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Armbruster, Carey, Mumper, Prentiss, Roberts, Spada, Zurz
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Key, Martin, Miller, Niehaus, Oelslager, Otterman, Perry, Price, G. Smith,
D. Stewart, Strahorn, Widener**

—

A B I L L

To amend sections 2151.421, 3109.17, and 3109.18 and 1
to enact sections 2151.425, 2151.426, 2151.427, 2
2151.428, 3109.171, and 3109.172 of the Revised 3
Code to permit counties to establish Children's 4
Advocacy Centers to perform and provide certain 5
functions, activities, and services relative to 6
reports of child sexual abuse or other types of 7
abuse of a child over which the document creating 8
the center gives it jurisdiction; to require the 9
Children's Trust Fund Board to develop and provide 10
to certain entities and persons a list of funding 11
sources for establishing or operating a Children's 12
Advocacy Center; to permit child abuse and child 13
neglect prevention advisory boards to request up 14
to \$5,000 per county out of Children's Trust Fund 15
Board funds as one-time, start-up costs for a 16
Children's Advocacy Center; to permit children's 17
advocacy centers to annually request funds from 18

the Children's Trust Fund Board to conduct primary 19
prevention strategies; and to provide the 20
Children's Trust Fund Board with more authority 21
and flexibility to approve, revise, or deny a 22
child abuse and child neglect prevention advisory 23
board's local plan. 24

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

Section 1. That sections 2151.421, 3109.17, and 3109.18 be 25
amended and sections 2151.425, 2151.426, 2151.427, 2151.428, 26
3109.171, and 3109.172 of the Revised Code be enacted to read as 27
follows: 28

Sec. 2151.421. (A)(1)(a) No person described in division 29
(A)(1)(b) of this section who is acting in an official or 30
professional capacity and knows or suspects that a child under 31
eighteen years of age or a mentally retarded, developmentally 32
disabled, or physically impaired child under twenty-one years of 33
age has suffered or faces a threat of suffering any physical or 34
mental wound, injury, disability, or condition of a nature that 35
reasonably indicates abuse or neglect of the child, shall fail to 36
immediately report that knowledge or suspicion to the entity or 37
persons specified in this division. Except as provided in section 38
5120.173 of the Revised Code, the person making the report shall 39
make it to the public children services agency or a municipal or 40
county peace officer in the county in which the child resides or 41
in which the abuse or neglect is occurring or has occurred. In the 42
circumstances described in section 5120.173 of the Revised Code, 43
the person making the report shall make it to the entity specified 44
in that section. 45

(b) Division (A)(1)(a) of this section applies to any person 46

who is an attorney; physician, including a hospital intern or 47
resident; dentist; podiatrist; practitioner of a limited branch of 48
medicine as specified in section 4731.15 of the Revised Code; 49
registered nurse; licensed practical nurse; visiting nurse; other 50
health care professional; licensed psychologist; licensed school 51
psychologist; independent marriage and family therapist or 52
marriage and family therapist; speech pathologist or audiologist; 53
coroner; administrator or employee of a child day-care center; 54
administrator or employee of a residential camp or child day camp; 55
administrator or employee of a certified child care agency or 56
other public or private children services agency; school teacher; 57
school employee; school authority; person engaged in social work 58
or the practice of professional counseling; agent of a county 59
humane society; person rendering spiritual treatment through 60
prayer in accordance with the tenets of a well-recognized 61
religion; superintendent, board member, or employee of a county 62
board of mental retardation; investigative agent contracted with 63
by a county board of mental retardation; or employee of the 64
department of mental retardation and developmental disabilities. 65

(2) An attorney or a physician is not required to make a 66
report pursuant to division (A)(1) of this section concerning any 67
communication the attorney or physician receives from a client or 68
patient in an attorney-client or physician-patient relationship, 69
if, in accordance with division (A) or (B) of section 2317.02 of 70
the Revised Code, the attorney or physician could not testify with 71
respect to that communication in a civil or criminal proceeding, 72
except that the client or patient is deemed to have waived any 73
testimonial privilege under division (A) or (B) of section 2317.02 74
of the Revised Code with respect to that communication and the 75
attorney or physician shall make a report pursuant to division 76
(A)(1) of this section with respect to that communication, if all 77
of the following apply: 78

(a) The client or patient, at the time of the communication, 79
is either a child under eighteen years of age or a mentally 80
retarded, developmentally disabled, or physically impaired person 81
under twenty-one years of age. 82

(b) The attorney or physician knows or suspects, as a result 83
of the communication or any observations made during that 84
communication, that the client or patient has suffered or faces a 85
threat of suffering any physical or mental wound, injury, 86
disability, or condition of a nature that reasonably indicates 87
abuse or neglect of the client or patient. 88

(c) The attorney-client or physician-patient relationship 89
does not arise out of the client's or patient's attempt to have an 90
abortion without the notification of her parents, guardian, or 91
custodian in accordance with section 2151.85 of the Revised Code. 92

(B) Anyone, who knows or suspects that a child under eighteen 93
years of age or a mentally retarded, developmentally disabled, or 94
physically impaired person under twenty-one years of age has 95
suffered or faces a threat of suffering any physical or mental 96
wound, injury, disability, or other condition of a nature that 97
reasonably indicates abuse or neglect of the child may report or 98
cause reports to be made of that knowledge or suspicion to the 99
entity or persons specified in this division. Except as provided 100
in section 5120.173 of the Revised Code, a person making a report 101
or causing a report to be made under this division shall make it 102
or cause it to be made to the public children services agency or 103
to a municipal or county peace officer. In the circumstances 104
described in section 5120.173 of the Revised Code, a person making 105
a report or causing a report to be made under this division shall 106
make it or cause it to be made to the entity specified in that 107
section. 108

(C) Any report made pursuant to division (A) or (B) of this 109

section shall be made forthwith either by telephone or in person 110
and shall be followed by a written report, if requested by the 111
receiving agency or officer. The written report shall contain: 112

(1) The names and addresses of the child and the child's 113
parents or the person or persons having custody of the child, if 114
known; 115

(2) The child's age and the nature and extent of the child's 116
known or suspected injuries, abuse, or neglect or of the known or 117
suspected threat of injury, abuse, or neglect, including any 118
evidence of previous injuries, abuse, or neglect; 119

(3) Any other information that might be helpful in 120
establishing the cause of the known or suspected injury, abuse, or 121
neglect or of the known or suspected threat of injury, abuse, or 122
neglect. 123

Any person, who is required by division (A) of this section 124
to report known or suspected child abuse or child neglect, may 125
take or cause to be taken color photographs of areas of trauma 126
visible on a child and, if medically indicated, cause to be 127
performed radiological examinations of the child. 128

(D)~~(1)~~ As used in this division, "children's advocacy center" 129
and "sexual abuse of a child" have the same meanings as in section 130
2151.425 of the Revised Code. 131

(1) When a municipal or county peace officer receives a 132
report concerning the possible abuse or neglect of a child or the 133
possible threat of abuse or neglect of a child, upon receipt of 134
the report, the municipal or county peace officer who receives the 135
report shall refer the report to the appropriate public children 136
services agency. 137

(2) When a public children services agency receives a report 138
pursuant to this division or division (A) or (B) of this section, 139

upon receipt of the report, the public children services agency 140
shall ~~comply~~ do both of the following: 141

(a) Comply with section 2151.422 of the Revised Code; 142

(b) If the county served by the agency is also served by a 143
children's advocacy center and the report alleges sexual abuse of 144
a child or another type of abuse of a child that is specified in 145
the memorandum of understanding that creates the center as being 146
within the center's jurisdiction, comply regarding the report with 147
the protocol and procedures for referrals and investigations, with 148
the coordinating activities, and with the authority or 149
responsibility for performing or providing functions, activities, 150
and services stipulated in the interagency agreement entered into 151
under section 2151.428 of the Revised Code relative to that 152
center. 153

(E) No township, municipal, or county peace officer shall 154
remove a child about whom a report is made pursuant to this 155
section from the child's parents, stepparents, or guardian or any 156
other persons having custody of the child without consultation 157
with the public children services agency, unless, in the judgment 158
of the officer, and, if the report was made by physician, the 159
physician, immediate removal is considered essential to protect 160
the child from further abuse or neglect. The agency that must be 161
consulted shall be the agency conducting the investigation of the 162
report as determined pursuant to section 2151.422 of the Revised 163
Code. 164

(F)(1) Except as provided in section 2151.422 of the Revised 165
Code or in an interagency agreement entered into under section 166
2151.428 of the Revised Code that applies to the particular 167
report, the public children services agency shall investigate, 168
within twenty-four hours, each report of known or suspected child 169
abuse or child neglect and of a known or suspected threat of child 170

abuse or child neglect that is referred to it under this section 171
to determine the circumstances surrounding the injuries, abuse, or 172
neglect or the threat of injury, abuse, or neglect, the cause of 173
the injuries, abuse, neglect, or threat, and the person or persons 174
responsible. The investigation shall be made in cooperation with 175
the law enforcement agency and in accordance with the memorandum 176
of understanding prepared under division (J) of this section. A 177
failure to make the investigation in accordance with the 178
memorandum is not grounds for, and shall not result in, the 179
dismissal of any charges or complaint arising from the report or 180
the suppression of any evidence obtained as a result of the report 181
and does not give, and shall not be construed as giving, any 182
rights or any grounds for appeal or post-conviction relief to any 183
person. The public children services agency shall report each case 184
to a central registry which the department of job and family 185
services shall maintain in order to determine whether prior 186
reports have been made in other counties concerning the child or 187
other principals in the case. The public children services agency 188
shall submit a report of its investigation, in writing, to the law 189
enforcement agency. 190

(2) The public children services agency shall make any 191
recommendations to the county prosecuting attorney or city 192
director of law that it considers necessary to protect any 193
children that are brought to its attention. 194

(G)(1)(a) Except as provided in division (H)(3) of this 195
section, anyone or any hospital, institution, school, health 196
department, or agency participating in the making of reports under 197
division (A) of this section, anyone or any hospital, institution, 198
school, health department, or agency participating in good faith 199
in the making of reports under division (B) of this section, and 200
anyone participating in good faith in a judicial proceeding 201
resulting from the reports, shall be immune from any civil or 202

criminal liability for injury, death, or loss to person or 203
property that otherwise might be incurred or imposed as a result 204
of the making of the reports or the participation in the judicial 205
proceeding. 206

(b) Notwithstanding section 4731.22 of the Revised Code, the 207
physician-patient privilege shall not be a ground for excluding 208
evidence regarding a child's injuries, abuse, or neglect, or the 209
cause of the injuries, abuse, or neglect in any judicial 210
proceeding resulting from a report submitted pursuant to this 211
section. 212

(2) In any civil or criminal action or proceeding in which it 213
is alleged and proved that participation in the making of a report 214
under this section was not in good faith or participation in a 215
judicial proceeding resulting from a report made under this 216
section was not in good faith, the court shall award the 217
prevailing party reasonable attorney's fees and costs and, if a 218
civil action or proceeding is voluntarily dismissed, may award 219
reasonable attorney's fees and costs to the party against whom the 220
civil action or proceeding is brought. 221

(H)(1) Except as provided in divisions (H)(4) and (M) of this 222
section, a report made under this section is confidential. The 223
information provided in a report made pursuant to this section and 224
the name of the person who made the report shall not be released 225
for use, and shall not be used, as evidence in any civil action or 226
proceeding brought against the person who made the report. In a 227
criminal proceeding, the report is admissible in evidence in 228
accordance with the Rules of Evidence and is subject to discovery 229
in accordance with the Rules of Criminal Procedure. 230

(2) No person shall permit or encourage the unauthorized 231
dissemination of the contents of any report made under this 232
section. 233

(3) A person who knowingly makes or causes another person to 234
make a false report under division (B) of this section that 235
alleges that any person has committed an act or omission that 236
resulted in a child being an abused child or a neglected child is 237
guilty of a violation of section 2921.14 of the Revised Code. 238

(4) If a report is made pursuant to division (A) or (B) of 239
this section and the child who is the subject of the report dies 240
for any reason at any time after the report is made, but before 241
the child attains eighteen years of age, the public children 242
services agency or municipal or county peace officer to which the 243
report was made or referred, on the request of the child fatality 244
review board, shall submit a summary sheet of information 245
providing a summary of the report to the review board of the 246
county in which the deceased child resided at the time of death. 247
On the request of the review board, the agency or peace officer 248
may, at its discretion, make the report available to the review 249
board. If the county served by the public children services agency 250
is also served by a children's advocacy center and the report of 251
alleged sexual abuse of a child or another type of abuse of a 252
child is specified in the memorandum of understanding that creates 253
the center as being within the center's jurisdiction, the agency 254
or center shall perform the duties and functions specified in this 255
division in accordance with the interagency agreement entered into 256
under section 2151.428 of the Revised Code relative to that 257
advocacy center. 258

(5) A public children services agency shall advise a person 259
alleged to have inflicted abuse or neglect on a child who is the 260
subject of a report made pursuant to this section, including a 261
report alleging sexual abuse of a child or another type of abuse 262
of a child referred to a children's advocacy center pursuant to an 263
interagency agreement entered into under section 2151.428 of the 264
Revised Code, in writing of the disposition of the investigation. 265

The agency shall not provide to the person any information that 266
identifies the person who made the report, statements of 267
witnesses, or police or other investigative reports. 268

(I) Any report that is required by this section, other than a 269
report that is made to the state highway patrol as described in 270
section 5120.173 of the Revised Code, shall result in protective 271
services and emergency supportive services being made available by 272
the public children services agency on behalf of the children 273
about whom the report is made, in an effort to prevent further 274
neglect or abuse, to enhance their welfare, and, whenever 275
possible, to preserve the family unit intact. The agency required 276
to provide the services shall be the agency conducting the 277
investigation of the report pursuant to section 2151.422 of the 278
Revised Code. 279

(J)(1) Each public children services agency shall prepare a 280
memorandum of understanding that is signed by all of the 281
following: 282

(a) If there is only one juvenile judge in the county, the 283
juvenile judge of the county or the juvenile judge's 284
representative; 285

(b) If there is more than one juvenile judge in the county, a 286
juvenile judge or the juvenile judges' representative selected by 287
the juvenile judges or, if they are unable to do so for any 288
reason, the juvenile judge who is senior in point of service or 289
the senior juvenile judge's representative; 290

(c) The county peace officer; 291

(d) All chief municipal peace officers within the county; 292

(e) Other law enforcement officers handling child abuse and 293
neglect cases in the county; 294

(f) The prosecuting attorney of the county; 295

(g) If the public children services agency is not the county 296
department of job and family services, the county department of 297
job and family services; 298

(h) The county humane society; 299

(i) If the public children services agency participated in 300
the execution of a memorandum of understanding under section 301
2151.426 of the Revised Code establishing a children's advocacy 302
center, each participating member of the children's advocacy 303
center established by the memorandum. 304

(2) A memorandum of understanding shall set forth the normal 305
operating procedure to be employed by all concerned officials in 306
the execution of their respective responsibilities under this 307
section and division (C) of section 2919.21, division (B)(1) of 308
section 2919.22, division (B) of section 2919.23, and section 309
2919.24 of the Revised Code and shall have as two of its primary 310
goals the elimination of all unnecessary interviews of children 311
who are the subject of reports made pursuant to division (A) or 312
(B) of this section and, when feasible, providing for only one 313
interview of a child who is the subject of any report made 314
pursuant to division (A) or (B) of this section. A failure to 315
follow the procedure set forth in the memorandum by the concerned 316
officials is not grounds for, and shall not result in, the 317
dismissal of any charges or complaint arising from any reported 318
case of abuse or neglect or the suppression of any evidence 319
obtained as a result of any reported child abuse or child neglect 320
and does not give, and shall not be construed as giving, any 321
rights or any grounds for appeal or post-conviction relief to any 322
person. 323

(3) A memorandum of understanding shall include all of the 324
following: 325

(a) The roles and responsibilities for handling emergency and 326

nonemergency cases of abuse and neglect;

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

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(4) If a 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, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

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

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

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

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

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

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who is the subject of the report; 357

(e) Whether the report has resulted in the filing of a 358
complaint in juvenile court or of criminal charges in another 359
court. 360

(2) A person may request the information specified in 361
division (K)(1) of this section only if, at the time the report is 362
made, the person's name, address, and telephone number are 363
provided to the person who receives the report. 364

When a municipal or county peace officer or employee of a 365
public children services agency receives a report pursuant to 366
division (A) or (B) of this section the recipient of the report 367
shall inform the person of the right to request the information 368
described in division (K)(1) of this section. The recipient of the 369
report shall include in the initial child abuse or child neglect 370
report that the person making the report was so informed and, if 371
provided at the time of the making of the report, shall include 372
the person's name, address, and telephone number in the report. 373

Each request is subject to verification of the identity of 374
the person making the report. If that person's identity is 375
verified, the agency shall provide the person with the information 376
described in division (K)(1) of this section a reasonable number 377
of times, except that the agency shall not disclose any 378
confidential information regarding the child who is the subject of 379
the report other than the information described in those 380
divisions. 381

(3) A request made pursuant to division (K)(1) of this 382
section is not a substitute for any report required to be made 383
pursuant to division (A) of this section. 384

(4) If an agency other than the agency that received or was 385
referred the report is conducting the investigation of the report 386
pursuant to section 2151.422 of the Revised Code, the agency 387

conducting the investigation shall comply with the requirements of 388
division (K) of this section. 389

(L) The director of job and family services shall adopt rules 390
in accordance with Chapter 119. of the Revised Code to implement 391
this section. The department of job and family services may enter 392
into a plan of cooperation with any other governmental entity to 393
aid in ensuring that children are protected from abuse and 394
neglect. The department shall make recommendations to the attorney 395
general that the department determines are necessary to protect 396
children from child abuse and child neglect. 397

(M)(1) As used in this division: 398

(a) "Out-of-home care" includes a nonchartered nonpublic 399
school if the alleged child abuse or child neglect, or alleged 400
threat of child abuse or child neglect, described in a report 401
received by a public children services agency allegedly occurred 402
in or involved the nonchartered nonpublic school and the alleged 403
perpetrator named in the report holds a certificate, permit, or 404
license issued by the state board of education under section 405
3301.071 or Chapter 3319. of the Revised Code. 406

(b) "Administrator, director, or other chief administrative 407
officer" means the superintendent of the school district if the 408
out-of-home care entity subject to a report made pursuant to this 409
section is a school operated by the district. 410

(2) No later than the end of the day following the day on 411
which a public children services agency receives a report of 412
alleged child abuse or child neglect, or a report of an alleged 413
threat of child abuse or child neglect, that allegedly occurred in 414
or involved an out-of-home care entity, the agency shall provide 415
written notice of the allegations contained in and the person 416
named as the alleged perpetrator in the report to the 417
administrator, director, or other chief administrative officer of 418

the out-of-home care entity that is the subject of the report 419
unless the administrator, director, or other chief administrative 420
officer is named as an alleged perpetrator in the report. If the 421
administrator, director, or other chief administrative officer of 422
an out-of-home care entity is named as an alleged perpetrator in a 423
report of alleged child abuse or child neglect, or a report of an 424
alleged threat of child abuse or child neglect, that allegedly 425
occurred in or involved the out-of-home care entity, the agency 426
shall provide the written notice to the owner or governing board 427
of the out-of-home care entity that is the subject of the report. 428
The agency shall not provide witness statements or police or other 429
investigative reports. 430

(3) No later than three days after the day on which a public 431
children services agency that conducted the investigation as 432
determined pursuant to section 2151.422 of the Revised Code makes 433
a disposition of an investigation involving a report of alleged 434
child abuse or child neglect, or a report of an alleged threat of 435
child abuse or child neglect, that allegedly occurred in or 436
involved an out-of-home care entity, the agency shall send written 437
notice of the disposition of the investigation to the 438
administrator, director, or other chief administrative officer and 439
the owner or governing board of the out-of-home care entity. The 440
agency shall not provide witness statements or police or other 441
investigative reports. 442

Sec. 2151.425. As used in sections 2151.426 to 2151.428 of 443
the Revised Code: 444

(A) "Children's advocacy center" means a center operated by 445
participating entities within a county or two or more contiguous 446
counties to perform functions and activities and provide services, 447
in accordance with the interagency agreement entered into under 448
section 2151.428 of the Revised Code, regarding reports received 449

under section 2151.421 of the Revised Code of alleged 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 and regarding the children who are the subjects of the report.

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(B) "Sexual abuse of a child" means unlawful sexual conduct or sexual contact, as those terms are defined in section 2907.01 of the Revised Code, with a person under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

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Sec. 2151.426. (A)(1) A children's advocacy center may be established to serve a single county by execution of a memorandum of understanding regarding the participation in the operation of the center by any of the following entities in the county to be served by the center:

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(a) The public children services agency;

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(b) Representatives of any county or municipal law enforcement agencies serving the county that investigate any of the types of abuse specified in the memorandum of understanding creating the center as being within the center's jurisdiction;

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(c) The prosecuting attorney of the county or a village solicitor, city director of law, or similar chief legal officer of a municipal corporation in the county who prosecutes any of the types of abuse specified in the memorandum of understanding creating the center as being within the center's jurisdiction in the area to be served by the center;

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(d) Any other entity considered appropriate by all of the other entities executing the memorandum.

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(2) A children's advocacy center may be established to serve two or more contiguous counties if a memorandum of understanding

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regarding the participation in the operation of the center is 480
executed by any of the entities described in division (A)(1) of 481
this section in each county to be served by the center. 482

(3) Any memorandum of understanding executed under this 483
section may include a provision that specifies types of abuse of a 484
child, in addition to sexual abuse of a child, that are to be 485
within the jurisdiction of the children's advocacy center created 486
as a result of the execution of the memorandum. If a memorandum of 487
understanding executed under this section does not include any 488
provision of that nature, the children's advocacy center created 489
as a result of the execution of the memorandum has jurisdiction 490
only in relation to reports of alleged sexual abuse of a child. 491

(B) Each entity that participates in the execution of a 492
memorandum of understanding under this section shall cooperate in 493
all of the following: 494

(1) Developing a multidisciplinary team pursuant to section 495
2151.427 of the Revised Code to perform the functions and 496
activities and provide the services specified in the interagency 497
agreement entered into under section 2151.428 of the Revised Code, 498
regarding reports received under section 2151.421 of the Revised 499
Code of alleged sexual abuse of a child and reports of allegations 500
of another type of abuse of a child that is specified in the 501
memorandum of understanding that creates the center as being 502
within the center's jurisdiction, and regarding the children who 503
are the subjects of the reports; 504

(2) Participating in the operation of the center in 505
compliance with standards for full membership established by the 506
national children's alliance; 507

(3) Employing the center's staff. 508

(C) A center shall do both of the following: 509

(1) Operate in accordance with sections 2151.427 and 2151.428 of the Revised Code, the interagency agreement entered into under section 2151.428 of the Revised Code relative to the center, and the standards for full membership established by the national children's alliance; 510
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(2) Register annually with the attorney general. 515

Sec. 2151.427. (A) The entities that participate in a memorandum of understanding executed under section 2151.426 of the Revised Code establishing a children's advocacy center shall assemble the center's multidisciplinary team. 516
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(B)(1) The multidisciplinary team for a single county center shall consist of the following members who serve the county: 520
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(a) Any county or municipal law enforcement officer; 522

(b) The executive director of the public children services agency or a designee of the executive director; 523
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(c) The prosecuting attorney of the county or the prosecuting attorney's designee; 525
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(d) A mental health professional; 527

(e) A medical health professional; 528

(f) A victim advocate; 529

(g) A center staff member; 530

(h) Any other person considered appropriate by all of the entities that executed the memorandum. 531
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(2) If the center serves two or more contiguous counties, the multidisciplinary team shall consist of the members described in division (B)(1) of this section from the counties to be served by the center, with each county to be served by the center being represented on the multidisciplinary team by at least one member 533
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described in that division.

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(C) The multidisciplinary team shall perform the functions and activities and provide the services specified in the interagency agreement entered into under section 2151.428 of the Revised Code, regarding reports received under section 2151.421 of the Revised Code of alleged sexual abuse of a child and reports of allegations of 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 and regarding the children who are the subjects of the reports.

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Sec. 2151.428. (A) If a children's advocacy center is established under section 2151.426 of the Revised Code, in addition to the memorandum of understanding executed under that section, each public children services agency that participates in the execution of the memorandum of understanding, the children's advocacy center, and the children's advocacy center's multidisciplinary team assembled under section 2151.427 of the Revised Code shall enter into an interagency agreement that stipulates all of the following regarding reports received under section 2151.421 of the Revised Code of alleged sexual abuse of a child and reports of allegations of 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:

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(1) The protocol and procedures for any and all referrals and investigations of the reports;

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(2) Any and all coordinating activities between the parties that enter into the agreement;

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(3) The authority or responsibility for performing any and all functions and activities, and providing any and all services, regarding the reports and the children who are the subjects of the

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reports. 568

(B) The parties that enter into an interagency agreement 569
under division (A) of this section shall comply with the agreement 570
in referring the reports, investigating the reports, coordinating 571
the activities between the parties, and performing and providing 572
the functions, activities, and services relative to the reports 573
and the children who are the subjects of the reports. 574

(C) Nothing in this section, section 2151.421, or sections 575
2151.425 to 2151.427 of the Revised Code pertaining to the 576
operation of a children's advocacy center shall relieve any public 577
official or agency from any legal obligation or responsibility. 578

Sec. 3109.17. (A) For each fiscal biennium, the children's 579
trust fund board shall establish a biennial state plan for 580
comprehensive child abuse and child neglect prevention. The plan 581
shall be transmitted to the governor, the president and minority 582
leader of the senate, and the speaker and minority leader of the 583
house of representatives and shall be made available to the 584
general public. The board may define in the state plan the term 585
"effective public notice." If the board does not define that term 586
in the state plan, the board shall include in the state plan the 587
definition of "effective public notice" specified in rules adopted 588
by the department of job and family services. 589

(B) In developing and carrying out the state plan, the 590
children's trust fund board shall, in accordance with Chapter 119. 591
of the Revised Code, do all of the following: 592

(1) Ensure that an opportunity exists for assistance through 593
child abuse and child neglect prevention programs to persons 594
throughout the state of various social and economic backgrounds; 595

(2) Before the thirtieth day of October of each year, notify 596
each child abuse and child neglect prevention advisory board of 597

the amount estimated to be allocated to that advisory board for 598
the following fiscal year-; 599

(3) Develop criteria for county or district ~~comprehensive~~ 600
local allocation plans, including criteria for determining the 601
plans' effectiveness; 602

(4) Review, and approve or disapprove, county or district 603
~~comprehensive~~ local allocation plans, as described in section 604
3109.171 of the Revised Code; 605

(5) Allocate funds to each child abuse and child neglect 606
prevention advisory board for the purpose of funding child abuse 607
and child neglect prevention programs. Funds shall be allocated 608
among advisory boards according to a formula based on the ratio of 609
the number of children under age eighteen in the county or 610
multicounty district to the number of children under age eighteen 611
in the state, as shown in the most recent federal decennial census 612
of population. Subject to the availability of funds and except as 613
provided in section 3109.171 of the Revised Code, each advisory 614
board shall receive a minimum of ten thousand dollars per fiscal 615
year. In the case of an advisory board that serves a multicounty 616
district, the advisory board shall receive, subject to available 617
funds and except as provided in section 3109.171 of the Revised 618
Code, a minimum of ten thousand dollars per fiscal year for each 619
county in the district. Funds shall be disbursed to the advisory 620
boards twice annually. At least fifty per cent of the funds 621
allocated to an advisory board for a fiscal year shall be 622
disbursed to the advisory board not later than the thirtieth day 623
of September. The remainder of the funds allocated to the advisory 624
board for that fiscal year shall be disbursed before the 625
thirty-first day of March. 626

~~If the children's trust fund board determines, based on 627
county or district performance or on the annual report submitted 628~~

~~by an advisory board, that the advisory board is not operating in
accordance with the criteria established in division (B)(3) of
this section, it may revise the allocation of funds that the
advisory board receives.~~

The board shall specify the criteria child abuse and child
neglect prevention advisory boards are to use in reviewing
applications under division (F)(3) of section 3109.18 of the
Revised Code.

(6) Allocate funds to entities other than child abuse and
child neglect prevention advisory boards for the purpose of
funding child abuse and child neglect prevention programs that
have statewide significance and that have been approved in the
state plan by the children's trust fund board;

(7) Provide for the monitoring of expenditures from the
children's trust fund and of programs that receive money from the
children's trust fund;

(8) Establish reporting requirements for advisory boards;

(9) Collaborate with appropriate persons and government
entities and facilitate the exchange of information among those
persons and entities for the purpose of child abuse and child
neglect prevention;

(10) Provide for the education of the public and
professionals for the purpose of child abuse and child neglect
prevention;

(11) Create and provide to each advisory board a children's
trust fund grant application form;

(12) Specify the information to be included in a semi-annual
and an annual report completed by a children's advocacy center for
which a child abuse and child neglect prevention advisory board
uses funds allocated to the advisory board under section 3109.172

of the Revised Code, and each other person or entity that is a 659
recipient of a children's trust fund grant under division (K)(1) 660
of section 3109.18 of the Revised Code. 661

(C) The children's trust fund board shall prepare a report 662
for each fiscal biennium that delineates the expenditure of money 663
from the children's trust fund. On or before January 1, 2002, and 664
on or before the first day of January of a year that follows the 665
end of a fiscal biennium of this state, the board shall file a 666
copy of the report with the governor, the president and minority 667
leader of the senate, and the speaker and minority leader of the 668
house of representatives. 669

(D) The children's trust fund board shall develop a list of 670
all state and federal sources of funding that might be available 671
for establishing, operating, or establishing and operating a 672
children's advocacy center under sections 2151.425 to 2151.428 of 673
the Revised Code. The board periodically shall update the list as 674
necessary. The board shall maintain, or provide for the 675
maintenance of, the list at an appropriate location. That location 676
may be the offices of the department of job and family services. 677
The board shall provide the list upon request to any children's 678
advocacy center or to any person or entity identified in section 679
2151.426 of the Revised Code as a person or entity that may 680
participate in the establishment of a children's advocacy center. 681

Sec. 3109.171. (A) On receipt of a local allocation plan from 682
a child abuse and child neglect prevention advisory board 683
submitted pursuant to division (F)(1) of section 3109.18 of the 684
Revised Code, the children's trust fund board may do either of the 685
following: 686

(1) Approve the plan; 687

(2) Require that the advisory board make changes to the plan 688
and submit an amended plan to the board. 689

(B) If an advisory board fails to submit to the children's trust fund board a local allocation plan pursuant to division (F)(1) of section 3109.18 of the Revised Code that is postmarked on or before the first day of April preceding the fiscal year for which the plan is developed, if an advisory board fails to submit an amended plan pursuant to division (A)(2) of this section, or if a plan or an amended plan submitted by an advisory board is not approved by the children's trust fund board, the children's trust fund board may do either of the following for the fiscal year for which the plan was to have been developed:

(1) Deny funding to the advisory board;

(2) Allocate a reduced amount of funds to the advisory board, on a pro-rata daily basis.

(C) If an advisory board fails to submit to the children's trust fund board an annual report pursuant to division (K)(2) of section 3109.18 of the Revised Code not later than the fifteenth day of August following the year for which the report is written, the board, for the following fiscal year, may allocate a reduced amount of funds to the advisory board on a pro-rata daily basis.

Sec. 3109.172. (A)(1) Each child abuse and child neglect prevention advisory board may request from the children's trust fund board funds in addition to the funds allocated to the advisory board under section 3109.17 of the Revised Code to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center as follows:

(a) If the advisory board serves a single county, the board may request an amount not to exceed five thousand dollars as one-time, start-up costs for the establishment and operation of a children's advocacy center that serves the county.

(b) If the advisory board serves a multicounty district, for

each county within the district, the advisory board may request an amount not to exceed five thousand dollars as one-time, start-up costs for the establishment and operation of a children's advocacy center that serves the county in relation to which the use is being made. 720
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(2) Expenditures may be made under division (A)(1) of this section for a children's advocacy center that is established to serve a single county or that is established to serve two or more contiguous counties, provided that the county in relation to which the expenditure is made is served by the center for which the advisory board uses the amount as one-time, start-up costs. 725
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(B) Each children's advocacy center may annually request from the children's trust fund board funds in addition to the funds allocated to the advisory board under section 3109.17 of the Revised Code to conduct primary prevention strategies. 731
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(C) On receipt of a request made pursuant to this section, the children's trust fund board shall review and approve or disapprove the request. If the board disapproves the request, the board shall send to the requestor written notice of the disapproval that states the reasons for the disapproval. 735
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(D) No funds allocated to a child abuse and child neglect prevention advisory board under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 740
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No child abuse and child neglect advisory board that serves a single county and that, in any fiscal year, uses funds allocated under this section as start-up costs for a children's advocacy center may use any amount out of any funds so allocated to the advisory board for the same center in a different fiscal year or for a different center in any fiscal year. No child abuse and child neglect advisory board that serves a multicounty district 744
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and that, in any fiscal year, uses funds so allocated to the 751
advisory board as start-up costs of a children's advocacy center 752
in relation to a particular county within the district may use any 753
amount out of any funds so allocated to the advisory board, in 754
relation to the same county, for the same center in a different 755
fiscal year or for a different center in any fiscal year. 756

Sec. 3109.18. (A)(1) A board of county commissioners may 757
establish a child abuse and child neglect prevention advisory 758
board or may designate the county family and children first 759
council to serve as the child abuse and child neglect prevention 760
advisory board. The boards of county commissioners of two or more 761
contiguous counties may instead form a multicounty district to be 762
served by a child abuse and child neglect prevention advisory 763
board or may designate a regional family and children first 764
council to serve as the district child abuse and child neglect 765
prevention advisory board. Each advisory board shall meet at least 766
twice a year. 767

(2) The county auditor is hereby designated as the auditor 768
and fiscal officer of the advisory board. In the case of a 769
multicounty district, the boards of county commissioners that 770
formed the district shall designate the auditor of one of the 771
counties as the auditor and fiscal officer of the advisory board. 772

(B) Each county that establishes an advisory board or, in a 773
multicounty district, ~~the county~~ the auditor ~~of which~~ who has been 774
designated as the auditor and fiscal officer of the advisory 775
board, shall establish a fund in the county treasury known as the 776
county or district children's trust fund. The ~~advisory board~~ 777
auditor shall deposit all funds received from the children's trust 778
fund board into that fund, and the auditor shall distribute money 779
from the fund at the request of the advisory board. 780

(C) Each January, the board of county commissioners of a 781

county that has established an advisory board or, in a multicounty 782
district, the board of county commissioners of the county served 783
by the auditor ~~of which~~ who has been designated as the auditor and 784
fiscal officer for the advisory board, shall appropriate the 785
amount described in division (B)(2) of section 3109.17 of the 786
Revised Code for distribution by the advisory board to child abuse 787
and child neglect prevention programs. 788

(D)(1) Except in the case of a county or regional family and 789
children first council that is designated to serve as a child 790
abuse and child neglect prevention advisory board, each advisory 791
board shall consist of an odd number of members from both the 792
public and private sectors, including all of the following: 793

(a) A representative of an agency responsible for the 794
administration of children's services in the county or district; 795

(b) A provider of alcohol or drug addiction services or a 796
representative of a board of alcohol, drug addiction, and mental 797
health services that serves the county or district; 798

(c) A provider of mental health services or a representative 799
of a board of alcohol, drug addiction, and mental health services 800
that serves the county or district; 801

(d) A representative of a board of mental retardation and 802
developmental disabilities that serves the county or district; 803

(e) A representative of the educational community appointed 804
by the superintendent of the school district with largest 805
enrollment in the county or multicounty district. 806

(2) The following groups and entities may be represented on 807
the advisory board: 808

(a) Parent groups; 809

(b) Juvenile justice officials; 810

(c) Pediatricians, health department nurses, and other 811

representatives of the medical community; 812

(d) School personnel; 813

(e) Counselors and social workers; 814

(f) Head start agencies; 815

(g) Child day-care providers; 816

(h) Other persons with demonstrated knowledge in programs for 817
children. 818

(3) Of the members first appointed, at least one shall serve 819
for a term of three years, at least one for a term of two years, 820
and at least one for a term of one year. Thereafter, each member 821
shall serve a term of three years. Each member shall serve until 822
the member's successor is appointed. All vacancies on the board 823
shall be filled for the balance of the unexpired term in the same 824
manner as the original appointment. 825

(E) Each child abuse and child neglect prevention advisory 826
~~board of county commissioners~~ may incur reasonable costs not to 827
exceed five per cent of the funds allocated to the county or 828
district under section 3109.17 of the Revised Code, for the 829
purpose of carrying out the functions of the advisory board. 830

(F) Each child abuse and child neglect prevention advisory 831
board shall do all of the following: 832

(1) ~~Develop~~ For each fiscal biennium, develop a comprehensive 833
local allocation plan for the purpose of preventing child abuse 834
and child neglect and submit the plan to the children's trust fund 835
board on or before the first day of April preceding the fiscal 836
year for which the plan is developed; 837

(2) Provide effective public notice, as defined by the 838
children's trust fund board in the state plan or, if the board 839
does not define the term in the state plan, as defined in rules 840
adopted by the department of job and family services, to potential 841

applicants about the availability of funds from the children's 842
trust fund, including an estimate of the amount of money available 843
for grants within each county or district, the date of at least 844
one public hearing, information on obtaining a copy of the grant 845
application form, and the deadline for submitting grant 846
applications; 847

(3) Review all applications received using criteria specified 848
in the state plan adopted by the board under section 3109.17 of 849
the Revised Code; 850

(4) Consistent with the local allocation plan developed 851
pursuant to division (F)(1) of this section, make grants to child 852
abuse and child neglect prevention programs. ~~In making grants to~~ 853
~~child abuse and child neglect prevention programs, the advisory~~ 854
~~board may consider factors such as need, geographic location,~~ 855
~~diversity, coordination with or improvement of existing services,~~ 856
~~maintenance of local funding efforts, and extensive use of~~ 857
~~volunteers.~~ 858

(5) Establish any reporting requirements for grant 859
recipients, in addition to those specified by the children's trust 860
fund board, and for children's advocacy centers for which funds 861
are used in accordance with section 3109.172 of the Revised Code. 862

(G) A member of a child abuse and child neglect prevention 863
advisory board shall not participate in the development of a 864
~~comprehensive~~ local allocation plan under division (F)(1) of this 865
section if it is reasonable to expect that the member's judgment 866
could be affected by the member's own financial, business, 867
property, or personal interest or other conflict of interest. For 868
purposes of this division, "conflict of interest" means the taking 869
of any action that violates any applicable provision of Chapter 870
102. or 2921. of the Revised Code. Questions relating to the 871
existence of a conflict of interest pertaining to Chapter 2921. of 872
the Revised Code shall be submitted by the advisory board to the 873

local prosecuting attorney for resolution. Questions relating to 874
the existence of a conflict of interest pertaining to Chapter 102. 875
of the Revised Code shall be submitted by the advisory board to 876
the Ohio ethics commission for resolution. 877

(H) Each advisory board shall assist the children's trust 878
fund board in monitoring programs that receive money from the 879
children's trust fund and shall perform such other duties for the 880
local administration of the children's trust fund as the 881
children's trust fund board requires. 882

(I) A children's advocacy center for which a child abuse and 883
child neglect prevention advisory board uses any amount out of the 884
funds allocated to the advisory board under section 3109.172 of 885
the Revised Code, as start-up costs for the establishment and 886
operation of the center, shall use the moneys so received only for 887
establishment and operation of the center in accordance with 888
sections 2151.425 to 2151.428 of the Revised Code. Any other 889
person or entity that is a recipient of a grant from the 890
children's trust fund shall use the grant funds only to fund 891
primary and secondary child abuse and child neglect prevention 892
programs. Any grant funds that are not spent by the recipient of 893
the funds within the time specified by the terms of the grant 894
shall be returned to the county treasurer. Any grant funds 895
returned that are not redistributed by the advisory board within 896
the state fiscal year in which they are received shall be returned 897
to the treasurer of state. The treasurer of state shall deposit 898
such unspent moneys into the children's trust fund to be spent for 899
purposes consistent with the state plan adopted under section 900
3109.17 of the Revised Code. 901

(J) Applications for grants from the children's trust fund 902
shall be made to the advisory board on forms prescribed by the 903
children's trust fund board. 904

(K)(1) Each children's advocacy center for which a child 905

abuse and child neglect prevention advisory board uses any amount 906
out of the funds allocated to the advisory board under section 907
3109.172 of the Revised Code, as start-up costs for the 908
establishment and operation of the center, and each other person 909
or entity that is a recipient of a children's trust fund grant 910
from an advisory board shall file with the advisory board a copy 911
of a semi-annual and an annual report that includes the 912
information required by the children's trust fund board. 913

(2) Each advisory board shall file with the children's trust 914
fund board, not later than the fifteenth day of August following 915
the year for which the report is written, a copy of an annual 916
report regarding the county or district ~~comprehensive~~ local 917
allocation plan that contains the information required by the 918
children's trust fund board, and regarding the advisory board's 919
use of any amount out of the funds allocated to the advisory board 920
under section 3109.172 of the Revised Code as start-up costs for 921
the establishment and operation of a children's advocacy center. 922

Section 2. That existing sections 2151.421, 3109.17, and 923
3109.18 of the Revised Code are hereby repealed. 924