

As Passed by the Senate

125th General Assembly

Regular Session

2003-2004

Sub. S. B. No. 66

**Senators Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady,
Armbruster, Carey, Mumper, Prentiss, Roberts, Spada, Zurz**

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, and 3109.171 of the Revised Code to 3
permit counties to establish Children's Advocacy 4
Centers to perform and provide certain functions, 5
activities, and services that are agreed upon with 6
the public children services agency, relative to 7
reports of child sexual abuse or other types of 8
abuse of a child over which the document creating 9
the center gives it jurisdiction and the children 10
who are the subjects of the report; to require the 11
Children's Trust Fund Board to develop and provide 12
to certain entities and persons a list of funding 13
sources for establishing or operating a Children's 14
Advocacy Center; to permit child abuse and child 15
neglect prevention advisory boards to use up to 16
\$5,000 per county out of Children's Trust Fund 17
Board funds as one-time, start-up costs for a 18
Children's Advocacy Center; and to provide the 19
Children's Trust Fund Board with more authority 20
and flexibility to approve, revise, or deny a 21
child abuse and child neglect prevention advisory 22
board's local plan. 23

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

Section 1. That sections 2151.421, 3109.17, and 3109.18 be 24
amended and sections 2151.425, 2151.426, 2151.427, 2151.428, and 25
3109.171 of the Revised Code be enacted to read as follows: 26

Sec. 2151.421. (A)(1)(a) No person described in division 27
(A)(1)(b) of this section who is acting in an official or 28
professional capacity and knows or suspects that a child under 29
eighteen years of age or a mentally retarded, developmentally 30
disabled, or physically impaired child under twenty-one years of 31
age has suffered or faces a threat of suffering any physical or 32
mental wound, injury, disability, or condition of a nature that 33
reasonably indicates abuse or neglect of the child, shall fail to 34
immediately report that knowledge or suspicion to the entity or 35
persons specified in this division. Except as provided in section 36
5120.173 of the Revised Code, the person making the report shall 37
make it to the public children services agency or a municipal or 38
county peace officer in the county in which the child resides or 39
in which the abuse or neglect is occurring or has occurred. In the 40
circumstances described in section 5120.173 of the Revised Code, 41
the person making the report shall make it to the entity specified 42
in that section. 43

(b) Division (A)(1)(a) of this section applies to any person 44
who is an attorney; physician, including a hospital intern or 45
resident; dentist; podiatrist; practitioner of a limited branch of 46
medicine as specified in section 4731.15 of the Revised Code; 47
registered nurse; licensed practical nurse; visiting nurse; other 48
health care professional; licensed psychologist; licensed school 49
psychologist; independent marriage and family therapist or 50
marriage and family therapist; speech pathologist or audiologist; 51

coroner; administrator or employee of a child day-care center; 52
administrator or employee of a residential camp or child day camp; 53
administrator or employee of a certified child care agency or 54
other public or private children services agency; school teacher; 55
school employee; school authority; person engaged in social work 56
or the practice of professional counseling; agent of a county 57
humane society; person rendering spiritual treatment through 58
prayer in accordance with the tenets of a well-recognized 59
religion; superintendent, board member, or employee of a county 60
board of mental retardation; investigative agent contracted with 61
by a county board of mental retardation; or employee of the 62
department of mental retardation and developmental disabilities. 63

(2) An attorney or a physician is not required to make a 64
report pursuant to division (A)(1) of this section concerning any 65
communication the attorney or physician receives from a client or 66
patient in an attorney-client or physician-patient relationship, 67
if, in accordance with division (A) or (B) of section 2317.02 of 68
the Revised Code, the attorney or physician could not testify with 69
respect to that communication in a civil or criminal proceeding, 70
except that the client or patient is deemed to have waived any 71
testimonial privilege under division (A) or (B) of section 2317.02 72
of the Revised Code with respect to that communication and the 73
attorney or physician shall make a report pursuant to division 74
(A)(1) of this section with respect to that communication, if all 75
of the following apply: 76

(a) The client or patient, at the time of the communication, 77
is either a child under eighteen years of age or a mentally 78
retarded, developmentally disabled, or physically impaired person 79
under twenty-one years of age. 80

(b) The attorney or physician knows or suspects, as a result 81
of the communication or any observations made during that 82
communication, that the client or patient has suffered or faces a 83

threat of suffering any physical or mental wound, injury, 84
disability, or condition of a nature that reasonably indicates 85
abuse or neglect of the client or patient. 86

(c) The attorney-client or physician-patient relationship 87
does not arise out of the client's or patient's attempt to have an 88
abortion without the notification of her parents, guardian, or 89
custodian in accordance with section 2151.85 of the Revised Code. 90

(B) Anyone, who knows or suspects that a child under eighteen 91
years of age or a mentally retarded, developmentally disabled, or 92
physically impaired person under twenty-one years of age has 93
suffered or faces a threat of suffering any physical or mental 94
wound, injury, disability, or other condition of a nature that 95
reasonably indicates abuse or neglect of the child may report or 96
cause reports to be made of that knowledge or suspicion to the 97
entity or persons specified in this division. Except as provided 98
in section 5120.173 of the Revised Code, a person making a report 99
or causing a report to be made under this division shall make it 100
or cause it to be made to the public children services agency or 101
to a municipal or county peace officer. In the circumstances 102
described in section 5120.173 of the Revised Code, a person making 103
a report or causing a report to be made under this division shall 104
make it or cause it to be made to the entity specified in that 105
section. 106

(C) Any report made pursuant to division (A) or (B) of this 107
section shall be made forthwith either by telephone or in person 108
and shall be followed by a written report, if requested by the 109
receiving agency or officer. The written report shall contain: 110

(1) The names and addresses of the child and the child's 111
parents or the person or persons having custody of the child, if 112
known; 113

(2) The child's age and the nature and extent of the child's 114

known or suspected injuries, abuse, or neglect or of the known or 115
suspected threat of injury, abuse, or neglect, including any 116
evidence of previous injuries, abuse, or neglect; 117

(3) Any other information that might be helpful in 118
establishing the cause of the known or suspected injury, abuse, or 119
neglect or of the known or suspected threat of injury, abuse, or 120
neglect. 121

Any person, who is required by division (A) of this section 122
to report known or suspected child abuse or child neglect, may 123
take or cause to be taken color photographs of areas of trauma 124
visible on a child and, if medically indicated, cause to be 125
performed radiological examinations of the child. 126

(D)(1) As used in this division, "children's advocacy center" 127
and "sexual abuse of a child" have the same meanings as in section 128
2151.425 of the Revised Code. 129

(1) When a municipal or county peace officer receives a 130
report concerning the possible abuse or neglect of a child or the 131
possible threat of abuse or neglect of a child, upon receipt of 132
the report, the municipal or county peace officer who receives the 133
report shall refer the report to the appropriate public children 134
services agency. 135

(2) When a public children services agency receives a report 136
pursuant to this division or division (A) or (B) of this section, 137
upon receipt of the report, the public children services agency 138
shall ~~comply~~ do both of the following: 139

(a) Comply with section 2151.422 of the Revised Code; 140

(b) If the county served by the agency is also served by a 141
children's advocacy center and the report alleges sexual abuse of 142
a child or another type of abuse of a child that is specified in 143
the memorandum of understanding that creates the center as being 144
within the center's jurisdiction, comply regarding the report with 145

the protocol and procedures for referrals and investigations, with 146
the coordinating activities, and with the authority or 147
responsibility for performing or providing functions, activities, 148
and services stipulated in the interagency agreement entered into 149
under section 2151.428 of the Revised Code relative to that 150
center. 151

(E) No township, municipal, or county peace officer shall 152
remove a child about whom a report is made pursuant to this 153
section from the child's parents, stepparents, or guardian or any 154
other persons having custody of the child without consultation 155
with the public children services agency, unless, in the judgment 156
of the officer, and, if the report was made by physician, the 157
physician, immediate removal is considered essential to protect 158
the child from further abuse or neglect. The agency that must be 159
consulted shall be the agency conducting the investigation of the 160
report as determined pursuant to section 2151.422 of the Revised 161
Code. 162

(F)(1) Except as provided in section 2151.422 of the Revised 163
Code or in an interagency agreement entered into under section 164
2151.428 of the Revised Code that applies to the particular 165
report, the public children services agency shall investigate, 166
within twenty-four hours, each report of known or suspected child 167
abuse or child neglect and of a known or suspected threat of child 168
abuse or child neglect that is referred to it under this section 169
to determine the circumstances surrounding the injuries, abuse, or 170
neglect or the threat of injury, abuse, or neglect, the cause of 171
the injuries, abuse, neglect, or threat, and the person or persons 172
responsible. The investigation shall be made in cooperation with 173
the law enforcement agency and in accordance with the memorandum 174
of understanding prepared under division (J) of this section. A 175
failure to make the investigation in accordance with the 176
memorandum is not grounds for, and shall not result in, the 177

dismissal of any charges or complaint arising from the report or 178
the suppression of any evidence obtained as a result of the report 179
and does not give, and shall not be construed as giving, any 180
rights or any grounds for appeal or post-conviction relief to any 181
person. The public children services agency shall report each case 182
to a central registry which the department of job and family 183
services shall maintain in order to determine whether prior 184
reports have been made in other counties concerning the child or 185
other principals in the case. The public children services agency 186
shall submit a report of its investigation, in writing, to the law 187
enforcement agency. 188

(2) The public children services agency shall make any 189
recommendations to the county prosecuting attorney or city 190
director of law that it considers necessary to protect any 191
children that are brought to its attention. 192

(G)(1)(a) Except as provided in division (H)(3) of this 193
section, anyone or any hospital, institution, school, health 194
department, or agency participating in the making of reports under 195
division (A) of this section, anyone or any hospital, institution, 196
school, health department, or agency participating in good faith 197
in the making of reports under division (B) of this section, and 198
anyone participating in good faith in a judicial proceeding 199
resulting from the reports, shall be immune from any civil or 200
criminal liability for injury, death, or loss to person or 201
property that otherwise might be incurred or imposed as a result 202
of the making of the reports or the participation in the judicial 203
proceeding. 204

(b) Notwithstanding section 4731.22 of the Revised Code, the 205
physician-patient privilege shall not be a ground for excluding 206
evidence regarding a child's injuries, abuse, or neglect, or the 207
cause of the injuries, abuse, or neglect in any judicial 208
proceeding resulting from a report submitted pursuant to this 209

section. 210

(2) In any civil or criminal action or proceeding in which it 211
is alleged and proved that participation in the making of a report 212
under this section was not in good faith or participation in a 213
judicial proceeding resulting from a report made under this 214
section was not in good faith, the court shall award the 215
prevailing party reasonable attorney's fees and costs and, if a 216
civil action or proceeding is voluntarily dismissed, may award 217
reasonable attorney's fees and costs to the party against whom the 218
civil action or proceeding is brought. 219

(H)(1) Except as provided in divisions (H)(4), (M), and (N) 220
of this section, a report made under this section is confidential. 221
The information provided in a report made pursuant to this section 222
and the name of the person who made the report shall not be 223
released for use, and shall not be used, as evidence in any civil 224
action or proceeding brought against the person who made the 225
report. In a criminal proceeding, the report is admissible in 226
evidence in accordance with the Rules of Evidence and is subject 227
to discovery in accordance with the Rules of Criminal Procedure. 228

(2) No person shall permit or encourage the unauthorized 229
dissemination of the contents of any report made under this 230
section. 231

(3) A person who knowingly makes or causes another person to 232
make a false report under division (B) of this section that 233
alleges that any person has committed an act or omission that 234
resulted in a child being an abused child or a neglected child is 235
guilty of a violation of section 2921.14 of the Revised Code. 236

(4) If a report is made pursuant to division (A) or (B) of 237
this section and the child who is the subject of the report dies 238
for any reason at any time after the report is made, but before 239
the child attains eighteen years of age, the public children 240

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

(5) A public children services agency shall advise a person 257
alleged to have inflicted abuse or neglect on a child who is the 258
subject of a report made pursuant to this section, including a 259
report alleging sexual abuse of a child or another type of abuse 260
of a child referred to a children's advocacy center pursuant to an 261
interagency agreement entered into under section 2151.428 of the 262
Revised Code, in writing of the disposition of the investigation. 263
The agency shall not provide to the person any information that 264
identifies the person who made the report, statements of 265
witnesses, or police or other investigative reports. 266

(I) Any report that is required by this section, other than a 267
report that is made to the state highway patrol as described in 268
section 5120.173 of the Revised Code, shall result in protective 269
services and emergency supportive services being made available by 270
the public children services agency on behalf of the children 271
about whom the report is made, in an effort to prevent further 272

neglect or abuse, to enhance their welfare, and, whenever 273
possible, to preserve the family unit intact. The agency required 274
to provide the services shall be the agency conducting the 275
investigation of the report pursuant to section 2151.422 of the 276
Revised Code. 277

(J)(1) Each public children services agency shall prepare a 278
memorandum of understanding that is signed by all of the 279
following: 280

(a) If there is only one juvenile judge in the county, the 281
juvenile judge of the county or the juvenile judge's 282
representative; 283

(b) If there is more than one juvenile judge in the county, a 284
juvenile judge or the juvenile judges' representative selected by 285
the juvenile judges or, if they are unable to do so for any 286
reason, the juvenile judge who is senior in point of service or 287
the senior juvenile judge's representative; 288

(c) The county peace officer; 289

(d) All chief municipal peace officers within the county; 290

(e) Other law enforcement officers handling child abuse and 291
neglect cases in the county; 292

(f) The prosecuting attorney of the county; 293

(g) If the public children services agency is not the county 294
department of job and family services, the county department of 295
job and family services; 296

(h) The county humane society; 297

(i) If a public children services agency participated in the 298
execution of a memorandum of understanding under section 2151.426 299
of the Revised Code establishing a children's advocacy center, 300
each participating member of the children's advocacy center 301
established by the memorandum. 302

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

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

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

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

(4) If a public children services agency participated in the 334
execution of a memorandum of understanding under section 2151.426 335
of the Revised Code establishing a children's advocacy center, the 336
agency shall incorporate the contents of that memorandum in the 337
memorandum prepared pursuant to this section. 338

(K)(1) Except as provided in division (K)(4) of this section, 339
a person who is required to make a report pursuant to division (A) 340
of this section may make a reasonable number of requests of the 341
public children services agency that receives or is referred the 342
report, or of the children's advocacy center that is referred the 343
report if the report is referred to a children's advocacy center 344
pursuant to an interagency agreement entered into under section 345
2151.428 of the Revised Code, to be provided with the following 346
information: 347

(a) Whether the agency or center has initiated an 348
investigation of the report; 349

(b) Whether the agency or center is continuing to investigate 350
the report; 351

(c) Whether the agency or center is otherwise involved with 352
the child who is the subject of the report; 353

(d) The general status of the health and safety of the child 354
who is the subject of the report; 355

(e) Whether the report has resulted in the filing of a 356
complaint in juvenile court or of criminal charges in another 357
court. 358

(2) A person may request the information specified in 359
division (K)(1) of this section only if, at the time the report is 360
made, the person's name, address, and telephone number are 361
provided to the person who receives the report. 362

When a municipal or county peace officer or employee of a 363

public children services agency receives a report pursuant to 364
division (A) or (B) of this section the recipient of the report 365
shall inform the person of the right to request the information 366
described in division (K)(1) of this section. The recipient of the 367
report shall include in the initial child abuse or child neglect 368
report that the person making the report was so informed and, if 369
provided at the time of the making of the report, shall include 370
the person's name, address, and telephone number in the report. 371

Each request is subject to verification of the identity of 372
the person making the report. If that person's identity is 373
verified, the agency shall provide the person with the information 374
described in division (K)(1) of this section a reasonable number 375
of times, except that the agency shall not disclose any 376
confidential information regarding the child who is the subject of 377
the report other than the information described in those 378
divisions. 379

(3) A request made pursuant to division (K)(1) of this 380
section is not a substitute for any report required to be made 381
pursuant to division (A) of this section. 382

(4) If an agency other than the agency that received or was 383
referred the report is conducting the investigation of the report 384
pursuant to section 2151.422 of the Revised Code, the agency 385
conducting the investigation shall comply with the requirements of 386
division (K) of this section. 387

(L) The director of job and family services shall adopt rules 388
in accordance with Chapter 119. of the Revised Code to implement 389
this section. The department of job and family services may enter 390
into a plan of cooperation with any other governmental entity to 391
aid in ensuring that children are protected from abuse and 392
neglect. The department shall make recommendations to the attorney 393
general that the department determines are necessary to protect 394
children from child abuse and child neglect. 395

(M) No later than the end of the day following the day on 396
which a public children services agency receives a report of 397
alleged child abuse or child neglect, or a report of an alleged 398
threat of child abuse or child neglect, that allegedly occurred in 399
or involved an out-of-home care entity, the agency shall provide 400
written notice of the allegations contained in and the person 401
named as the alleged perpetrator in the report to the 402
administrator, director, or other chief administrative officer of 403
the out-of-home care entity that is the subject of the report 404
unless the administrator, director, or other chief administrative 405
officer is named as an alleged perpetrator in the report. If the 406
administrator, director, or other chief administrative officer of 407
an out-of-home care entity is named as an alleged perpetrator in a 408
report of alleged child abuse or child neglect, or a report of an 409
alleged threat of child abuse or child neglect, that allegedly 410
occurred in or involved the out-of-home care entity, the agency 411
shall provide the written notice to the owner or governing board 412
of the out-of-home care entity that is the subject of the report. 413
The agency shall not provide witness statements or police or other 414
investigative reports. 415

(N) No later than three days after the day on which a public 416
children services agency that conducted the investigation as 417
determined pursuant to section 2151.422 of the Revised Code makes 418
a disposition of an investigation involving a report of alleged 419
child abuse or child neglect, or a report of an alleged threat of 420
child abuse or child neglect, that allegedly occurred in or 421
involved an out-of-home care entity, the agency shall send written 422
notice of the disposition of the investigation to the 423
administrator, director, or other chief administrative officer and 424
the owner or governing board of the out-of-home care entity. The 425
agency shall not provide witness statements or police or other 426
investigative reports. 427

Sec. 2151.425. As used in sections 2151.426 to 2151.428 of 428
the Revised Code: 429

(A) "Children's advocacy center" means a center operated by 430
participating entities within a county or two or more contiguous 431
counties to perform functions and activities and provide services, 432
in accordance with the interagency agreement entered into under 433
section 2151.428 of the Revised Code, regarding reports received 434
under section 2151.421 of the Revised Code of alleged sexual abuse 435
of a child or another type of abuse of a child that is specified 436
in the memorandum of understanding that creates the center as 437
being within the center's jurisdiction and regarding the children 438
who are the subjects of the report. 439

(B) "Sexual abuse of a child" means unlawful sexual conduct 440
or sexual contact, as those terms are defined in section 2907.01 441
of the Revised Code, with a person under eighteen years of age or 442
a mentally retarded, developmentally disabled, or physically 443
impaired person under twenty-one years of age. 444

Sec. 2151.426. (A)(1) A children's advocacy center may be 445
established to serve a single county by execution of a memorandum 446
of understanding regarding the participation in the operation of 447
the center by any of the following entities in the county to be 448
served by the center: 449

(a) The public children services agency; 450

(b) Representatives of any county or municipal law 451
enforcement agencies serving the county that investigate severe 452
physical abuse of children and sexual abuse of children; 453

(c) The prosecuting attorney of the county or a village 454
solicitor, city director of law, or similar chief legal officer of 455
a municipal corporation in the county who prosecutes severe 456
physical abuse of children and sexual abuse of children in the 457

area to be served by the center;

458

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

459

460

(2) A children's advocacy center may be established to serve two or more contiguous counties if a memorandum of understanding regarding the participation in the operation of the center is executed by any of the entities described in division (A)(1) of this section in each county to be served by the center.

461

462

463

464

465

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

466

467

468

469

470

471

472

473

474

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

475

476

477

(1) Developing a multidisciplinary team pursuant to section 2151.427 of the Revised Code to 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;

478

479

480

481

482

483

484

485

486

487

(2) Participating in the operation of the center in

488

<u>compliance with standards for full membership established by the</u>	489
<u>national children's alliance;</u>	490
<u>(3) Employing the center's staff.</u>	491
<u>(C) A center shall do both of the following:</u>	492
<u>(1) Operate in accordance with sections 2151.427 and 2151.428</u>	493
<u>of the Revised Code, the interagency agreement entered into under</u>	494
<u>section 2151.428 of the Revised Code relative to the center, and</u>	495
<u>the standards for full membership established by the national</u>	496
<u>children's alliance;</u>	497
<u>(2) Register annually with the attorney general.</u>	498
<u>Sec. 2151.427. (A) The entities that participate in a</u>	499
<u>memorandum of understanding executed under section 2151.426 of the</u>	500
<u>Revised Code establishing a children's advocacy center shall</u>	501
<u>assemble the center's multidisciplinary team.</u>	502
<u>(B)(1) The multidisciplinary team for a single county center</u>	503
<u>shall consist of the following members who serve the county:</u>	504
<u>(a) Any county or municipal law enforcement officer;</u>	505
<u>(b) The executive director of the public children services</u>	506
<u>agency or a designee of the executive director;</u>	507
<u>(c) The prosecuting attorney of the county or the prosecuting</u>	508
<u>attorney's designee;</u>	509
<u>(d) A mental health professional;</u>	510
<u>(e) A medical health professional;</u>	511
<u>(f) A victim advocate;</u>	512
<u>(g) A center staff member;</u>	513
<u>(h) Any other person considered appropriate by all of the</u>	514
<u>entities that executed the memorandum.</u>	515

(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 described in that division.

(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.

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:

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

(2) Any and all coordinating activities between the parties

that enter into the agreement;

547

(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 reports.

548

549

550

551

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

552

553

554

555

556

557

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

558

559

560

561

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

562

563

564

565

566

567

568

569

570

571

572

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

573

574

575

(1) Ensure that an opportunity exists for assistance through

576

child abuse and child neglect prevention programs to persons 577
throughout the state of various social and economic backgrounds; 578

(2) Before the thirtieth day of October of each year, notify 579
each child abuse and child neglect prevention advisory board of 580
the amount estimated to be allocated to that advisory board for 581
the following fiscal year; 582

(3) Develop criteria for county or district ~~comprehensive~~ 583
local allocation plans, including criteria for determining the 584
plans' effectiveness; 585

(4) Review, and approve or disapprove, county or district 586
~~comprehensive~~ local allocation plans, as described in section 587
3109.171 of the Revised Code; 588

(5) Allocate funds to each child abuse and child neglect 589
prevention advisory board for the purpose of funding child abuse 590
and child neglect prevention programs and for the other uses 591
authorized under division (E) of section 3109.18 of the Revised 592
Code. Funds shall be allocated among advisory boards according to 593
a formula based on the ratio of the number of children under age 594
eighteen in the county or multicounty district to the number of 595
children under age eighteen in the state, as shown in the most 596
recent federal decennial census of population. Subject to the 597
availability of funds and except as provided in section 3109.171 598
of the Revised Code, each advisory board shall receive a minimum 599
of ten thousand dollars per fiscal year. In the case of an 600
advisory board that serves a multicounty district, the advisory 601
board shall receive, subject to available funds and except as 602
provided in section 3109.171 of the Revised Code, a minimum of ten 603
thousand dollars per fiscal year for each county in the district. 604
Funds shall be disbursed to the advisory boards twice annually. At 605
least fifty per cent of the funds allocated to an advisory board 606
for a fiscal year shall be disbursed to the advisory board not 607
later than the thirtieth day of September. The remainder of the 608

funds allocated to the advisory board for that fiscal year shall 609
be disbursed before the thirty-first day of March. 610

~~If the children's trust fund board determines, based on 611
county or district performance or on the annual report submitted 612
by an advisory board, that the advisory board is not operating in 613
accordance with the criteria established in division (B)(3) of 614
this section, it may revise the allocation of funds that the 615
advisory board receives. 616~~

The board shall specify the criteria child abuse and child 617
neglect prevention advisory boards are to use in reviewing 618
applications under division (F)(3) of section 3109.18 of the 619
Revised Code. 620

(6) Allocate funds to entities other than child abuse and 621
child neglect prevention advisory boards for the purpose of 622
funding child abuse and child neglect prevention programs that 623
have statewide significance and that have been approved in the 624
state plan by the children's trust fund board; 625

(7) Provide for the monitoring of expenditures from the 626
children's trust fund and of programs that receive money from the 627
children's trust fund; 628

(8) Establish reporting requirements for advisory boards; 629

(9) Collaborate with appropriate persons and government 630
entities and facilitate the exchange of information among those 631
persons and entities for the purpose of child abuse and child 632
neglect prevention; 633

(10) Provide for the education of the public and 634
professionals for the purpose of child abuse and child neglect 635
prevention; 636

(11) Create and provide to each advisory board a children's 637
trust fund grant application form; 638

(12) Specify the information to be included in a semi-annual 639
and an annual report completed by a children's advocacy center for 640
which a child abuse and child neglect prevention advisory board 641
uses any amount out of the funds allocated to the advisory board 642
under this section as start-up costs for the establishment and 643
operation of the center, and each other person or entity that is a 644
recipient of a children's trust fund grant under division (K)(1) 645
of section 3109.18 of the Revised Code. 646

(C) The children's trust fund board shall prepare a report 647
for each fiscal biennium that delineates the expenditure of money 648
from the children's trust fund. On or before January 1, 2002, and 649
on or before the first day of January of a year that follows the 650
end of a fiscal biennium of this state, the board shall file a 651
copy of the report with the governor, the president and minority 652
leader of the senate, and the speaker and minority leader of the 653
house of representatives. 654

(D) The children's trust fund board shall develop a list of 655
all state and federal sources of funding that might be available 656
for establishing, operating, or establishing and operating a 657
children's advocacy center under sections 2151.425 to 2151.428 of 658
the Revised Code. The board periodically shall update the list as 659
necessary. The board shall maintain, or provide for the 660
maintenance of, the list at an appropriate location. That location 661
may be the offices of the department of job and family services. 662
The board shall provide the list upon request to any children's 663
advocacy center or to any person or entity identified in section 664
2151.426 of the Revised Code as a person or entity that may 665
participate in the establishment of a children's advocacy center. 666

Sec. 3109.171. (A) On receipt of a local allocation plan from 667
a child abuse and child neglect prevention advisory board 668
submitted pursuant to division (F)(1) of section 3109.18 of the 669

Revised Code, the children's trust fund board may do either of the 670
following: 671

(1) Approve the plan; 672

(2) Require that the advisory board make changes to the plan 673
and resubmit an amended plan to the board. 674

(B) If an advisory board fails to submit to the children's 675
trust fund board a local allocation plan pursuant to division 676
(F)(1) of section 3109.18 of the Revised Code that is postmarked 677
on or before the first day of April preceding the fiscal year for 678
which the plan is developed, if an advisory board fails to submit 679
an amended plan pursuant to division (A)(2) of this section, or if 680
a plan or an amended plan submitted by an advisory board is not 681
approved by the children's trust fund board, the children's trust 682
fund board may do either of the following for the fiscal year for 683
which the plan was to have been developed: 684

(1) Deny funding to the advisory board; 685

(2) Allocate a reduced amount of funds to the advisory board, 686
on a pro-rata daily basis. 687

(C) If an advisory board fails to submit to the children's 688
trust fund board an annual report pursuant to division (K)(2) of 689
section 3109.18 of the Revised Code not later than the fifteenth 690
day of August following the year for which the report is written, 691
the board, for the following fiscal year, may allocate a reduced 692
amount of funds to the advisory board on a pro-rata daily basis. 693

Sec. 3109.18. (A)(1) A board of county commissioners may 694
establish a child abuse and child neglect prevention advisory 695
board or may designate the county family and children first 696
council to serve as the child abuse and child neglect prevention 697
advisory board. The boards of county commissioners of two or more 698

contiguous counties may instead form a multicounty district to be 699
served by a child abuse and child neglect prevention advisory 700
board or may designate a regional family and children first 701
council to serve as the district child abuse and child neglect 702
prevention advisory board. Each advisory board shall meet at least 703
twice a year. 704

(2) The county auditor is hereby designated as the auditor 705
and fiscal officer of the advisory board. In the case of a 706
multicounty district, the boards of county commissioners that 707
formed the district shall designate the auditor of one of the 708
counties as the auditor and fiscal officer of the advisory board. 709

(B) Each county that establishes an advisory board or, in a 710
multicounty district, ~~the county~~ the auditor ~~of which~~ who has been 711
designated as the auditor and fiscal officer of the advisory 712
board, shall establish a fund in the county treasury known as the 713
county or district children's trust fund. The ~~advisory board~~ 714
auditor shall deposit all funds received from the children's trust 715
fund board into that fund, and the auditor shall distribute money 716
from the fund at the request of the advisory board. 717

(C) Each January, the board of county commissioners of a 718
county that has established an advisory board or, in a multicounty 719
district, the board of county commissioners of the county served 720
by the auditor ~~of which~~ who has been designated as the auditor and 721
fiscal officer for the advisory board, shall appropriate the 722
amount described in division (B)(2) of section 3109.17 of the 723
Revised Code for distribution by the advisory board to child abuse 724
and child neglect prevention programs and for the other uses 725
authorized under division (E) of this section. 726

(D)(1) Except in the case of a county or regional family and 727
children first council that is designated to serve as a child 728
abuse and child neglect prevention advisory board, each advisory 729

board shall consist of an odd number of members from both the 730
public and private sectors, including all of the following: 731

(a) A representative of an agency responsible for the 732
administration of children's services in the county or district; 733

(b) A provider of alcohol or drug addiction services or a 734
representative of a board of alcohol, drug addiction, and mental 735
health services that serves the county or district; 736

(c) A provider of mental health services or a representative 737
of a board of alcohol, drug addiction, and mental health services 738
that serves the county or district; 739

(d) A representative of a board of mental retardation and 740
developmental disabilities that serves the county or district; 741

(e) A representative of the educational community appointed 742
by the superintendent of the school district with largest 743
enrollment in the county or multicounty district. 744

(2) The following groups and entities may be represented on 745
the advisory board: 746

(a) Parent groups; 747

(b) Juvenile justice officials; 748

(c) Pediatricians, health department nurses, and other 749
representatives of the medical community; 750

(d) School personnel; 751

(e) Counselors and social workers; 752

(f) Head start agencies; 753

(g) Child day-care providers; 754

(h) Other persons with demonstrated knowledge in programs for 755
children. 756

(3) Of the members first appointed, at least one shall serve 757

for a term of three years, at least one for a term of two years, 758
and at least one for a term of one year. Thereafter, each member 759
shall serve a term of three years. Each member shall serve until 760
the member's successor is appointed. All vacancies on the board 761
shall be filled for the balance of the unexpired term in the same 762
manner as the original appointment. 763

(E)(1) Each child abuse and child neglect prevention advisory 764
board of county commissioners may incur reasonable costs not to 765
exceed five per cent of the funds allocated to the county or 766
district under section 3109.17 of the Revised Code, for the 767
purpose of carrying out the functions of the advisory board. 768

(2)(a) Subject to division (E)(2)(b) and (c) of this section, 769
each child abuse and child neglect prevention advisory board may 770
use an amount out of the funds allocated to the board under 771
section 3109.17 of the Revised Code as one-time, start-up costs 772
for the establishment and operation, pursuant to sections 2151.425 773
to 2151.428 of the Revised Code, of a children's advocacy center 774
as follows: 775

(i) If the advisory board serves a single county, the 776
advisory board may use an amount not to exceed five thousand 777
dollars, out of the funds so allocated to the advisory board, as 778
one-time, start-up costs for the establishment and operation, 779
pursuant to section 2151.426 of the Revised Code, of a children's 780
advocacy center that serves that county. 781

(ii) If the advisory board serves a multicounty district, for 782
each county within the district, the advisory board may use an 783
amount not to exceed five thousand dollars, out of the funds so 784
allocated to the advisory board, as one-time, start-up costs for 785
the establishment and operation, pursuant to section 2151.426 of 786
the Revised Code, of a children's advocacy center that serves the 787
particular county in relation to which the use is being made. Any 788
use pursuant to division (E)(2)(a)(ii) of this section shall 789

identify the particular county in relation to which the use is 790
being made. 791

(b) Expenditures may be made under division (E)(2)(a) of this 792
section for a children's advocacy center that is established to 793
serve a single county or that is established to serve two or more 794
contiguous counties, provided that the county in relation to which 795
the expenditure is made under division (E)(2)(a) of this section 796
is served by the center for which the advisory board uses the 797
amount as one-time, start-up costs. 798

(c) No funds allocated to a child abuse and child neglect 799
prevention advisory board under section 3109.17 of the Revised 800
Code may be used as start-up costs for the establishment or 801
operation of any children's advocacy center under division (E)(2) 802
of this section unless the center has as a component a primary 803
prevention strategy. 804

No child abuse and child neglect advisory board that serves a 805
single county and that, in any fiscal year, uses any amount out of 806
the funds allocated to the advisory board under section 3109.17 of 807
the Revised Code as start-up costs for the establishment and 808
operation of a children's advocacy center may use any amount out 809
of any funds so allocated to the advisory board for the same 810
center in a different fiscal year or for a different center in any 811
fiscal year. No child abuse and child neglect advisory board that 812
serves a multicounty district and that, in any fiscal year, uses 813
any amount out of the funds so allocated to the advisory board as 814
start-up costs for the establishment and operation of a children's 815
advocacy center in relation to a particular county within the 816
district may use any amount out of any funds so allocated to the 817
advisory board, in relation to the same county, for the same 818
center in a different fiscal year or for a different center in any 819
fiscal year. 820

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

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

(2) Provide effective public notice, as defined by the children's trust fund board in the state plan or, if the board does not define the term in the state plan, as defined in rules adopted by the department of job and family services, to potential applicants about the availability of funds from the children's trust fund, including an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for submitting grant applications;

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

(4) Consistent with the local allocation plan developed pursuant to division (F)(1) of this section, make grants to child abuse and child neglect prevention programs; provided that this division does not limit the advisory board in using, in accordance with division (E)(2) of this section, an amount out of the funds allocated to it as one-time, start-up costs for the establishment and operation of a children's advocacy center. ~~In making grants to child abuse and child neglect prevention programs, the advisory board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of~~

~~volunteers.~~ 852

(5) Establish any reporting requirements for grant 853
recipients, in addition to those specified by the children's trust 854
fund board, and for children's advocacy centers for which funds 855
are used in accordance with division (E)(2) of this section. 856

(G) A member of a child abuse and child neglect prevention 857
advisory board shall not participate in the development of a 858
~~comprehensive~~ local allocation plan under division (F)(1) of this 859
section if it is reasonable to expect that the member's judgment 860
could be affected by the member's own financial, business, 861
property, or personal interest or other conflict of interest. For 862
purposes of this division, "conflict of interest" means the taking 863
of any action that violates any applicable provision of Chapter 864
102. or 2921. of the Revised Code. Questions relating to the 865
existence of a conflict of interest pertaining to Chapter 2921. of 866
the Revised Code shall be submitted by the advisory board to the 867
local prosecuting attorney for resolution. Questions relating to 868
the existence of a conflict of interest pertaining to Chapter 102. 869
of the Revised Code shall be submitted by the advisory board to 870
the Ohio ethics commission for resolution. 871

(H) Each advisory board shall assist the children's trust 872
fund board in monitoring programs that receive money from the 873
children's trust fund and shall perform such other duties for the 874
local administration of the children's trust fund as the 875
children's trust fund board requires. 876

(I) A children's advocacy center for which a child abuse and 877
child neglect prevention advisory board uses any amount out of the 878
funds allocated to the advisory board under section 3109.17 of the 879
Revised Code, as start-up costs for the establishment and 880
operation of the center, shall use the moneys so received only for 881
establishment and operation of the center in accordance with 882
sections 2151.425 to 2151.428 of the Revised Code. Any other 883

person or entity that is a recipient of a grant from the 884
children's trust fund shall use the grant funds only to fund 885
primary and secondary child abuse and child neglect prevention 886
programs. Any grant funds that are not spent by the recipient of 887
the funds within the time specified by the terms of the grant 888
shall be returned to the county treasurer. Any grant funds 889
returned that are not redistributed by the advisory board within 890
the state fiscal year in which they are received shall be returned 891
to the treasurer of state. The treasurer of state shall deposit 892
such unspent moneys into the children's trust fund to be spent for 893
purposes consistent with the state plan adopted under section 894
3109.17 of the Revised Code. 895

(J) Applications for grants from the children's trust fund 896
shall be made to the advisory board on forms prescribed by the 897
children's trust fund board. 898

(K)(1) Each children's advocacy center for which a child 899
abuse and child neglect prevention advisory board uses any amount 900
out of the funds allocated to the advisory board under section 901
3109.17 of the Revised Code, as start-up costs for the 902
establishment and operation of the center, and each other person 903
or entity that is a recipient of a children's trust fund grant 904
from an advisory board shall file with the advisory board a copy 905
of a semi-annual and an annual report that includes the 906
information required by the children's trust fund board. 907

(2) Each advisory board shall file with the children's trust 908
fund board, not later than the fifteenth day of August following 909
the year for which the report is written, a copy of an annual 910
report regarding the county or district ~~comprehensive~~ local 911
allocation plan that contains the information required by the 912
children's trust fund board, and regarding the advisory board's 913
use of any amount out of the funds allocated to the advisory board 914
under section 3109.17 of the Revised Code as start-up costs for 915

the establishment and operation of a children's advocacy center. 916

Section 2. That existing sections 2151.421, 3109.17, and 917

3109.18 of the Revised Code are hereby repealed. 918