623
children services agency shall be required to notify law 624
enforcement of pursuant to division (E) (2) (c) (ii) of this 625
section. 626

(M) 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

(O) (1) (N) (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

(P)—(O) As used in this section: 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

(4) "Peace officer" means a sheriff, deputy sheriff, 703
constable, police officer of a township or joint police 704
district, marshal, deputy marshal, municipal police officer, or 705
a state highway patrol trooper. " 706

After line 1307, insert: 707

"Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 708
the Revised Code: 709

(A) "Youth" means a person who is any of the following: 710

(1) Less than eighteen years of age; 711

(2) An emancipated young adult; 712

(3) Is in the temporary or permanent custody of a public 713
children services agency, a planned permanent living 714
arrangement, or in the Title-IV-E-eligible care and placement 715
responsibility of a juvenile court or other governmental agency 716
that provides Title IV-E reimbursable placement services. 717

(B) "Emancipated young adult" has the same meaning as in 718
section 5101.141 of the Revised Code." 719

In line 1308, delete "5101.89" and insert "5101.891"; delete 720
"children service" and insert "youth and family" 721

In line 1311, delete "An" and insert "A family"; after "governor" 722
insert ", to investigate complaints made by adults" 723

In line 1312, delete the first "advocate" and insert "ombudsman"; 724
after "shall" insert "be appointed by the governor with advice from the 725
overcoming hurdles in Ohio youth advisory board, to investigate complaints 726
made by youth and to" 727

In line 1324, delete " 5101.891 " and insert " 5101.892 "; delete <u>"children service"</u> and insert " <u>youth and family</u> "	728 729
In line 1335, delete the second " <u>and</u> "	730
In line 1336, after " <u>services</u> " insert " <u>, and representatives of the</u> <u>overcoming hurdles in Ohio youth advisory board</u> "	731 732
After line 1336, insert:	733
 <u>"Sec. 5101.893. Not later than sixty days after release of</u> <u>the annual report described under section 5101.892 of the</u> <u>Revised Code, the overcoming hurdles in Ohio youth advisory</u> <u>board shall provide an evaluation of the report to the governor</u> <u>and the youth ombudsman of the youth and family ombudsman</u> <u>office."</u>	734 735 736 737 738 739
In line 1337, delete " 5101.893 " and insert " 5101.894 "	740
In line 1338, delete " <u>children service</u> " and insert " <u>youth and</u> <u>family</u> "	741 742
In line 1343, delete " <u>children service</u> " and insert " <u>youth and</u> <u>family</u> "	743 744
In line 1345, delete " <u>children service</u> " and insert " <u>youth and</u> <u>family</u> "	745 746
In line 1363, delete " <u>children service</u> " and insert " <u>youth and</u> <u>family</u> "	747 748
In line 1388, delete ", 2151.23"	749
In line 1392, delete "H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General"	750 751
In line 1393, delete the first "Assembly" and insert "both H.B. 92 and H.B. 110 of the 134th General Assembly"	752 753

The motion was _____ agreed to.

<u>SYNOPSIS</u>	754
Ombudsman Office changes	755
R.C. 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, and 5101.899	756
Changes "Children Service Ombudsman Office" to "Youth and Family Ombudsman Office."	758
Defines "youth" to mean any person who is:	759
- Less than 18 years of age;	760
- An emancipated young adult, meaning any person:	761
-- Who was in the temporary or permanent custody of a public children services agency (PCSA), a planned permanent living arrangement (PPLA), or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;	762
-- Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and	763
-- Who has not yet attained the age of 21.	764
- Is in the temporary or permanent custody of a PCSA, PPLA, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services.	765
Changes the following requirements regarding the Office:	766

- A family ombudsman, rather than simply an ombudsman, must investigate complaints made by adults;	777 778
- A youth ombudsman, rather than a youth advocate, must be appointed by the Governor with advice from the Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB) to investigate complaints made by youth.	779 780 781 782
Requires the Office's annual report to be provided to OHIO YAB representatives.	783 784
Requires OHIO YAB, not later than 60 days after the release of the Office's annual report, to provide an evaluation of the report to the Governor and the Office's youth ombudsman.	785 786 787
Court order for investigation access to child	788
R.C. 2151.23 and 2151.25	789
Removes from the bill the following provisions regarding a court order to interview and examine a child, previously enacted under H.B. 110 of the 134th General Assembly:	790 791 792
- Provision allowing a juvenile court, if it determines probable cause exists, to issue an order, without a hearing, authorizing a public children services agency (PCSA) to interview or examine a child who may be abused, neglected, or dependent if the child's parent, guardian, custodian, or caretaker refuses the PCSA reasonable access to the child.	793 794 795 796 797 798
- Provision requiring that a PCSA request the order and to submit a sworn affidavit detailing the facts that would support the order.	799 800 801
- Provision specifying that the order is not a final, appealable order.	802 803

Technical amendment	804
R.C. 2151.421	805
Updated R.C. 2151.421, which was amended by H.B. 92 and	806
H.B. 110 of the 134th General Assembly.	807