

As Reported by the House Judiciary Committee

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Sub. H. B. No. 438

Representatives Pelanda, Grossman

Cosponsors: Representatives Stebelton, Hackett, Phillips, Fedor, Buchy,

Blair, Celebrezze

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A B I L L

To amend sections 2151.421, 2151.99, and 3109.51 and 1
to enact section 3109.81 of the Revised Code to 2
require persons listed in the statute that governs 3
reports of known or suspected child abuse or 4
neglect to notify the county public children 5
services agency when an attorney in fact under a 6
document that purports to grant parental rights 7
requests services from those persons, to require 8
the agency to investigate the child's placement 9
with the attorney in fact, and to require the 10
agency to file a dependency complaint if it 11
determines that the placement is unsafe for the 12
child. 13

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

Section 1. That sections 2151.421, 2151.99, and 3109.51 be 14
amended and section 3109.81 of the Revised Code be enacted to read 15
as follows: 16

Sec. 2151.421. (A)(1)(a) No person described in division 17
(A)(1)(b) of this section who is acting in an official or 18

professional capacity and knows, or has reasonable cause to 19
suspect based on facts that would cause a reasonable person in a 20
similar position to suspect, that a child under eighteen years of 21
age or a mentally retarded, developmentally disabled, or 22
physically impaired child under twenty-one years of age has 23
suffered or faces a threat of suffering any physical or mental 24
wound, injury, disability, or condition of a nature that 25
reasonably indicates abuse or neglect of the child shall fail to 26
immediately report that knowledge or reasonable cause to suspect 27
to the entity or persons specified in this division. Except as 28
provided in section 5120.173 of the Revised Code, the person 29
making the report shall make it to the public children services 30
agency or a municipal or county peace officer in the county in 31
which the child resides or in which the abuse or neglect is 32
occurring or has occurred. In the circumstances described in 33
section 5120.173 of the Revised Code, the person making the report 34
shall make it to the entity specified in that section. 35

(b) Division (A)(1)(a) of this section applies to any person 36
who is an attorney; physician, including a hospital intern or 37
resident; dentist; podiatrist; practitioner of a limited branch of 38
medicine as specified in section 4731.15 of the Revised Code; 39
registered nurse; licensed practical nurse; visiting nurse; other 40
health care professional; licensed psychologist; licensed school 41
psychologist; independent marriage and family therapist or 42
marriage and family therapist; speech pathologist or audiologist; 43
coroner; administrator or employee of a child day-care center; 44
administrator or employee of a residential camp or child day camp; 45
administrator or employee of a certified child care agency or 46
other public or private children services agency; school teacher; 47
school employee; school authority; person engaged in social work 48
or the practice of professional counseling; agent of a county 49
humane society; person, other than a cleric, rendering spiritual 50
treatment through prayer in accordance with the tenets of a 51

well-recognized religion; employee of a county department of job 52
and family services who is a professional and who works with 53
children and families; superintendent, board member, or employee 54
of a county board of developmental disabilities; investigative 55
agent contracted with by a county board of developmental 56
disabilities; employee of the department of developmental 57
disabilities; employee of a facility or home that provides respite 58
care in accordance with section 5123.171 of the Revised Code; 59
employee of a home health agency; employee of an entity that 60
provides homemaker services; a person performing the duties of an 61
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 62
or third party employed by a public children services agency to 63
assist in providing child or family related services. 64

(c) A person listed in division (A)(1)(b) of this section, on 65
being presented with a document, other than a court order, power 66
of attorney given to a grandparent under section 3109.52 of the 67
Revised Code, or caretaker authorization affidavit executed under 68
section 3109.65 of the Revised Code, as authority for requesting 69
services for the child, shall comply with section 3109.81 of the 70
Revised Code. 71

(2) Except as provided in division (A)(3) of this section, an 72
attorney or a physician is not required to make a report pursuant 73
to division (A)(1) of this section concerning any communication 74
the attorney or physician receives from a client or patient in an 75
attorney-client or physician-patient relationship, if, in 76
accordance with division (A) or (B) of section 2317.02 of the 77
Revised Code, the attorney or physician could not testify with 78
respect to that communication in a civil or criminal proceeding. 79

(3) The client or patient in an attorney-client or 80
physician-patient relationship described in division (A)(2) of 81
this section is deemed to have waived any testimonial privilege 82
under division (A) or (B) of section 2317.02 of the Revised Code 83

with respect to any communication the attorney or physician 84
receives from the client or patient in that attorney-client or 85
physician-patient relationship, and the attorney or physician 86
shall make a report pursuant to division (A)(1) of this section 87
with respect to that communication, if all of the following apply: 88

(a) The client or patient, at the time of the communication, 89
is either a child under eighteen years of age or a mentally 90
retarded, developmentally disabled, or physically impaired person 91
under twenty-one years of age. 92

(b) The attorney or physician knows, or has reasonable cause 93
to suspect based on facts that would cause a reasonable person in 94
similar position to suspect, as a result of the communication or 95
any observations made during that communication, that the client 96
or patient has suffered or faces a threat of suffering any 97
physical or mental wound, injury, disability, or condition of a 98
nature that reasonably indicates abuse or neglect of the client or 99
patient. 100

(c) The abuse or neglect does not arise out of the client's 101
or patient's attempt to have an abortion without the notification 102
of her parents, guardian, or custodian in accordance with section 103
2151.85 of the Revised Code. 104

(4)(a) No cleric and no person, other than a volunteer, 105
designated by any church, religious society, or faith acting as a 106
leader, official, or delegate on behalf of the church, religious 107
society, or faith who is acting in an official or professional 108
capacity, who knows, or has reasonable cause to believe based on 109
facts that would cause a reasonable person in a similar position 110
to believe, that a child under eighteen years of age or a mentally 111
retarded, developmentally disabled, or physically impaired child 112
under twenty-one years of age has suffered or faces a threat of 113
suffering any physical or mental wound, injury, disability, or 114
condition of a nature that reasonably indicates abuse or neglect 115

of the child, and who knows, or has reasonable cause to believe 116
based on facts that would cause a reasonable person in a similar 117
position to believe, that another cleric or another person, other 118
than a volunteer, designated by a church, religious society, or 119
faith acting as a leader, official, or delegate on behalf of the 120
church, religious society, or faith caused, or poses the threat of 121
causing, the wound, injury, disability, or condition that 122
reasonably indicates abuse or neglect shall fail to immediately 123
report that knowledge or reasonable cause to believe to the entity 124
or persons specified in this division. Except as provided in 125
section 5120.173 of the Revised Code, the person making the report 126
shall make it to the public children services agency or a 127
municipal or county peace officer in the county in which the child 128
resides or in which the abuse or neglect is occurring or has 129
occurred. In the circumstances described in section 5120.173 of 130
the Revised Code, the person making the report shall make it to 131
the entity specified in that section. 132

(b) Except as provided in division (A)(4)(c) of this section, 133
a cleric is not required to make a report pursuant to division 134
(A)(4)(a) of this section concerning any communication the cleric 135
receives from a penitent in a cleric-penitent relationship, if, in 136
accordance with division (C) of section 2317.02 of the Revised 137
Code, the cleric could not testify with respect to that 138
communication in a civil or criminal proceeding. 139

(c) The penitent in a cleric-penitent relationship described 140
in division (A)(4)(b) of this section is deemed to have waived any 141
testimonial privilege under division (C) of section 2317.02 of the 142
Revised Code with respect to any communication the cleric receives 143
from the penitent in that cleric-penitent relationship, and the 144
cleric shall make a report pursuant to division (A)(4)(a) of this 145
section with respect to that communication, if all of the 146
following apply: 147

(i) The penitent, at the time of the communication, is either 148
a child under eighteen years of age or a mentally retarded, 149
developmentally disabled, or physically impaired person under 150
twenty-one years of age. 151

(ii) The cleric knows, or has reasonable cause to believe 152
based on facts that would cause a reasonable person in a similar 153
position to believe, as a result of the communication or any 154
observations made during that communication, the penitent has 155
suffered or faces a threat of suffering any physical or mental 156
wound, injury, disability, or condition of a nature that 157
reasonably indicates abuse or neglect of the penitent. 158

(iii) The abuse or neglect does not arise out of the 159
penitent's attempt to have an abortion performed upon a child 160
under eighteen years of age or upon a mentally retarded, 161
developmentally disabled, or physically impaired person under 162
twenty-one years of age without the notification of her parents, 163
guardian, or custodian in accordance with section 2151.85 of the 164
Revised Code. 165

(d) Divisions (A)(4)(a) and (c) of this section do not apply 166
in a cleric-penitent relationship when the disclosure of any 167
communication the cleric receives from the penitent is in 168
violation of the sacred trust. 169

(e) As used in divisions (A)(1) and (4) of this section, 170
"cleric" and "sacred trust" have the same meanings as in section 171
2317.02 of the Revised Code. 172

(B) Anyone who knows, or has reasonable cause to suspect 173
based on facts that would cause a reasonable person in similar 174
circumstances to suspect, that a child under eighteen years of age 175
or a mentally retarded, developmentally disabled, or physically 176
impaired person under twenty-one years of age has suffered or 177
faces a threat of suffering any physical or mental wound, injury, 178

disability, or other condition of a nature that reasonably 179
indicates abuse or neglect of the child may report or cause 180
reports to be made of that knowledge or reasonable cause to 181
suspect to the entity or persons specified in this division. 182
Except as provided in section 5120.173 of the Revised Code, a 183
person making a report or causing a report to be made under this 184
division shall make it or cause it to be made to the public 185
children services agency or to a municipal or county peace 186
officer. In the circumstances described in section 5120.173 of the 187
Revised Code, a person making a report or causing a report to be 188
made under this division shall make it or cause it to be made to 189
the entity specified in that section. 190

(C) Any report made pursuant to division (A) or (B) of this 191
section shall be made forthwith either by telephone or in person 192
and shall be followed by a written report, if requested by the 193
receiving agency or officer. The written report shall contain: 194

(1) The names and addresses of the child and the child's 195
parents or the person or persons having custody of the child, if 196
known; 197

(2) The child's age and the nature and extent of the child's 198
injuries, abuse, or neglect that is known or reasonably suspected 199
or believed, as applicable, to have occurred or of the threat of 200
injury, abuse, or neglect that is known or reasonably suspected or 201
believed, as applicable, to exist, including any evidence of 202
previous injuries, abuse, or neglect; 203

(3) Any other information that might be helpful in 204
establishing the cause of the injury, abuse, or neglect that is 205
known or reasonably suspected or believed, as applicable, to have 206
occurred or of the threat of injury, abuse, or neglect that is 207
known or reasonably suspected or believed, as applicable, to 208
exist. 209

Any person, who is required by division (A) of this section 210
to report child abuse or child neglect that is known or reasonably 211
suspected or believed to have occurred, may take or cause to be 212
taken color photographs of areas of trauma visible on a child and, 213
if medically indicated, cause to be performed radiological 214
examinations of the child. 215

(D) As used in this division, "children's advocacy center" 216
and "sexual abuse of a child" have the same meanings as in section 217
2151.425 of the Revised Code. 218

(1) When a municipal or county peace officer receives a 219
report concerning the possible abuse or neglect of a child or the 220
possible threat of abuse or neglect of a child, upon receipt of 221
the report, the municipal or county peace officer who receives the 222
report shall refer the report to the appropriate public children 223
services agency. 224

(2) When a public children services agency receives a report 225
pursuant to this division or division (A) or (B) of this section, 226
upon receipt of the report, the public children services agency 227
shall do both of the following: 228

(a) Comply with section 2151.422 of the Revised Code; 229

(b) If the county served by the agency is also served by a 230
children's advocacy center and the report alleges sexual abuse of 231
a child or another type of abuse of a child that is specified in 232
the memorandum of understanding that creates the center as being 233
within the center's jurisdiction, comply regarding the report with 234
the protocol and procedures for referrals and investigations, with 235
the coordinating activities, and with the authority or 236
responsibility for performing or providing functions, activities, 237
and services stipulated in the interagency agreement entered into 238
under section 2151.428 of the Revised Code relative to that 239
center. 240

(E) No township, municipal, or county peace officer shall 241
remove a child about whom a report is made pursuant to this 242
section from the child's parents, stepparents, or guardian or any 243
other persons having custody of the child without consultation 244
with the public children services agency, unless, in the judgment 245
of the officer, and, if the report was made by physician, the 246
physician, immediate removal is considered essential to protect 247
the child from further abuse or neglect. The agency that must be 248
consulted shall be the agency conducting the investigation of the 249
report as determined pursuant to section 2151.422 of the Revised 250
Code. 251

(F)(1) Except as provided in section 2151.422 of the Revised 252
Code or in an interagency agreement entered into under section 253
2151.428 of the Revised Code that applies to the particular 254
report, the public children services agency shall investigate, 255
within twenty-four hours, each report of child abuse or child 256
neglect that is known or reasonably suspected or believed to have 257
occurred and of a threat of child abuse or child neglect that is 258
known or reasonably suspected or believed to exist that is 259
referred to it under this section to determine the circumstances 260
surrounding the injuries, abuse, or neglect or the threat of 261
injury, abuse, or neglect, the cause of the injuries, abuse, 262
neglect, or threat, and the person or persons responsible. The 263
investigation shall be made in cooperation with the law 264
enforcement agency and in accordance with the memorandum of 265
understanding prepared under division (J) of this section. A 266
representative of the public children services agency shall, at 267
the time of initial contact with the person subject to the 268
investigation, inform the person of the specific complaints or 269
allegations made against the person. The information shall be 270
given in a manner that is consistent with division (H)(1) of this 271
section and protects the rights of the person making the report 272
under this section. 273

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report 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. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

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

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

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 306
section. 307

(2) In any civil or criminal action or proceeding in which it 308
is alleged and proved that participation in the making of a report 309
under this section was not in good faith or participation in a 310
judicial proceeding resulting from a report made under this 311
section was not in good faith, the court shall award the 312
prevailing party reasonable attorney's fees and costs and, if a 313
civil action or proceeding is voluntarily dismissed, may award 314
reasonable attorney's fees and costs to the party against whom the 315
civil action or proceeding is brought. 316

(H)(1) Except as provided in divisions (H)(4) and (N) of this 317
section, a report made under this section is confidential. The 318
information provided in a report made pursuant to this section and 319
the name of the person who made the report shall not be released 320
for use, and shall not be used, as evidence in any civil action or 321
proceeding brought against the person who made the report. Nothing 322
in this division shall preclude the use of reports of other 323
incidents of known or suspected abuse or neglect in a civil action 324
or proceeding brought pursuant to division (M) of this section 325
against a person who is alleged to have violated division (A)(1) 326
of this section, provided that any information in a report that 327
would identify the child who is the subject of the report or the 328
maker of the report, if the maker of the report is not the 329
defendant or an agent or employee of the defendant, has been 330
redacted. In a criminal proceeding, the report is admissible in 331
evidence in accordance with the Rules of Evidence and is subject 332
to discovery in accordance with the Rules of Criminal Procedure. 333

(2) No person shall permit or encourage the unauthorized 334
dissemination of the contents of any report made under this 335
section. 336

(3) A person who knowingly makes or causes another person to 337

make a false report under division (B) of this section that 338
alleges that any person has committed an act or omission that 339
resulted in a child being an abused child or a neglected child is 340
guilty of a violation of section 2921.14 of the Revised Code. 341

(4) If a report is made pursuant to division (A) or (B) of 342
this section and the child who is the subject of the report dies 343
for any reason at any time after the report is made, but before 344
the child attains eighteen years of age, the public children 345
services agency or municipal or county peace officer to which the 346
report was made or referred, on the request of the child fatality 347
review board, shall submit a summary sheet of information 348
providing a summary of the report to the review board of the 349
county in which the deceased child resided at the time of death. 350
On the request of the review board, the agency or peace officer 351
may, at its discretion, make the report available to the review 352
board. If the county served by the public children services agency 353
is also served by a children's advocacy center and the report of 354
alleged sexual abuse of a child or another type of abuse of a 355
child is specified in the memorandum of understanding that creates 356
the center as being within the center's jurisdiction, the agency 357
or center shall perform the duties and functions specified in this 358
division in accordance with the interagency agreement entered into 359
under section 2151.428 of the Revised Code relative to that 360
advocacy center. 361

(5) A public children services agency shall advise a person 362
alleged to have inflicted abuse or neglect on a child who is the 363
subject of a report made pursuant to this section, including a 364
report alleging sexual abuse of a child or another type of abuse 365
of a child referred to a children's advocacy center pursuant to an 366
interagency agreement entered into under section 2151.428 of the 367
Revised Code, in writing of the disposition of the investigation. 368
The agency shall not provide to the person any information that 369

identifies the person who made the report, statements of 370
witnesses, or police or other investigative reports. 371

(I) Any report that is required by this section, other than a 372
report that is made to the state highway patrol as described in 373
section 5120.173 of the Revised Code, shall result in protective 374
services and emergency supportive services being made available by 375
the public children services agency on behalf of the children 376
about whom the report is made, in an effort to prevent further 377
neglect or abuse, to enhance their welfare, and, whenever 378
possible, to preserve the family unit intact. The agency required 379
to provide the services shall be the agency conducting the 380
investigation of the report pursuant to section 2151.422 of the 381
Revised Code. 382

(J)(1) Each public children services agency shall prepare a 383
memorandum of understanding that is signed by all of the 384
following: 385

(a) If there is only one juvenile judge in the county, the 386
juvenile judge of the county or the juvenile judge's 387
representative; 388

(b) If there is more than one juvenile judge in the county, a 389
juvenile judge or the juvenile judges' representative selected by 390
the juvenile judges or, if they are unable to do so for any 391
reason, the juvenile judge who is senior in point of service or 392
the senior juvenile judge's representative; 393

(c) The county peace officer; 394

(d) All chief municipal peace officers within the county; 395

(e) Other law enforcement officers handling child abuse and 396
neglect cases in the county; 397

(f) The prosecuting attorney of the county; 398

(g) If the public children services agency is not the county 399

department of job and family services, the county department of 400
job and family services; 401

(h) The county humane society; 402

(i) If the public children services agency participated in 403
the execution of a memorandum of understanding under section 404
2151.426 of the Revised Code establishing a children's advocacy 405
center, each participating member of the children's advocacy 406
center established by the memorandum. 407

(2) A memorandum of understanding shall set forth the normal 408
operating procedure to be employed by all concerned officials in 409
the execution of their respective responsibilities under this 410
section and division (C) of section 2919.21, division (B)(1) of 411
section 2919.22, division (B) of section 2919.23, and section 412
2919.24 of the Revised Code and shall have as two of its primary 413
goals the elimination of all unnecessary interviews of children 414
who are the subject of reports made pursuant to division (A) or 415
(B) of this section and, when feasible, providing for only one 416
interview of a child who is the subject of any report made 417
pursuant to division (A) or (B) of this section. A failure to 418
follow the procedure set forth in the memorandum by the concerned 419
officials is not grounds for, and shall not result in, the 420
dismissal of any charges or complaint arising from any reported 421
case of abuse or neglect or the suppression of any evidence 422
obtained as a result of any reported child abuse or child neglect 423
and does not give, and shall not be construed as giving, any 424
rights or any grounds for appeal or post-conviction relief to any 425
person. 426

(3) A memorandum of understanding shall include all of the 427
following: 428

(a) The roles and responsibilities for handling emergency and 429
nonemergency cases of abuse and neglect; 430

(b) Standards and procedures to be used in handling and 431
coordinating investigations of reported cases of child abuse and 432
reported cases of child neglect, methods to be used in 433
interviewing the child who is the subject of the report and who 434
allegedly was abused or neglected, and standards and procedures 435
addressing the categories of persons who may interview the child 436
who is the subject of the report and who allegedly was abused or 437
neglected. 438

(4) If a public children services agency participated in the 439
execution of a memorandum of understanding under section 2151.426 440
of the Revised Code establishing a children's advocacy center, the 441
agency shall incorporate the contents of that memorandum in the 442
memorandum prepared pursuant to this section. 443

(5) The clerk of the court of common pleas in the county may 444
sign the memorandum of understanding prepared under division 445
(J)(1) of this section. If the clerk signs the memorandum of 446
understanding, the clerk shall execute all relevant 447
responsibilities as required of officials specified in the 448
memorandum. 449

(K)(1) Except as provided in division (K)(4) of this section, 450
a person who is required to make a report pursuant to division (A) 451
of this section may make a reasonable number of requests of the 452
public children services agency that receives or is referred the 453
report, or of the children's advocacy center that is referred the 454
report if the report is referred to a children's advocacy center 455
pursuant to an interagency agreement entered into under section 456
2151.428 of the Revised Code, to be provided with the following 457
information: 458

(a) Whether the agency or center has initiated an 459
investigation of the report; 460

(b) Whether the agency or center is continuing to investigate 461

the report;	462
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	463 464
(d) The general status of the health and safety of the child who is the subject of the report;	465 466
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	467 468 469
(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	470 471 472 473
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	474 475 476 477 478 479 480 481 482
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.	483 484 485 486 487 488 489 490
(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made	491 492

pursuant to division (A) of this section. 493

(4) If an agency other than the agency that received or was 494
referred the report is conducting the investigation of the report 495
pursuant to section 2151.422 of the Revised Code, the agency 496
conducting the investigation shall comply with the requirements of 497
division (K) of this section. 498

(L) The director of job and family services shall adopt rules 499
in accordance with Chapter 119. of the Revised Code to implement 500
this section. The department of job and family services may enter 501
into a plan of cooperation with any other governmental entity to 502
aid in ensuring that children are protected from abuse and 503
neglect. The department shall make recommendations to the attorney 504
general that the department determines are necessary to protect 505
children from child abuse and child neglect. 506

(M) Whoever violates division (A) of this section is liable 507
for compensatory and exemplary damages to the child who would have 508
been the subject of the report that was not made. A person who 509
brings a civil action or proceeding pursuant to this division 510
against a person who is alleged to have violated division (A)(1) 511
of this section may use in the action or proceeding reports of 512
other incidents of known or suspected abuse or neglect, provided 513
that any information in a report that would identify the child who 514
is the subject of the report or the maker of the report, if the 515
maker is not the defendant or an agent or employee of the 516
defendant, has been redacted. 517

(N)(1) As used in this division: 518

(a) "Out-of-home care" includes a nonchartered nonpublic 519
school if the alleged child abuse or child neglect, or alleged 520
threat of child abuse or child neglect, described in a report 521
received by a public children services agency allegedly occurred 522
in or involved the nonchartered nonpublic school and the alleged 523

perpetrator named in the report holds a certificate, permit, or 524
license issued by the state board of education under section 525
3301.071 or Chapter 3319. of the Revised Code. 526

(b) "Administrator, director, or other chief administrative 527
officer" means the superintendent of the school district if the 528
out-of-home care entity subject to a report made pursuant to this 529
section is a school operated by the district. 530

(2) No later than the end of the day following the day on 531
which a public children services agency receives a report of 532
alleged child abuse or child neglect, or a report of an alleged 533
threat of child abuse or child neglect, that allegedly occurred in 534
or involved an out-of-home care entity, the agency shall provide 535
written notice of the allegations contained in and the person 536
named as the alleged perpetrator in the report to the 537
administrator, director, or other chief administrative officer of 538
the out-of-home care entity that is the subject of the report 539
unless the administrator, director, or other chief administrative 540
officer is named as an alleged perpetrator in the report. If the 541
administrator, director, or other chief administrative officer of 542
an out-of-home care entity is named as an alleged perpetrator in a 543
report of alleged child abuse or child neglect, or a report of an 544
alleged threat of child abuse or child neglect, that allegedly 545
occurred in or involved the out-of-home care entity, the agency 546
shall provide the written notice to the owner or governing board 547
of the out-of-home care entity that is the subject of the report. 548
The agency shall not provide witness statements or police or other 549
investigative reports. 550

(3) No later than three days after the day on which a public 551
children services agency that conducted the investigation as 552
determined pursuant to section 2151.422 of the Revised Code makes 553
a disposition of an investigation involving a report of alleged 554
child abuse or child neglect, or a report of an alleged threat of 555

child abuse or child neglect, that allegedly occurred in or 556
involved an out-of-home care entity, the agency shall send written 557
notice of the disposition of the investigation to the 558
administrator, director, or other chief administrative officer and 559
the owner or governing board of the out-of-home care entity. The 560
agency shall not provide witness statements or police or other 561
investigative reports. 562

(O) As used in this section, "investigation" means the public 563
children services agency's response to an accepted report of child 564
abuse or neglect through either an alternative response or a 565
traditional response. 566

Sec. 2151.99. (A)(1) Except as otherwise provided in division 567
(A)(2) of this section, whoever violates division (D)(2) or (3) of 568
section 2151.313 or division ~~τ~~ (A)(4)~~τ~~ or (H)(2) of section 569
2151.421 of the Revised Code is guilty of a misdemeanor of the 570
fourth degree. 571

(2) Whoever violates division (A)(4) of section 2151.421 of 572
the Revised Code knowing that a child has been abused or neglected 573
and knowing that the person who committed the abuse or neglect was 574
a cleric or another person, other than a volunteer, designated by 575
a church, religious society, or faith acting as a leader, 576
official, or delegate on behalf of the church, religious society, 577
or faith, is guilty of a misdemeanor of the first degree if the 578
person who violates division (A)(4) of this section and the person 579
who committed the abuse or neglect belong to the same church, 580
religious society, or faith. 581

(B) Whoever violates division (D)(1) of section 2151.313 of 582
the Revised Code is guilty of a minor misdemeanor. 583

(C) Whoever violates division (A)(1)(a) of section 2151.421 584
of the Revised Code shall be punished as follows: 585

(1) Except as otherwise provided in division (C)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. 586
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(2) The offender is guilty of a misdemeanor of the first degree if the child who is the subject of the required report that the offender fails to make suffers or faces the threat of suffering the physical or mental wound, injury, disability, or condition that would be the basis of the required report when the child is under the direct care or supervision of the offender who is then acting in the offender's official or professional capacity or when the child is under the direct care or supervision of another person over whom the offender while acting in the offender's official or professional capacity has supervisory control. 589
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Sec. 3109.51. As used in sections 3109.52 to ~~3109.80~~ 3109.81 of the Revised Code: 600
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(A) "Child" means a person under eighteen years of age. 602

(B) "Custodian" means an individual with legal custody of a child. 603
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(C) "Guardian" means an individual granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights, privileges, and responsibilities of the child's parents. 605
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(D) "Legal custody" and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code. 610
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Sec. 3109.81. (A) As used in this section, "service provider" means any person listed in division (A)(1)(b) of section 2151.421 of the Revised Code. 613
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(B) (1) Except as provided in division (B)(2) of this section, when an attorney in fact under a document that purports to grant to a person with whom a child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical control, and custody of the child requests registration in a school, medical treatment, or other services for a child and presents the school employee, physician, or other service provider with the document as authority for requesting the services, the service provider shall promptly report the request, in writing, to the public children services agency of the county in which the child resides. The report shall include the name and address of the attorney in fact and of the child, the child's age, and the nature of the services requested.

(2) A service provider is not required to make a report under division (B)(1) of this section if the document presented appears to be a valid court order, power of attorney given to a grandparent under section 3109.52 of the Revised Code, or caretaker authorization affidavit executed under section 3109.65 of the Revised Code.

(C) On receiving a report made under division (B) of this section, a public children services agency shall treat the report as an allegation that the child is a dependent child and shall investigate the child's temporary placement with the attorney in fact in accordance with section 5153.16 of the Revised Code and rules adopted under section 5153.166 of the Revised Code. The investigation shall include a criminal records check, a check of court records for any child-related civil proceedings, and a home safety study.

(D) If a public children services agency, after an investigation conducted under division (C) of this section, determines that the temporary placement of the child with the attorney in fact is unsafe for the child, the agency shall file a

dependency complaint with the juvenile court pursuant to section 648
2151.27 of the Revised Code. 649

Section 2. That existing sections 2151.421, 2151.99, and 650
3901.51 of the Revised Code are hereby repealed. 651

Section 3. Section 2151.99 of the Revised Code is presented 652
in this act as a composite of the section as amended by both Am. 653
Sub. S.B. 17 and Sub. S.B. 137 of the 126th General Assembly. The 654
General Assembly, applying the principle stated in division (B) of 655
section 1.52 of the Revised Code that amendments are to be 656
harmonized if reasonably capable of simultaneous operation, finds 657
that the composite is the resulting version of the section in 658
effect prior to the effective date of the section as presented in 659
this act. 660