

AN ACT

To amend sections 2151.142, 2151.421, and 3107.014 and to enact sections ~~2151.4210, 2151.4211, 2151.4212, 2151.4213, 2151.4215, 2151.4216, 2151.4218, 2151.4219, 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4224,~~ 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, and 5101.899 of the Revised Code regarding county child abuse and neglect memorandums of understanding, cross-reporting of child abuse and neglect reports by public children services agencies to law enforcement agencies, notification of reporter rights, home assessor eligibility, and creation of the youth and family ombudsman office.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2151.142, 2151.421, and 3107.014 be amended and sections ~~2151.4210, 2151.4211, 2151.4212, 2151.4213, 2151.4215, 2151.4216, 2151.4218, 2151.4219, 2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4224,~~ 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, and 5101.899 of the Revised Code be enacted to read as follows:

Sec. 2151.142. (A) As used in this section, "public record" and "journalist" have the same meanings as in section 149.43 of the Revised Code.

(B) Both of the following apply to the residential address of each officer or employee of a public children services agency or a private child placing agency who performs official responsibilities or duties described in section 2151.14, 2151.141, 2151.33, 2151.353, 2151.412, ~~2151.413, 2151.414, 2151.415, 2151.416, 2151.417, or 2151.421, or 2151.4210 to 2151.4224~~ or another section of the Revised Code and to the residential address of persons related to that officer or employee by consanguinity or affinity:

(1) Other officers and employees of a public children services agency, private child placing agency, juvenile court, or law enforcement agency shall consider those residential addresses to be confidential information. The officer or employee of the public children services agency or private child placing agency may waive the confidentiality of those residential addresses by giving express permission for their disclosure to other officers or employees of a public children services agency, private child placing agency, juvenile court, or law enforcement agency.

(2) To the extent that those residential addresses are contained in public records kept by a public children services agency, private child placing agency, juvenile court, or law enforcement agency, they shall not be considered to be information that is subject to inspection or copying as part of a public record under section 149.43 of the Revised Code.

(C) Except as provided in division (D) of this section, in the absence of a waiver as described in division (B)(1) of this section, no officer or employee of a public children services agency, private

obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

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

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

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.421~~7~~ of the Revised Code, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

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

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

(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;

(c) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.421~~7~~ of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of job and family services in rules adopted under division (L)(2) of this section.

(F) No 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.

(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 child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under 2151.4220 to 2151.4234 ~~division (K) of this section~~ sections 2151.4210 to 2151.4224 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

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.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency 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 any of the following:

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

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

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

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

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care

"Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

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

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

2151.4220

Sec. ~~2151.4210~~. (A) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(1) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative upon the judge's review and approval;

(2) 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 upon the judge's review and approval;

(3) The county peace officer;

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

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

(6) The prosecuting attorney of the county;

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

(8) The county humane society;

(9) 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.

(B)(1) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (A) of this section.

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

2151.4221

Sec. ~~2151.4211~~. (A) A memorandum of understanding shall do both of the following:

(1) 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;

(2) Have as two of its primary goals both of the following:

(a) The elimination of all unnecessary interviews of children who are the subject of reports of child abuse or neglect;

(b) When feasible, providing for only one interview of a child who is the subject of a report of child abuse or neglect.

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

(1) The roles and responsibilities for handling emergency and nonemergency cases of abuse

and neglect:

(2) 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;

(3) If a 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, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(4) After the effective date of this section, a statement that section 2151.423 of the Revised Code requires a public children services agency to disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect.

(5) After the effective date of this section, a description of the type of information that may be discovered during an investigation conducted pursuant to section 2151.421 of the Revised Code that a law enforcement agency may share with a public children services agency in order for the public children services agency to carry out its responsibilities to protect children from abuse or neglect.

(6) After the effective date of this section, a description of how the information described in divisions (B)(4) and (5) of this section is to be shared between a public children services agency and a law enforcement agency.

(7) After the effective date of this section, and subject to divisions (I) and (N) of section 2151.421 of the Revised Code, a description of information that may be obtained from an investigation under section 2151.421 of the Revised Code that a law enforcement agency and a public children services agency is permitted to, or prohibited from, disclosing to the public.

2151.4222

Sec. ~~2151.4212~~. Every official who signed a memorandum of understanding under section ~~2151.4210~~ of the Revised Code shall biennially do the following regarding the memorandum:

2151.4220

(A) Review and evaluate the memorandum for necessary updates to terms and procedures;

(B) Update the memorandum's terms and procedures, if the concerned officials determine an update is necessary;

(C) Sign the reviewed memorandum;

2151.4223

(D) Submit the memorandum to the board of county commissioners for approval.

Sec. ~~2151.4213~~. Failure to follow the procedure set forth in the memorandum of understanding by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

2151.4225

2151.4222

Sec. ~~2151.4215~~. (A) On receipt of a county's memorandum of understanding submitted to the board of county commissioners in accordance with section ~~2151.4212~~ of the Revised Code, the board

~~2151.4220~~ shall review and evaluate if the memorandum meets the requirements under sections ~~2151.4210~~ to ~~2151.4212~~ of the Revised Code.

~~(B)(1) If the board determines the memorandum meets those requirements, it shall adopt a resolution to approve the memorandum.~~

~~(2) If the board determines the memorandum does not meet those requirements, it shall notify the responsible public children services agency that the memorandum does not meet requirements and the memorandum shall be reviewed in accordance with section ~~2151.4212~~ of the Revised Code.~~

~~2151.4222~~
~~2151.4226~~
~~2151.4222~~
~~2151.4225~~ Sec. ~~2151.4216~~. The biennial review of a county memorandum of understanding pursuant to division ~~2151.4212~~ of the Revised Code and the biennial adoption of a resolution by the board of county commissioners to approve the memorandum under section ~~2151.4215~~ of the Revised Code shall be completed by the thirty-first day of December following the first full calendar year after the effective date of this section, and by the thirty-first day of December every other year thereafter.

~~2151.4228~~ Sec. ~~2151.4218~~. (A) The department of job and family services shall create a model memorandum of understanding to provide guidance to public children services agencies and other concerned officials in creating a memorandum of understanding in compliance with sections ~~2151.4210 to 2151.4216~~ of the Revised Code.

~~2151.4220~~
~~to 2151.4226~~ (B) The model memorandum of understanding shall be updated as the department determines is necessary.

~~2151.4229~~
~~2151.4220~~
~~to 2151.4226~~ Sec. ~~2151.4219~~. The department of job and family services shall biennially audit the memorandum of understanding prepared by each public children services agency to ensure compliance in accordance with sections ~~2151.4210 to 2151.4216~~ of the Revised Code.

~~2151.4230~~ Sec. ~~2151.4220~~. The department of job and family services shall determine that a public children services agency is compliant regarding the memorandum of understanding if the department finds all of the following:

~~2151.4220~~
~~to 2151.4226~~ (A) The memorandum meets the requirements under sections ~~2151.4210 to 2151.4216~~ of the Revised Code.

~~2151.4222~~ (B) The memorandum has been either reviewed and signed or reviewed, updated, and signed, as applicable, pursuant to division ~~2151.4212~~ of the Revised Code and the department is in agreement with the concerned officials' review and, if applicable, update.

~~2151.4225~~ (C) The memorandum has been approved by resolution by the board of county commissioners pursuant to section ~~2151.4215~~ of the Revised Code.

~~2151.4231~~
~~2151.4230~~ Sec. ~~2151.4221~~. (A) If the department of job and family services determines that a public children services agency is not compliant under section ~~2151.4220~~ of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department.

~~(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant.~~

~~(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant.~~

~~2151.4232~~ Sec. ~~2151.4222~~. A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of job and family services determination that the memorandum is compliant under section ~~2151.4220~~ of the Revised Code.

~~2151.4230~~

2151.4233

Sec. 2151.4223. The department of job and family services shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section 2151.4220 of the Revised Code and a list of counties with memorandums that the department has determined not to be compliant.

2151.42302151.42342151.4232

Sec. 2151.4224. The county memorandum of understanding that is in effect in accordance with section 2151.4222 of the Revised Code shall be posted to the general web site of the county.

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;

(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor or the duties of a PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor;

(g) A PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(h) An individual who holds at least a bachelor's degree in any of the following human services fields and has at least one year of experience working with families and children:

(i) Social work;

(ii) Sociology;

(iii) Psychology;

(iv) Guidance and counseling;

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.*



Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 28TH day of FEBRUARY, A. D. 2022.



Secretary of State.

File No. 73

Effective Date MAY 30, 2022

*This certification has required my designation of the following in the left-hand margin as a proper code section number:

2151.4220, 2151.4221, 2151.4222, 2151.4223, 2151.4225, 2151.4226,
2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233,
and 2151.4234



Director, Legislative Service Commission

AN ACT

To amend sections 2151.142, 2151.421, and 3107.014 and to enact sections ~~2151.4210~~, ~~2151.4211~~, ~~2151.4212~~, ~~2151.4213~~, ~~2151.4214~~, ~~2151.4215~~, ~~2151.4216~~, ~~2151.4218~~, ~~2151.4219~~, ~~2151.4220~~, ~~2151.4221~~, ~~2151.4222~~, ~~2151.4223~~, ~~2151.4224~~, 5101.89, 5101.891, 5101.892, 5101.893, 5101.894, 5101.895, 5101.897, and 5101.899 of the Revised Code regarding county child abuse and neglect memorandums of understanding, cross-reporting of child abuse and neglect reports by public children services agencies to law enforcement agencies, notification of reporter rights, home assessor eligibility, and creation of the youth and family ombudsman office.

28th day of FEBRUARY, Feb 9, 2022

Secretary of State.

Introduced by

Representatives Plummer, Manchester
Cosponsors: Representatives Lipps, Edwards, Riedel, Young, T., White, Cutrona, Liston, Abrams, Carruthers, Click, Ginter, John, Russo, Schmidt, West, Baldrige, Bird, Blackshear, Boggs, Carfagna, Crawley, Creech, Cross, Crossman, Fraizer, Galonski, Gross, Hall, Hoops, Jarrells, Johnson, Jones, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Loychik, Manning, Merrin, Miller, J., Miranda, O'Brien, Patton, Pavliga, Ray, Richardson, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Troy, Weinstein, Young, B., Speaker Cupp
Senators Fedor, Schuring, Manning, Antonio, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Reineke, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko

Passed by the House of Representatives,

May 26, 2021

Passed by the Senate,

February 9, 2022

*Concurred in
Senate amendments,
February 9, 2022.*