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SUMMARY

Annual memorandum of understanding (MOU) review

- Requires every official who signed an MOU, which each public children services agency (PCSA) is required to prepare under continuing law, to annually do the following to the MOU: (1) review for necessary updates, (2) update, as necessary, (3) sign, (4) submit to the board of county commissioners for approval.
- Requires, on receipt of a county's MOU, the board of county commissioners to review and evaluate if the MOU meets the requirements under the bill and do either of the following:
 - If the board determines the MOU meets the requirements, it must adopt a resolution to approve the MOU;
 - If the board determines the MOU does not meet those requirements, it must notify the responsible PCSA that the MOU does not meet requirements and must be reviewed in accordance with MOU review and update requirements.
- Requires the annual MOU review by MOU officials and the annual adoption of a resolution by the board of county commissioners to approve the MOU to be completed by December 31 following the first full calendar year after the bill's effective date, and by December 31 each year thereafter.

Department of Job and Family Services (ODJFS) requirements

- Requires ODJFS to annually audit each PCSA's MOU to ensure compliance with the bill's requirements.
- Requires ODJFS to determine that a PCSA is compliant regarding the MOU if the MOU meets all requirements under the bill and continuing law.
- Requires the PCSA, if ODJFS determines that it is not compliant, to develop and submit a compliance assurance plan to ODJFS, no later than 60 days following the determination,

that describes the steps the PCSA and other concerned officials will take in order to become compliant.

- Requires ODJFS to create a model MOU to provide guidance to PCSAs and other concerned officials in creating an MOU in compliance with the bill's requirements.
- Requires ODJFS to maintain on its website a current list of counties with MOUs and whether ODJFS has determined a county's MOU to be compliant or not compliant.

MOU requirements

- Requires MOUs to include, in addition to requirements in continuing law, all of the following after the bill's effective date:
 - A statement that Ohio law requires a PCSA to disclose confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity;
 - A description of the following:
 - ❖ The type of information that may be discovered during a child abuse or neglect investigation that a law enforcement agency may share with a PCSA;
 - ❖ How information is to be shared between a PCSA and a law enforcement agency;
 - ❖ Information that may be obtained from an investigation that a law enforcement agency and a PCSA is permitted to, or prohibited from, disclosing to the public.
- Requires a county's reviewed, signed, and updated, as applicable, MOU to go into effect and supersede any previous MOU upon ODJFS' determination of compliance.
- Requires the county MOU that is in effect to be posted to the county's general website.

Recodification

- Recodifies the section of law governing the creation of county MOUs.

Report referral and notification changes

- Requires a PCSA that receives a report of child abuse or neglect to notify the appropriate law enforcement agency in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency.
- Specifies that the continuing law requirement that a peace officer must refer a report, upon receipt, to the PCSA must be done in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency.

Reporters' right to information

- Permits both mandatory reporters and permissive reporters of child abuse or neglect, rather than only mandatory reporters as in current law, to make a reasonable number of requests to the PCSA that received the report to be provided with certain information relating to the report and the child.

- Requires, if the reporter provides the reporter's name and contact information on making the report, the PCSA that received the report to send both of the following written notices to the reporter, via U.S. mail or email, in accordance with the reporter's preference:
 - Not later than seven calendar days after receipt of the report, a notice providing the status of the PCSA's investigation into the report made, who the reporter may contact for further information, and a description of the reporter's rights.
 - Not later than seven calendar days after the PCSA closes the investigation into the case reported, a notice that the PCSA has closed the investigation.

DETAILED ANALYSIS

Annual memorandum of understanding (MOU) review

The bill establishes an annual review process for each county's MOU, which governs how county officials handle child abuse and neglect reports for the county. Continuing law requires each public children services agency (PCSA) to prepare an MOU that must be signed by various county officials, including, for example, a juvenile judge or representative, the sheriff, chief municipal peace officers, and law enforcement handling child abuse and neglect cases.¹ The MOU's purpose under continuing law is to do both of the following:

- Set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities regarding child abuse or neglect;
- Have as two of its primary goals both of the following:
 - The elimination of all unnecessary interviews of children who are the subject of reports of child abuse or neglect;
 - When feasible, providing for only one interview of a child who is the subject of a report of child abuse or neglect.²

MOU review and update

The bill requires every official who signed an MOU to annually do the following regarding the MOU:

- Review and evaluate the MOU for necessary updates to terms and procedures;
- Update the MOU's terms and procedures, if the concerned officials determine an update is necessary;
- Sign the reviewed memorandum;

¹ R.C. 2151.4210(A).

² R.C. 2151.4211(A).

- Submit the memorandum to the board of county commissioners for approval.³

Review and approval by board of county commissioners

The bill requires, on receipt of a county's submitted MOU, the board of county commissioners to review and evaluate if the MOU meets the requirements under the bill (see below, "**MOU requirements**"). If the board determines the MOU meets those requirements, it must adopt a resolution to approve the memorandum. However, if the board determines the MOU does not meet those requirements, it must notify the responsible PCSA that the MOU does not meet requirements and must be reviewed in accordance with MOU review and update requirements (see above, "**MOU review and update**").⁴

Completion deadline

Under the bill, the annual MOU review by MOU officials and the annual adoption of a resolution by the board of county commissioners to approve the MOU must be completed by December 31 following the first full calendar year after the bill's effective date, and by December 31 each year thereafter.⁵

Department of Job and Family Services (ODJFS) requirements

ODJFS audit

The bill requires ODJFS to annually audit each MOU to ensure compliance with the bill's requirements.⁶

Determination of compliance

Under the bill, ODJFS must determine that a PCSA is compliant regarding the MOU if it finds all of the following:

- It meets the requirements under "**Annual memorandum of understanding (MOU) review**" (see above) and "**MOU requirements**" (see below).
- It has been either (1) reviewed and signed or (2) reviewed, updated, and signed, as applicable, by the concerned officials, and ODJFS is in agreement with the review and, if applicable, update.
- It has been approved by the board of county commissioners' resolution.⁷

Determination of noncompliance

The bill requires the PCSA, if ODJFS determines that it is not compliant, to develop and submit to ODJFS a compliance assurance plan. The plan must describe the steps the PCSA and

³ R.C. 2151.4212.

⁴ R.C. 2151.4215.

⁵ R.C. 2151.4216.

⁶ R.C. 2151.4219.

⁷ R.C. 2151.4220.

other concerned officials will take in order to become compliant. The PCSA must submit the plan no later than 60 days after ODJFS determines the PCSA is not compliant.⁸

MOU model

Under the bill, ODJFS must create a model MOU to provide guidance to PCSAs and other concerned officials in creating an MOU in compliance with the bill's requirements. The model MOU must be updated as ODJFS determines is necessary.⁹

List of compliant counties

The bill requires ODJFS to maintain on its website a current list of counties with MOUs that ODJFS has determined to be compliant and those that ODJFS has determined not to be compliant.¹⁰

MOU requirements

The bill adds additional requirements to MOUs to those existing under continuing law.

New content

MOUs must include all of the following new requirements after the bill's effective date:

- A statement that Ohio law requires a PCSA to disclose confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect.
- A description of the type of information that may be discovered during a child abuse or neglect investigation that a law enforcement agency may share with a PCSA in order for the PCSA to carry out its responsibilities to protect children from abuse or neglect.
- A description of how the information discovered during a child abuse or neglect investigation (above) is to be shared between a PCSA and a law enforcement agency.
- A description of information that may be obtained from a child abuse or neglect investigation that a law enforcement agency and a PCSA is permitted to, or prohibited from, disclosing to the public.¹¹

Continuing content

Continuing law requires an MOU to include all of the following:

- The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

⁸ R.C. 2151.4221.

⁹ R.C. 2151.4218.

¹⁰ R.C. 2151.4223.

¹¹ R.C. 2151.4211(B)(4) to (7).

- Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse or 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;
- If a PCSA participated in the execution of the memorandum establishing a children's advocacy center, the PCSA must incorporate the contents of the children's advocacy center memorandum in the MOU.¹²

When MOU takes effect

Under the bill, a county's reviewed and signed, or reviewed, updated, and signed, MOU, as applicable, goes into effect and supersedes any previous MOU upon ODJFS' determination of compliance.¹³

County website

The bill requires the county MOU that is in effect to be posted to the county's general website.¹⁴

Recodification

The bill recodifies R.C. 2151.421(K) in current law, which governs the creation of county MOUs. The table below gives a brief description of each recodified section and also each new provision of law, the section number under the bill, and, with respect to recodified sections, the section number under current law.

Recodification of R.C. 2151.421(K)		
Subject	New section number	Current section number
PCSA prepares MOU; signatory officials	R.C. 2151.4210	R.C. 2151.421(K)(1) and (5)
MOU purpose	R.C. 2151.4211(A)	R.C. 2151.421(K)(2)
MOU required content	R.C. 2151.4211(B)	R.C. 2151.421(K)(3) and (4); new provision
Annual review and other signatory official duties	R.C. 2151.4212	New provision
Savings provision: failure to follow MOU	R.C. 2151.4213	R.C. 2151.421(K)(2)

¹² R.C. 2151.4211(B)(1) to (3).

¹³ R.C. 2151.4222.

¹⁴ R.C. 2151.4224.

Recodification of R.C. 2151.421(K)		
Subject	New section number	Current section number
County review and resolution re: MOU	R.C. 2151.4215	New provision
Deadline for annual review and resolution	R.C. 2151.4216	New provision
ODJFS model MOU	R.C. 2151.4218	New provision
ODJFS annual audit	R.C. 2151.4219	New provision
ODJFS compliance determination	R.C. 2151.4220	New provision
ODJFS compliance assurance plan	R.C. 2151.4221	New provision
Effective MOU	R.C. 2151.4222	New provision
ODJFS compliant/noncompliant MOU lists	R.C. 2151.4223	New provision
MOU published on county website	R.C. 2151.4224	New provision

Report referral and notification changes

PCSA notification to law enforcement

The bill requires a PCSA that receives a report of child abuse or neglect to notify the appropriate law enforcement agency in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency, unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible child abuse or neglect or threat of child abuse or neglect.¹⁵

Law enforcement referral to PCSA

The bill specifies that the continuing law requiring a peace officer to refer a report, on receipt, to the PCSA must be done in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency.¹⁶

¹⁵ R.C. 2151.421(E)(2)(c).

¹⁶ R.C. 2151.421(E)(1).

Reporters' right to information

The bill permits both mandatory reporters and permissive reporters of child abuse or neglect to make a reasonable number of requests to the PCSA or children's advocacy center that received the report to be provided with certain information about the report and child. Under current law, only mandatory reporters are permitted to make requests.

Under the bill, if the reporter provides his or her name and contact information on making the report, the PCSA that received or was referred the report must send both of the following written notices to the reporter, via United States mail or electronic mail, in accordance with the reporter's preference:

- Not later than seven calendar days after receipt of the report, a notice providing the status of the PCSA's investigation into the report made, who the reporter may contact at the PCSA for further information, and a description of the reporter's rights to make requests for information.

Not later than seven calendar days after the PCSA closes the investigation into the case reported, a notice that the PCSA has closed the investigation.¹⁷

HISTORY

Action	Date
Introduced	02-03-21

H0004-I-134/ks

¹⁷ R.C. 2151.421(K).