

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 291

Senator Coley

Cosponsors: Senators Lehner, Terhar

A BILL

To amend section 2151.421 and to enact sections 1
2151.90, 2151.901, 2151.902, and 2151.903 of the 2
Revised Code regarding regulation of host family 3
agreements. 4

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

Section 1. That section 2151.421 be amended and sections 5
2151.90, 2151.901, 2151.902, and 2151.903 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2151.421. (A) (1) (a) No person described in division 8
(A) (1) (b) of this section who is acting in an official or 9
professional capacity and knows, or has reasonable cause to 10
suspect based on facts that would cause a reasonable person in a 11
similar position to suspect, that a child under eighteen years 12
of age, or a person under twenty-one years of age with a 13
developmental disability or physical impairment, has suffered or 14
faces a threat of suffering any physical or mental wound, 15
injury, disability, or condition of a nature that reasonably 16
indicates abuse or neglect of the child shall fail to 17
immediately report that knowledge or reasonable cause to suspect 18

to the entity or persons specified in this division. Except as 19
provided in section 5120.173 of the Revised Code, the person 20
making the report shall make it to the public children services 21
agency or a municipal or county peace officer in the county in 22
which the child resides or in which the abuse or neglect is 23
occurring or has occurred. In the circumstances described in 24
section 5120.173 of the Revised Code, the person making the 25
report shall make it to the entity specified in that section. 26

(b) Division (A) (1) (a) of this section applies to any 27
person who is an attorney; health care professional; 28
practitioner of a limited branch of medicine as specified in 29
section 4731.15 of the Revised Code; licensed school 30
psychologist; independent marriage and family therapist or 31
marriage and family therapist; coroner; administrator or 32
employee of a child day-care center; administrator or employee 33
of a residential camp, child day camp, or private, nonprofit 34
therapeutic wilderness camp; administrator or employee of a 35
certified child care agency or other public or private children 36
services agency; school teacher; school employee; school 37
authority; agent of a county humane society; person, other than 38
a cleric, rendering spiritual treatment through prayer in 39
accordance with the tenets of a well-recognized religion; 40
employee of a county department of job and family services who 41
is a professional and who works with children and families; 42
superintendent or regional administrator employed by the 43
department of youth services; superintendent, board member, or 44
employee of a county board of developmental disabilities; 45
investigative agent contracted with by a county board of 46
developmental disabilities; employee of the department of 47
developmental disabilities; employee of a facility or home that 48
provides respite care in accordance with section 5123.171 of the 49

Revised Code; employee of an entity that provides homemaker 50
services; employee of a qualified organization as defined in 51
section 2151.90 of the Revised Code; a person performing the 52
duties of an assessor pursuant to Chapter 3107. or 5103. of the 53
Revised Code; third party employed by a public children services 54
agency to assist in providing child or family related services; 55
court appointed special advocate; or guardian ad litem. 56

(c) If two or more health care professionals, after 57
providing health care services to a child, determine or suspect 58
that the child has been or is being abused or neglected, the 59
health care professionals may designate one of the health care 60
professionals to report the abuse or neglect. A single report 61
made under this division shall meet the reporting requirements 62
of division (A)(1) of this section. 63

(2) Except as provided in division (A)(3) of this section, 64
an attorney or a physician is not required to make a report 65
pursuant to division (A)(1) of this section concerning any 66
communication the attorney or physician receives from a client 67
or patient in an attorney-client or physician-patient 68
relationship, if, in accordance with division (A) or (B) of 69
section 2317.02 of the Revised Code, the attorney or physician 70
could not testify with respect to that communication in a civil 71
or criminal proceeding. 72

(3) The client or patient in an attorney-client or 73
physician-patient relationship described in division (A)(2) of 74
this section is deemed to have waived any testimonial privilege 75
under division (A) or (B) of section 2317.02 of the Revised Code 76
with respect to any communication the attorney or physician 77
receives from the client or patient in that attorney-client or 78
physician-patient relationship, and the attorney or physician 79

shall make a report pursuant to division (A)(1) of this section 80
with respect to that communication, if all of the following 81
apply: 82

(a) The client or patient, at the time of the 83
communication, is a child under eighteen years of age or is a 84
person under twenty-one years of age with a developmental 85
disability or physical impairment. 86

(b) The attorney or physician knows, or has reasonable 87
cause to suspect based on facts that would cause a reasonable 88
person in similar position to suspect that the client or patient 89
has suffered or faces a threat of suffering any physical or 90
mental wound, injury, disability, or condition of a nature that 91
reasonably indicates abuse or neglect of the client or patient. 92

(c) The abuse or neglect does not arise out of the 93
client's or patient's attempt to have an abortion without the 94
notification of her parents, guardian, or custodian in 95
accordance with section 2151.85 of the Revised Code. 96

(4) (a) No cleric and no person, other than a volunteer, 97
designated by any church, religious society, or faith acting as 98
a leader, official, or delegate on behalf of the church, 99
religious society, or faith who is acting in an official or 100
professional capacity, who knows, or has reasonable cause to 101
believe based on facts that would cause a reasonable person in a 102
similar position to believe, that a child under eighteen years 103
of age, or a person under twenty-one years of age with a 104
developmental disability or physical impairment, has suffered or 105
faces a threat of suffering any physical or mental wound, 106
injury, disability, or condition of a nature that reasonably 107
indicates abuse or neglect of the child, and who knows, or has 108
reasonable cause to believe based on facts that would cause a 109

reasonable person in a similar position to believe, that another 110
cleric or another person, other than a volunteer, designated by 111
a church, religious society, or faith acting as a leader, 112
official, or delegate on behalf of the church, religious 113
society, or faith caused, or poses the threat of causing, the 114
wound, injury, disability, or condition that reasonably 115
indicates abuse or neglect shall fail to immediately report that 116
knowledge or reasonable cause to believe to the entity or 117
persons specified in this division. Except as provided in 118
section 5120.173 of the Revised Code, the person making the 119
report shall make it to the public children services agency or a 120
municipal or county peace officer in the county in which the 121
child resides or in which the abuse or neglect is occurring or 122
has occurred. In the circumstances described in section 5120.173 123
of the Revised Code, the person making the report shall make it 124
to the entity specified in that section. 125

(b) Except as provided in division (A) (4) (c) of this 126
section, a cleric is not required to make a report pursuant to 127
division (A) (4) (a) of this section concerning any communication 128
the cleric receives from a penitent in a cleric-penitent 129
relationship, if, in accordance with division (C) of section 130
2317.02 of the Revised Code, the cleric could not testify with 131
respect to that communication in a civil or criminal proceeding. 132

(c) The penitent in a cleric-penitent relationship 133
described in division (A) (4) (b) of this section is deemed to 134
have waived any testimonial privilege under division (C) of 135
section 2317.02 of the Revised Code with respect to any 136
communication the cleric receives from the penitent in that 137
cleric-penitent relationship, and the cleric shall make a report 138
pursuant to division (A) (4) (a) of this section with respect to 139
that communication, if all of the following apply: 140

(i) The penitent, at the time of the communication, is a 141
child under eighteen years of age or is a person under twenty- 142
one years of age with a developmental disability or physical 143
impairment. 144

(ii) The cleric knows, or has reasonable cause to believe 145
based on facts that would cause a reasonable person in a similar 146
position to believe, as a result of the communication or any 147
observations made during that communication, the penitent has 148
suffered or faces a threat of suffering any physical or mental 149
wound, injury, disability, or condition of a nature that 150
reasonably indicates abuse or neglect of the penitent. 151

(iii) The abuse or neglect does not arise out of the 152
penitent's attempt to have an abortion performed upon a child 153
under eighteen years of age or upon a person under twenty-one 154
years of age with a developmental disability or physical 155
impairment without the notification of her parents, guardian, or 156
custodian in accordance with section 2151.85 of the Revised 157
Code. 158

(d) Divisions (A) (4) (a) and (c) of this section do not 159
apply in a cleric-penitent relationship when the disclosure of 160
any communication the cleric receives from the penitent is in 161
violation of the sacred trust. 162

(e) As used in divisions (A) (1) and (4) of this section, 163
"cleric" and "sacred trust" have the same meanings as in section 164
2317.02 of the Revised Code. 165

(B) Anyone who knows, or has reasonable cause to suspect 166
based on facts that would cause a reasonable person in similar 167
circumstances to suspect, that a child under eighteen years of 168
age, or a person under twenty-one years of age with a 169

developmental disability or physical impairment, has suffered or 170
faces a threat of suffering any physical or mental wound, 171
injury, disability, or other condition of a nature that 172
reasonably indicates abuse or neglect of the child may report or 173
cause reports to be made of that knowledge or reasonable cause 174
to suspect to the entity or persons specified in this division. 175
Except as provided in section 5120.173 of the Revised Code, a 176
person making a report or causing a report to be made under this 177
division shall make it or cause it to be made to the public 178
children services agency or to a municipal or county peace 179
officer. In the circumstances described in section 5120.173 of 180
the Revised Code, a person making a report or causing a report 181
to be made under this division shall make it or cause it to be 182
made to the entity specified in that section. 183

(C) Any report made pursuant to division (A) or (B) of 184
this section shall be made forthwith either by telephone or in 185
person and shall be followed by a written report, if requested 186
by the receiving agency or officer. The written report shall 187
contain: 188

(1) The names and addresses of the child and the child's 189
parents or the person or persons having custody of the child, if 190
known; 191

(2) The child's age and the nature and extent of the 192
child's injuries, abuse, or neglect that is known or reasonably 193
suspected or believed, as applicable, to have occurred or of the 194
threat of injury, abuse, or neglect that is known or reasonably 195
suspected or believed, as applicable, to exist, including any 196
evidence of previous injuries, abuse, or neglect; 197

(3) Any other information, including, but not limited to, 198
results and reports of any medical examinations, tests, or 199

procedures performed under division (D) of this section, that 200
might be helpful in establishing the cause of the injury, abuse, 201
or neglect that is known or reasonably suspected or believed, as 202
applicable, to have occurred or of the threat of injury, abuse, 203
or neglect that is known or reasonably suspected or believed, as 204
applicable, to exist. 205

(D) (1) Any person, who is required by division (A) of this 206
section to report child abuse or child neglect that is known or 207
reasonably suspected or believed to have occurred, may take or 208
cause to be taken color photographs of areas of trauma visible 209
on a child and, if medically necessary for the purpose of 210
diagnosing or treating injuries that are suspected to have 211
occurred as a result of child abuse or child neglect, perform or 212
cause to be performed radiological examinations and any other 213
medical examinations of, and tests or procedures on, the child. 214

(2) The results and any available reports of examinations, 215
tests, or procedures made under division (D) (1) of this section 216
shall be included in a report made pursuant to division (A) of 217
this section. Any additional reports of examinations, tests, or 218
procedures that become available shall be provided to the public 219
children services agency, upon request. 220

(3) If a health care professional provides health care 221
services in a hospital, children's advocacy center, or emergency 222
medical facility to a child about whom a report has been made 223
under division (A) of this section, the health care professional 224
may take any steps that are reasonably necessary for the release 225
or discharge of the child to an appropriate environment. Before 226
the child's release or discharge, the health care professional 227
may obtain information, or consider information obtained, from 228
other entities or individuals that have knowledge about the 229

child. Nothing in division (D) (3) of this section shall be 230
construed to alter the responsibilities of any person under 231
sections 2151.27 and 2151.31 of the Revised Code. 232

(4) A health care professional may conduct medical 233
examinations, tests, or procedures on the siblings of a child 234
about whom a report has been made under division (A) of this 235
section and on other children who reside in the same home as the 236
child, if the professional determines that the examinations, 237
tests, or procedures are medically necessary to diagnose or 238
treat the siblings or other children in order to determine 239
whether reports under division (A) of this section are warranted 240
with respect to such siblings or other children. The results of 241
the examinations, tests, or procedures on the siblings and other 242
children may be included in a report made pursuant to division 243
(A) of this section. 244

(5) Medical examinations, tests, or procedures conducted 245
under divisions (D) (1) and (4) of this section and decisions 246
regarding the release or discharge of a child under division (D) 247
(3) of this section do not constitute a law enforcement 248
investigation or activity. 249

(E) (1) When a municipal or county peace officer receives a 250
report concerning the possible abuse or neglect of a child or 251
the possible threat of abuse or neglect of a child, upon receipt 252
of the report, the municipal or county peace officer who 253
receives the report shall refer the report to the appropriate 254
public children services agency. 255

(2) When a public children services agency receives a 256
report pursuant to this division or division (A) or (B) of this 257
section, upon receipt of the report, the public children 258
services agency shall do both of the following: 259

| | |
|---|---|
| (a) Comply with section 2151.422 of the Revised Code; | 260 |
| (b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center. | 261 262 263 264 265 266 267 268 269 270 271 |
| (F) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code. | 272 273 274 275 276 277 278 279 280 281 282 |
| (G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or | 283 284 285 286 287 288 289 |

child neglect that is known or reasonably suspected or believed 290
to exist that is referred to it under this section to determine 291
the circumstances surrounding the injuries, abuse, or neglect or 292
the threat of injury, abuse, or neglect, the cause of the 293
injuries, abuse, neglect, or threat, and the person or persons 294
responsible. The investigation shall be made in cooperation with 295
the law enforcement agency and in accordance with the memorandum 296
of understanding prepared under division (K) of this section. A 297
representative of the public children services agency shall, at 298
the time of initial contact with the person subject to the 299
investigation, inform the person of the specific complaints or 300
allegations made against the person. The information shall be 301
given in a manner that is consistent with division (I) (1) of 302
this section and protects the rights of the person making the 303
report under this section. 304

A failure to make the investigation in accordance with the 305
memorandum is not grounds for, and shall not result in, the 306
dismissal of any charges or complaint arising from the report or 307
the suppression of any evidence obtained as a result of the 308
report and does not give, and shall not be construed as giving, 309
any rights or any grounds for appeal or post-conviction relief 310
to any person. The public children services agency shall report 311
each case to the uniform statewide automated child welfare 312
information system that the department of job and family 313
services shall maintain in accordance with section 5101.13 of 314
the Revised Code. The public children services agency shall 315
submit a report of its investigation, in writing, to the law 316
enforcement agency. 317

(2) The public children services agency shall make any 318
recommendations to the county prosecuting attorney or city 319
director of law that it considers necessary to protect any 320

children that are brought to its attention. 321

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 322
(I) (3) of this section, any person, health care professional, 323
hospital, institution, school, health department, or agency 324
shall be immune from any civil or criminal liability for injury, 325
death, or loss to person or property that otherwise might be 326
incurred or imposed as a result of any of the following: 327

(i) Participating in the making of reports pursuant to 328
division (A) of this section or in the making of reports in good 329
faith, pursuant to division (B) of this section; 330

(ii) Participating in medical examinations, tests, or 331
procedures under division (D) of this section; 332

(iii) Providing information used in a report made pursuant 333
to division (A) of this section or providing information in good 334
faith used in a report made pursuant to division (B) of this 335
section; 336

(iv) Participating in a judicial proceeding resulting from 337
a report made pursuant to division (A) of this section or 338
participating in good faith in a proceeding resulting from a 339
report made pursuant to division (B) of this section. 340

(b) Immunity under division (H) (1) (a) (ii) of this section 341
shall not apply when a health care provider has deviated from 342
the standard of care applicable to the provider's profession. 343

(c) Notwithstanding section 4731.22 of the Revised Code, 344
the physician-patient privilege shall not be a ground for 345
excluding evidence regarding a child's injuries, abuse, or 346
neglect, or the cause of the injuries, abuse, or neglect in any 347
judicial proceeding resulting from a report submitted pursuant 348
to this section. 349

(2) In any civil or criminal action or proceeding in which 350
it is alleged and proved that participation in the making of a 351
report under this section was not in good faith or participation 352
in a judicial proceeding resulting from a report made under this 353
section was not in good faith, the court shall award the 354
prevailing party reasonable attorney's fees and costs and, if a 355
civil action or proceeding is voluntarily dismissed, may award 356
reasonable attorney's fees and costs to the party against whom 357
the civil action or proceeding is brought. 358

(I) (1) Except as provided in divisions (I) (4) and (O) of 359
this section, a report made under this section is confidential. 360
The information provided in a report made pursuant to this 361
section and the name of the person who made the report shall not 362
be released for use, and shall not be used, as evidence in any 363
civil action or proceeding brought against the person who made 364
the report. Nothing in this division shall preclude the use of 365
reports of other incidents of known or suspected abuse or 366
neglect in a civil action or proceeding brought pursuant to 367
division (N) of this section against a person who is alleged to 368
have violated division (A) (1) of this section, provided that any 369
information in a report that would identify the child who is the 370
subject of the report or the maker of the report, if the maker 371
of the report is not the defendant or an agent or employee of 372
the defendant, has been redacted. In a criminal proceeding, the 373
report is admissible in evidence in accordance with the Rules of 374
Evidence and is subject to discovery in accordance with the 375
Rules of Criminal Procedure. 376

(2) (a) Except as provided in division (I) (2) (b) of this 377
section, no person shall permit or encourage the unauthorized 378
dissemination of the contents of any report made under this 379
section. 380

(b) A health care professional that obtains the same 381
information contained in a report made under this section from a 382
source other than the report may disseminate the information, if 383
its dissemination is otherwise permitted by law. 384

(3) A person who knowingly makes or causes another person 385
to make a false report under division (B) of this section that 386
alleges that any person has committed an act or omission that 387
resulted in a child being an abused child or a neglected child 388
is guilty of a violation of section 2921.14 of the Revised Code. 389

(4) If a report is made pursuant to division (A) or (B) of 390
this section and the child who is the subject of the report dies 391
for any reason at any time after the report is made, but before 392
the child attains eighteen years of age, the public children 393
services agency or municipal or county peace officer to which 394
the report was made or referred, on the request of the child 395
fatality review board or the director of health pursuant to 396
guidelines established under section 3701.70 of the Revised 397
Code, shall submit a summary sheet of information providing a 398
summary of the report to the review board of the county in which 399
the deceased child resided at the time of death or to the 400
director. On the request of the review board or director, the 401
agency or peace officer may, at its discretion, make the report 402
available to the review board or director. If the county served 403
by the public children services agency is also served by a 404
children's advocacy center and the report of alleged sexual 405
abuse of a child or another type of abuse of a child is 406
specified in the memorandum of understanding that creates the 407
center as being within the center's jurisdiction, the agency or 408
center shall perform the duties and functions specified in this 409
division in accordance with the interagency agreement entered 410
into under section 2151.428 of the Revised Code relative to that 411

advocacy center. 412

(5) A public children services agency shall advise a 413
person alleged to have inflicted abuse or neglect on a child who 414
is the subject of a report made pursuant to this section, 415
including a report alleging sexual abuse of a child or another 416
type of abuse of a child referred to a children's advocacy 417
center pursuant to an interagency agreement entered into under 418
section 2151.428 of the Revised Code, in writing of the 419
disposition of the investigation. The agency shall not provide 420
to the person any information that identifies the person who 421
made the report, statements of witnesses, or police or other 422
investigative reports. 423

(J) Any report that is required by this section, other 424
than a report that is made to the state highway patrol as 425
described in section 5120.173 of the Revised Code, shall result 426
in protective services and emergency supportive services being 427
made available by the public children services agency on behalf 428
of the children about whom the report is made, in an effort to 429
prevent further neglect or abuse, to enhance their welfare, and, 430
whenever possible, to preserve the family unit intact. The 431
agency required to provide the services shall be the agency 432
conducting the investigation of the report pursuant to section 433
2151.422 of the Revised Code. 434

(K) (1) Each public children services agency shall prepare 435
a memorandum of understanding that is signed by all of the 436
following: 437

(a) If there is only one juvenile judge in the county, the 438
juvenile judge of the county or the juvenile judge's 439
representative; 440

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(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 469
of any report made pursuant to division (A) or (B) of this 470
section. A failure to follow the procedure set forth in the 471
memorandum by the concerned officials is not grounds for, and 472
shall not result in, the dismissal of any charges or complaint 473
arising from any reported case of abuse or neglect or the 474
suppression of any evidence obtained as a result of any reported 475
child abuse or child neglect and does not give, and shall not be 476
construed as giving, any rights or any grounds for appeal or 477
post-conviction relief to any person. 478

(3) A memorandum of understanding shall include all of the 479
following: 480

(a) The roles and responsibilities for handling emergency 481
and nonemergency cases of abuse and neglect; 482

(b) Standards and procedures to be used in handling and 483
coordinating investigations of reported cases of child abuse and 484
reported cases of child neglect, methods to be used in 485
interviewing the child who is the subject of the report and who 486
allegedly was abused or neglected, and standards and procedures 487
addressing the categories of persons who may interview the child 488
who is the subject of the report and who allegedly was abused or 489
neglected. 490

(4) If a public children services agency participated in 491
the execution of a memorandum of understanding under section 492
2151.426 of the Revised Code establishing a children's advocacy 493
center, the agency shall incorporate the contents of that 494
memorandum in the memorandum prepared pursuant to this section. 495

(5) The clerk of the court of common pleas in the county 496
may sign the memorandum of understanding prepared under division 497

(K) (1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

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

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

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

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

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

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

(2) A person may request the information specified in division (L) (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.

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 (L)(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.

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 (L)(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.

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

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

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in

division (L) (1) of this section if the person requesting the 556
information is associated with or acting on behalf of the health 557
care professional who provided health care services to the child 558
about whom the report was made. 559

(M) The director of job and family services shall adopt 560
rules in accordance with Chapter 119. of the Revised Code to 561
implement this section. The department of job and family 562
services may enter into a plan of cooperation with any other 563
governmental entity to aid in ensuring that children are 564
protected from abuse and neglect. The department shall make 565
recommendations to the attorney general that the department 566
determines are necessary to protect children from child abuse 567
and child neglect. 568

(N) Whoever violates division (A) of this section is 569
liable for compensatory and exemplary damages to the child who 570
would have been the subject of the report that was not made. A 571
person who brings a civil action or proceeding pursuant to this 572
division against a person who is alleged to have violated 573
division (A) (1) of this section may use in the action or 574
proceeding reports of other incidents of known or suspected 575
abuse or neglect, provided that any information in a report that 576
would identify the child who is the subject of the report or the 577
maker of the report, if the maker is not the defendant or an 578
agent or employee of the defendant, has been redacted. 579

(O) (1) As used in this division: 580

(a) "Out-of-home care" includes a nonchartered nonpublic 581
school if the alleged child abuse or child neglect, or alleged 582
threat of child abuse or child neglect, described in a report 583
received by a public children services agency allegedly occurred 584
in or involved the nonchartered nonpublic school and the alleged 585

perpetrator named in the report holds a certificate, permit, or 586
license issued by the state board of education under section 587
3301.071 or Chapter 3319. of the Revised Code. 588

(b) "Administrator, director, or other chief 589
administrative officer" means the superintendent of the school 590
district if the out-of-home care entity subject to a report made 591
pursuant to this section is a school operated by the district. 592

(2) No later than the end of the day following the day on 593
which a public children services agency receives a report of 594
alleged child abuse or child neglect, or a report of an alleged 595
threat of child abuse or child neglect, that allegedly occurred 596
in or involved an out-of-home care entity, the agency shall 597
provide written notice of the allegations contained in and the 598
person named as the alleged perpetrator in the report to the 599
administrator, director, or other chief administrative officer 600
of the out-of-home care entity that is the subject of the report 601
unless the administrator, director, or other chief 602
administrative officer is named as an alleged perpetrator in the 603
report. If the administrator, director, or other chief 604
administrative officer of an out-of-home care entity is named as 605
an alleged perpetrator in a report of alleged child abuse or 606
child neglect, or a report of an alleged threat of child abuse 607
or child neglect, that allegedly occurred in or involved the 608
out-of-home care entity, the agency shall provide the written 609
notice to the owner or governing board of the out-of-home care 610
entity that is the subject of the report. The agency shall not 611
provide witness statements or police or other investigative 612
reports. 613

(3) No later than three days after the day on which a 614
public children services agency that conducted the investigation 615

as determined pursuant to section 2151.422 of the Revised Code 616
makes a disposition of an investigation involving a report of 617
alleged child abuse or child neglect, or a report of an alleged 618
threat of child abuse or child neglect, that allegedly occurred 619
in or involved an out-of-home care entity, the agency shall send 620
written notice of the disposition of the investigation to the 621
administrator, director, or other chief administrative officer 622
and the owner or governing board of the out-of-home care entity. 623
The agency shall not provide witness statements or police or 624
other investigative reports. 625

(P) As used in this section: 626

(1) "Children's advocacy center" and "sexual abuse of a 627
child" have the same meanings as in section 2151.425 of the 628
Revised Code. 629

(2) "Health care professional" means an individual who 630
provides health-related services including a physician, hospital 631
intern or resident, dentist, podiatrist, registered nurse, 632
licensed practical nurse, visiting nurse, licensed psychologist, 633
speech pathologist, audiologist, person engaged in social work 634
or the practice of professional counseling, and employee of a 635
home health agency. "Health care professional" does not include 636
a practitioner of a limited branch of medicine as specified in 637
section 4731.15 of the Revised Code, licensed school 638
psychologist, independent marriage and family therapist or 639
marriage and family therapist, or coroner. 640

(3) "Investigation" means the public children services 641
agency's response to an accepted report of child abuse or 642
neglect through either an alternative response or a traditional 643
response. 644

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.903 645
of the Revised Code: 646

(1) "Qualified organization" means a private association, 647
organization, corporation, nonprofit, or other entity that has 648
established a program that does all of the following: 649

(a) Provides resources and services to assist, support, 650
and educate parents, host families, children, or any person 651
hosting a child under a host family agreement on a temporary 652
basis; 653

(b) Conducts a criminal background check on the intended 654
host family and all adults residing in the host family's 655
household; 656

(c) Requires a background check in the central registry of 657
abuse and neglect of this state from the department of job and 658
family services for the intended host family and all adults 659
residing in the host family's household; 660

(d) Ensures that the host family is trained on the rights, 661
duties, responsibilities, and limitations as outlined in the 662
host family agreement; 663

(e) Conducts regular supervision of a child who is the 664
subject of the host family agreement while the agreement is in 665
force; 666

(f) Plans for the return of the child who is the subject 667
of the host family agreement to the child's parents. 668

(2) "Temporary basis" means a period of time not to exceed 669
one year, except as provided in section 2151.901 of the Revised 670
Code. 671

(B) A child may be placed with a host family only under 672

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| <u>the following conditions:</u> | 673 |
| <u>(1) The placement is made as follows:</u> | 674 |
| <u>(a) On a temporary basis;</u> | 675 |
| <u>(b) Under a host family agreement entered into with a</u> <u>qualified organization's assistance.</u> | 676 677 |
| <u>(2) Either one or both parents are:</u> | 678 |
| <u>(a) Incarcerated;</u> | 679 |
| <u>(b) Incapacitated;</u> | 680 |
| <u>(c) Receiving medical, psychiatric, or psychological</u> <u>treatment;</u> | 681 682 |
| <u>(d) On active military service; or</u> | 683 |
| <u>(e) Subject to other circumstances under which the host</u> <u>family placement is appropriate.</u> | 684 685 |
| <u>Sec. 2151.901. A juvenile court may alter the period</u> <u>during which a host family agreement is in effect if the court</u> <u>determines there are extenuating circumstances.</u> | 686 687 688 |
| <u>Sec. 2151.902. A public children services agency shall not</u> <u>file a complaint under section 2151.27 of the Revised Code</u> <u>because a child is placed with a host family in compliance with</u> <u>section 2151.90 of the Revised Code, unless the agency</u> <u>determines that factors other than the placement warrant filing</u> <u>the complaint.</u> | 689 690 691 692 693 694 |
| <u>Sec. 2151.903. The presumption that a child placed with a</u> <u>host family is abandoned under section 2151.011 of the Revised</u> <u>Code may be rebutted if the placement complied with section</u> <u>2151.90 of the Revised Code.</u> | 695 696 697 698 |

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| Section 2. That existing section 2151.421 of the Revised Code is hereby repealed. | 699 700 |
| Section 3. Section 2151.421 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. | 701 702 703 704 705 706 707 708 709 |