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H.B. 92
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Abrams and Loychik

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SUMMARY

- Requires a public children services agency (PCSA) to determine if a parent, guardian, or custodian of a child subject to a child abuse or neglect investigation is in the Armed Forces and, if so, to notify the appropriate authority of that Armed Force in which the parent, guardian, or custodian serves that an investigation is being made.
- Specifies that the requirement under continuing law that PCSAs disclose confidential information discovered during a child abuse or neglect investigation to any appropriate federal, state, or local government includes any appropriate military authority.
- Exempts from child abuse or neglect confidentiality requirements under continuing law the following:
 - PCSA notification of the appropriate military authority that a child abuse or neglect investigation is being made relating to an Armed Forces member;
 - PCSA disclosure of confidential information discovered during a child abuse or neglect investigation to any appropriate federal, state, or local government entity, including any appropriate military authority.

DETAILED ANALYSIS

Child abuse or neglect investigation relating to Armed Forces

The bill requires a public children services agency (PCSA) to determine, as soon as practicable, if a parent, guardian, or custodian of a child who is subject to a child abuse or neglect investigation is in the Armed Forces. If the PCSA determines that the parent, guardian, or custodian is in the Armed Forces, the PCSA must notify the appropriate authority of that Armed Force in which the parent, guardian, or custodian serves, in accordance with the Memorandum of Understanding established by that authority, that a child abuse or neglect investigation is being made that relates to that parent, guardian, or custodian.

Under the bill, “Armed Forces” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.¹

Confidentiality and disclosure of investigation information

The bill specifies that the requirement under continuing law that PSCAs 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 applies to any appropriate military authority.²

Under continuing law, any child abuse or neglect report is confidential and prohibits the information provided in the report and the name of the person who made the report from being released for use or used as evidence in any civil action or proceeding brought against the person, except in certain situations, including, as provided under the bill, (1) PCSA notification of the appropriate military authority that a child abuse or neglect investigation is being made, or (2) PCSA disclosure of confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity, including any appropriate military authority, that needs the information to carry out its responsibilities.³

HISTORY

Action	Date
Introduced	02-09-21

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¹ R.C. 2151.4210.

² R.C. 2151.423.

³ R.C. 2151.421(l)(1).