

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 523**

**Representatives Lanese, Perales**

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**A BILL**

To amend sections 959.99, 2151.421, 4757.10, 1  
4757.13, 4757.32, and 4757.33 and to enact 2  
sections 959.07, 959.08, 959.09, 2151.4210, and 3  
2919.252 of the Revised Code to establish animal 4  
abuse reporting requirements, to require the 5  
Department of Defense Family Advocacy Program to 6  
be notified when a person serving in the armed 7  
forces is investigated for child abuse or 8  
neglect or domestic violence, and to modify the 9  
laws regulating counselors, social workers, and 10  
marriage and family therapists. 11

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

**Section 1.** That sections 959.99, 2151.421, 4757.10, 12  
4757.13, 4757.32, and 4757.33 be amended and sections 959.07, 13  
959.08, 959.09, 2151.4210, and 2919.252 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 959.07.** (A) As used in sections 959.07 to 959.09 of 16  
the Revised Code: 17

(1) "Companion animal" has the same meaning as in section 18  
959.131 of the Revised Code. 19

(2) "Licensed veterinarian" and "registered veterinary technician" have the same meanings as in section 4741.01 of the Revised Code. 20  
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(3) "Public children services agency" has the same meaning as in section 5153.01 of the Revised Code. 23  
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(4) "Protective services" has the same meaning as in section 5101.60 of the Revised Code. 25  
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(5) "Officer" has the same meaning as in section 959.132 of the Revised Code and includes a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 27  
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(6) "Social service professional" means an employee of a private or public children services agency and an employee of a county department of job and family services with responsibility for protective services. 31  
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(7) "Adult" has the same meaning as in section 5101.60 of the Revised Code. 35  
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(B) (1) No person listed in division (B) (2) of this section shall recklessly fail to immediately report a violation of this chapter that involves a companion animal or horse to an officer when that person has knowledge or reasonable cause to suspect that such a violation has occurred or is occurring. 37  
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(2) Division (B) (1) of this section applies to all of the following operating in an official or professional capacity: 42  
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(a) A licensed veterinarian; 44

(b) A registered veterinary technician; 45

(c) A social service professional; 46

(d) A person licensed under Chapter 4757. of the Revised 47  
Code. 48

Sec. 959.08. No officer, operating in an official or 49  
professional capacity, shall recklessly fail to immediately 50  
report a violation of this chapter involving a companion animal 51  
or horse to an appropriate social service professional when both 52  
of the following apply: 53

(A) The officer has knowledge or reasonable cause to 54  
suspect that such a violation has occurred or is occurring. 55

(B) The officer has knowledge or reasonable cause to 56  
suspect that a child or older adult resides with the alleged 57  
violate. 58

Sec. 959.09. (A) A person required to make a report under 59  
section 959.07 or 959.08 of the Revised Code may do so orally or 60  
in writing and shall include all of the following in the report: 61

(1) The name, if known, and description of the animal 62  
involved; 63

(2) The address and telephone number of the owner or other 64  
person responsible for care of the animal, if known; 65

(3) The nature and extent of the suspected abuse; 66

(4) Any other information that the person making the 67  
report believes may be useful in establishing the existence of 68  
the suspected violation or the identity of the person causing 69  
the violation. 70

(B) A person required to make a report under section 71  
959.07 or 959.08 of the Revised Code is immune from civil or 72  
criminal liability in connection with making that report if the 73  
person acted in good faith when making the report. 74

(C) No person required to make a report under section 75  
959.07 or 959.08 of the Revised Code shall knowingly make a 76  
false report. 77

(D) (1) A court shall award reasonable attorney's fees and 78  
costs to the prevailing party in any civil or criminal action or 79  
judicial proceeding in which it is proved that participation in 80  
the making of a report under section 959.07 or 959.08 of the 81  
Revised Code was not in good faith. 82

(2) A court may award reasonable attorney's fees and costs 83  
to the party against whom a civil action or proceeding is 84  
brought in which it is alleged that participation in the making 85  
of a report under section 959.07 or 959.08 of the Revised Code 86  
was not in good faith if the action or proceeding is voluntarily 87  
dismissed. 88

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 89  
of the Revised Code is guilty of a minor misdemeanor. 90

(B) Except as otherwise provided in this division, whoever 91  
violates section 959.02 of the Revised Code is guilty of a 92  
misdemeanor of the second degree. If the value of the animal 93  
killed or the injury done amounts to three hundred dollars or 94  
more, whoever violates section 959.02 of the Revised Code is 95  
guilty of a misdemeanor of the first degree. 96

(C) Whoever violates section 959.03, 959.06, 959.07, 97  
959.08, division (C) of section 959.09, 959.12, or 959.17 or 98  
division (A) of section 959.15 of the Revised Code is guilty of 99  
a misdemeanor of the fourth degree. 100

(D) Whoever violates division (A) of section 959.13 or 101  
section 959.21 of the Revised Code is guilty of a misdemeanor of 102  
the second degree. In addition, the court may order the offender 103

to forfeit the animal or livestock and may provide for its 104  
disposition, including, but not limited to, the sale of the 105  
animal or livestock. If an animal or livestock is forfeited and 106  
sold pursuant to this division, the proceeds from the sale first 107  
shall be applied to pay the expenses incurred with regard to the 108  
care of the animal from the time it was taken from the custody 109  
of the former owner. The balance of the proceeds from the sale, 110  
if any, shall be paid to the former owner of the animal. 111

(E) (1) Whoever violates division (B) of section 959.131 of 112  
the Revised Code is guilty of a misdemeanor of the first degree 113  
on a first offense and a felony of the fifth degree on each 114  
subsequent offense. 115

(2) Whoever violates division (C) of section 959.131 of 116  
the Revised Code is guilty of a felony of the fifth degree. 117

(3) Whoever violates section 959.01 of the Revised Code or 118  
division (D) of section 959.131 of the Revised Code is guilty of 119  
a misdemeanor of the second degree on a first offense and a 120  
misdemeanor of the first degree on each subsequent offense. 121

(4) Whoever violates division (E) of section 959.131 of 122  
the Revised Code is guilty of a felony of the fifth degree. 123

(5) Whoever violates division (F) of section 959.131 of 124  
the Revised Code is guilty of a misdemeanor of the first degree. 125

(6) (a) A court may order a person who is convicted of or 126  
pleads guilty to a violation of section 959.131 of the Revised 127  
Code to forfeit to an impounding agency, as defined in section 128  
959.132 of the Revised Code, any or all of the companion animals 129  
in that person's ownership or care. The court also may prohibit 130  
or place limitations on the person's ability to own or care for 131  
any companion animals for a specified or indefinite period of 132

time. 133

(b) A court may order a person who is convicted of or 134  
pleads guilty to a violation of section 959.131 of the Revised 135  
Code to reimburse an impounding agency for the reasonably 136  
necessary costs incurred by the agency for the care of a 137  
companion animal that the agency impounded as a result of the 138  
investigation or prosecution of the violation, provided that the 139  
costs were not otherwise paid under section 959.132 of the 140  
Revised Code. 141

(7) If a court has reason to believe that a person who is 142  
convicted of or pleads guilty to a violation of section 959.131 143  
or 959.21 of the Revised Code suffers from a mental or emotional 144  
disorder that contributed to the violation, the court may impose 145  
as a community control sanction or as a condition of probation a 146  
requirement that the offender undergo psychological evaluation 147  
or counseling. The court shall order the offender to pay the 148  
costs of the evaluation or counseling. 149

(F) Whoever violates section 959.14 of the Revised Code is 150  
guilty of a misdemeanor of the second degree on a first offense 151  
and a misdemeanor of the first degree on each subsequent 152  
offense. 153

(G) Whoever violates section 959.05 or 959.20 of the 154  
Revised Code is guilty of a misdemeanor of the first degree. 155

(H) Whoever violates section 959.16 of the Revised Code is 156  
guilty of a felony of the fourth degree for a first offense and 157  
a felony of the third degree on each subsequent offense. 158

(I) Whoever violates division (B) or (C) of section 959.15 159  
of the Revised Code is guilty of a felony and shall be fined not 160  
more than ten thousand dollars. 161

**Sec. 2151.421.** (A) (1) (a) No person described in division 162  
(A) (1) (b) of this section who is acting in an official or 163  
professional capacity and knows, or has reasonable cause to 164  
suspect based on facts that would cause a reasonable person in a 165  
similar position to suspect, that a child under eighteen years 166  
of age, or a person under twenty-one years of age with a 167  
developmental disability or physical impairment, has suffered or 168  
faces a threat of suffering any physical or mental wound, 169  
injury, disability, or condition of a nature that reasonably 170  
indicates abuse or neglect of the child shall fail to 171  
immediately report that knowledge or reasonable cause to suspect 172  
to the entity or persons specified in this division. Except as 173  
provided in section 5120.173 of the Revised Code, the person 174  
making the report shall make it to the public children services 175  
agency or a municipal or county peace officer in the county in 176  
which the child resides or in which the abuse or neglect is 177  
occurring or has occurred. In the circumstances described in 178  
section 5120.173 of the Revised Code, the person making the 179  
report shall make it to the entity specified in that section. 180

(b) Division (A) (1) (a) of this section applies to any 181  
person who is an attorney; health care professional; 182  
practitioner of a limited branch of medicine as specified in 183  
section 4731.15 of the Revised Code; licensed school 184  
psychologist; independent marriage and family therapist or 185  
marriage and family therapist; coroner; administrator or 186  
employee of a child day-care center; administrator or employee 187  
of a residential camp, child day camp, or private, nonprofit 188  
therapeutic wilderness camp; administrator or employee of a 189  
certified child care agency or other public or private children 190  
services agency; school teacher; school employee; school 191  
authority; agent of a county humane society, dog warden, deputy 192

dog warden, or other person appointed to act as an animal 193  
control officer for a municipal corporation or township in 194  
accordance with state law, an ordinance, or a resolution; 195  
person, other than a cleric, rendering spiritual treatment 196  
through prayer in accordance with the tenets of a well- 197  
recognized religion; employee of a county department of job and 198  
family services who is a professional and who works with 199  
children and families; superintendent or regional administrator 200  
employed by the department of youth services; superintendent, 201  
board member, or employee of a county board of developmental 202  
disabilities; investigative agent contracted with by a county 203  
board of developmental disabilities; employee of the department 204  
of developmental disabilities; employee of a facility or home 205  
that provides respite care in accordance with section 5123.171 206  
of the Revised Code; employee of an entity that provides 207  
homemaker services; a person performing the duties of an 208  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 209  
third party employed by a public children services agency to 210  
assist in providing child or family related services; court 211  
appointed special advocate; or guardian ad litem. 212

(c) If two or more health care professionals, after 213  
providing health care services to a child, determine or suspect 214  
that the child has been or is being abused or neglected, the 215  
health care professionals may designate one of the health care 216  
professionals to report the abuse or neglect. A single report 217  
made under this division shall meet the reporting requirements 218  
of division (A) (1) of this section. 219

(2) Except as provided in division (A) (3) of this section, 220  
an attorney or a physician is not required to make a report 221  
pursuant to division (A) (1) of this section concerning any 222  
communication the attorney or physician receives from a client 223



or patient in an attorney-client or physician-patient 224  
relationship, if, in accordance with division (A) or (B) of 225  
section 2317.02 of the Revised Code, the attorney or physician 226  
could not testify with respect to that communication in a civil 227  
or criminal proceeding. 228

(3) The client or patient in an attorney-client or 229  
physician-patient relationship described in division (A) (2) of 230  
this section is deemed to have waived any testimonial privilege 231  
under division (A) or (B) of section 2317.02 of the Revised Code 232  
with respect to any communication the attorney or physician 233  
receives from the client or patient in that attorney-client or 234  
physician-patient relationship, and the attorney or physician 235  
shall make a report pursuant to division (A) (1) of this section 236  
with respect to that communication, if all of the following 237  
apply: 238

(a) The client or patient, at the time of the 239  
communication, is a child under eighteen years of age or is a 240  
person under twenty-one years of age with a developmental 241  
disability or physical impairment. 242

(b) The attorney or physician knows, or has reasonable 243  
cause to suspect based on facts that would cause a reasonable 244  
person in similar position to suspect that the client or patient 245  
has suffered or faces a threat of suffering any physical or 246  
mental wound, injury, disability, or condition of a nature that 247  
reasonably indicates abuse or neglect of the client or patient. 248

(c) The abuse or neglect does not arise out of the 249  
client's or patient's attempt to have an abortion without the 250  
notification of her parents, guardian, or custodian in 251  
accordance with section 2151.85 of the Revised Code. 252

(4) (a) No cleric and no person, other than a volunteer, 253  
designated by any church, religious society, or faith acting as 254  
a leader, official, or delegate on behalf of the church, 255  
religious society, or faith who is acting in an official or 256  
professional capacity, who knows, or has reasonable cause to 257  
believe based on facts that would cause a reasonable person in a 258  
similar position to believe, that a child under eighteen years 259  
of age, or a person under twenty-one years of age with a 260  
developmental disability or physical impairment, has suffered or 261  
faces a threat of suffering any physical or mental wound, 262  
injury, disability, or condition of a nature that reasonably 263  
indicates abuse or neglect of the child, and who knows, or has 264  
reasonable cause to believe based on facts that would cause a 265  
reasonable person in a similar position to believe, that another 266  
cleric or another person, other than a volunteer, designated by 267  
a church, religious society, or faith acting as a leader, 268  
official, or delegate on behalf of the church, religious 269  
society, or faith caused, or poses the threat of causing, the 270  
wound, injury, disability, or condition that reasonably 271  
indicates abuse or neglect shall fail to immediately report that 272  
knowledge or reasonable cause to believe to the entity or 273  
persons specified in this division. Except as provided in 274  
section 5120.173 of the Revised Code, the person making the 275  
report shall make it to the public children services agency or a 276  
municipal or county peace officer in the county in which the 277  
child resides or in which the abuse or neglect is occurring or 278  
has occurred. In the circumstances described in section 5120.173 279  
of the Revised Code, the person making the report shall make it 280  
to the entity specified in that section. 281

(b) Except as provided in division (A) (4) (c) of this 282  
section, a cleric is not required to make a report pursuant to 283

division (A) (4) (a) of this section concerning any communication 284  
the cleric receives from a penitent in a cleric-penitent 285  
relationship, if, in accordance with division (C) of section 286  
2317.02 of the Revised Code, the cleric could not testify with 287  
respect to that communication in a civil or criminal proceeding. 288

(c) The penitent in a cleric-penitent relationship 289  
described in division (A) (4) (b) of this section is deemed to 290  
have waived any testimonial privilege under division (C) of 291  
section 2317.02 of the Revised Code with respect to any 292  
communication the cleric receives from the penitent in that 293  
cleric-penitent relationship, and the cleric shall make a report 294  
pursuant to division (A) (4) (a) of this section with respect to 295  
that communication, if all of the following apply: 296

(i) The penitent, at the time of the communication, is a 297  
child under eighteen years of age or is a person under twenty- 298  
one years of age with a developmental disability or physical 299  
impairment. 300

(ii) The cleric knows, or has reasonable cause to believe 301  
based on facts that would cause a reasonable person in a similar 302  
position to believe, as a result of the communication or any 303  
observations made during that communication, the penitent has 304  
suffered or faces a threat of suffering any physical or mental 305  
wound, injury, disability, or condition of a nature that 306  
reasonably indicates abuse or neglect of the penitent. 307

(iii) The abuse or neglect does not arise out of the 308  
penitent's attempt to have an abortion performed upon a child 309  
under eighteen years of age or upon a person under twenty-one 310  
years of age with a developmental disability or physical 311  
impairment without the notification of her parents, guardian, or 312  
custodian in accordance with section 2151.85 of the Revised 313

Code. 314

(d) Divisions (A) (4) (a) and (c) of this section do not 315  
apply in a cleric-penitent relationship when the disclosure of 316  
any communication the cleric receives from the penitent is in 317  
violation of the sacred trust. 318

(e) As used in divisions (A) (1) and (4) of this section, 319  
"cleric" and "sacred trust" have the same meanings as in section 320  
2317.02 of the Revised Code. 321

(B) Anyone who knows, or has reasonable cause to suspect 322  
based on facts that would cause a reasonable person in similar 323  
circumstances to suspect, that a child under eighteen years of 324  
age, or a person under twenty-one years of age with a 325  
developmental disability or physical impairment, has suffered or 326  
faces a threat of suffering any physical or mental wound, 327  
injury, disability, or other condition of a nature that 328  
reasonably indicates abuse or neglect of the child may report or 329  
cause reports to be made of that knowledge or reasonable cause 330  
to suspect to the entity or persons specified in this division. 331  
Except as provided in section 5120.173 of the Revised Code, a 332  
person making a report or causing a report to be made under this 333  
division shall make it or cause it to be made to the public 334  
children services agency or to a municipal or county peace 335  
officer. In the circumstances described in section 5120.173 of 336  
the Revised Code, a person making a report or causing a report 337  
to be made under this division shall make it or cause it to be 338  
made to the entity specified in that section. 339

(C) Any report made pursuant to division (A) or (B) of 340  
this section shall be made forthwith either by telephone or in 341  
person and shall be followed by a written report, if requested 342  
by the receiving agency or officer. The written report shall 343

contain: 344

(1) The names and addresses of the child and the child's 345  
parents or the person or persons having custody of the child, if 346  
known; 347

(2) The child's age and the nature and extent of the 348  
child's injuries, abuse, or neglect that is known or reasonably 349  
suspected or believed, as applicable, to have occurred or of the 350  
threat of injury, abuse, or neglect that is known or reasonably 351  
suspected or believed, as applicable, to exist, including any 352  
evidence of previous injuries, abuse, or neglect; 353

(3) Any other information, including, but not limited to, 354  
results and reports of any medical examinations, tests, or 355  
procedures performed under division (D) of this section, that 356  
might be helpful in establishing the cause of the injury, abuse, 357  
or neglect that is known or reasonably suspected or believed, as 358  
applicable, to have occurred or of the threat of injury, abuse, 359  
or neglect that is known or reasonably suspected or believed, as 360  
applicable, to exist. 361

(D) (1) Any person, who is required by division (A) of this 362  
section to report child abuse or child neglect that is known or 363  
reasonably suspected or believed to have occurred, may take or 364  
cause to be taken color photographs of areas of trauma visible 365  
on a child and, if medically necessary for the purpose of 366  
diagnosing or treating injuries that are suspected to have 367  
occurred as a result of child abuse or child neglect, perform or 368  
cause to be performed radiological examinations and any other 369  
medical examinations of, and tests or procedures on, the child. 370

(2) The results and any available reports of examinations, 371  
tests, or procedures made under division (D) (1) of this section 372

shall be included in a report made pursuant to division (A) of 373  
this section. Any additional reports of examinations, tests, or 374  
procedures that become available shall be provided to the public 375  
children services agency, upon request. 376

(3) If a health care professional provides health care 377  
services in a hospital, children's advocacy center, or emergency 378  
medical facility to a child about whom a report has been made 379  
under division (A) of this section, the health care professional 380  
may take any steps that are reasonably necessary for the release 381  
or discharge of the child to an appropriate environment. Before 382  
the child's release or discharge, the health care professional 383  
may obtain information, or consider information obtained, from 384  
other entities or individuals that have knowledge about the 385  
child. Nothing in division (D) (3) of this section shall be 386  
construed to alter the responsibilities of any person under 387  
sections 2151.27 and 2151.31 of the Revised Code. 388

(4) A health care professional may conduct medical 389  
examinations, tests, or procedures on the siblings of a child 390  
about whom a report has been made under division (A) of this 391  
section and on other children who reside in the same home as the 392  
child, if the professional determines that the examinations, 393  
tests, or procedures are medically necessary to diagnose or 394  
treat the siblings or other children in order to determine 395  
whether reports under division (A) of this section are warranted 396  
with respect to such siblings or other children. The results of 397  
the examinations, tests, or procedures on the siblings and other 398  
children may be included in a report made pursuant to division 399  
(A) of this section. 400

(5) Medical examinations, tests, or procedures conducted 401  
under divisions (D) (1) and (4) of this section and decisions 402

regarding the release or discharge of a child under division (D) 403  
(3) of this section do not constitute a law enforcement 404  
investigation or activity. 405

(E) (1) When a municipal or county peace officer receives a 406  
report concerning the possible abuse or neglect of a child or 407  
the possible threat of abuse or neglect of a child, upon receipt 408  
of the report, the municipal or county peace officer who 409  
receives the report shall refer the report to the appropriate 410  
public children services agency. 411

(2) When a public children services agency receives a 412  
report pursuant to this division or division (A) or (B) of this 413  
section, upon receipt of the report, the public children 414  
services agency shall do both of the following: 415

(a) Comply with section 2151.422 of the Revised Code; 416

(b) If the county served by the agency is also served by a 417  
children's advocacy center and the report alleges sexual abuse 418  
of a child or another type of abuse of a child that is specified 419  
in the memorandum of understanding that creates the center as 420  
being within the center's jurisdiction, comply regarding the 421  
report with the protocol and procedures for referrals and 422  
investigations, with the coordinating activities, and with the 423  
authority or responsibility for performing or providing 424  
functions, activities, and services stipulated in the 425  
interagency agreement entered into under section 2151.428 of the 426  
Revised Code relative to that center. 427

(F) No township, municipal, or county peace officer shall 428  
remove a child about whom a report is made pursuant to this 429  
section from the child's parents, stepparents, or guardian or 430  
any other persons having custody of the child without 431

consultation with the public children services agency, unless, 432  
in the judgment of the officer, and, if the report was made by 433  
physician, the physician, immediate removal is considered 434  
essential to protect the child from further abuse or neglect. 435  
The agency that must be consulted shall be the agency conducting 436  
the investigation of the report as determined pursuant to 437  
section 2151.422 of the Revised Code. 438

(G) (1) Except as provided in section 2151.422 of the 439  
Revised Code or in an interagency agreement entered into under 440  
section 2151.428 of the Revised Code that applies to the 441  
particular report, the public children services agency shall 442  
investigate, within twenty-four hours, each report of child 443  
abuse or child neglect that is known or reasonably suspected or 444  
believed to have occurred and of a threat of child abuse or 445  
child neglect that is known or reasonably suspected or believed 446  
to exist that is referred to it under this section to determine 447  
the circumstances surrounding the injuries, abuse, or neglect or 448  
the threat of injury, abuse, or neglect, the cause of the 449  
injuries, abuse, neglect, or threat, and the person or persons 450  
responsible. The investigation shall be made in cooperation with 451  
the law enforcement agency and in accordance with the memorandum 452  
of understanding prepared under division (K) of this section. A 453  
representative of the public children services agency shall, at 454  
the time of initial contact with the person subject to the 455  
investigation, inform the person of the specific complaints or 456  
allegations made against the person. The information shall be 457  
given in a manner that is consistent with division (I) (1) of 458  
this section and protects the rights of the person making the 459  
report under this section. 460

A failure to make the investigation in accordance with the 461  
memorandum is not grounds for, and shall not result in, the 462



dismissal of any charges or complaint arising from the report or 463  
the suppression of any evidence obtained as a result of the 464  
report and does not give, and shall not be construed as giving, 465  
any rights or any grounds for appeal or post-conviction relief 466  
to any person. The public children services agency shall report 467  
each case to the uniform statewide automated child welfare 468  
information system that the department of job and family 469  
services shall maintain in accordance with section 5101.13 of 470  
the Revised Code. The public children services agency shall 471  
submit a report of its investigation, in writing, to the law 472  
enforcement agency. 473

(2) The public children services agency shall make any 474  
recommendations to the county prosecuting attorney or city 475  
director of law that it considers necessary to protect any 476  
children that are brought to its attention. 477

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 478  
(I) (3) of this section, any person, health care professional, 479  
hospital, institution, school, health department, or agency 480  
shall be immune from any civil or criminal liability for injury, 481  
death, or loss to person or property that otherwise might be 482  
incurred or imposed as a result of any of the following: 483

(i) Participating in the making of reports pursuant to 484  
division (A) of this section or in the making of reports in good 485  
faith, pursuant to division (B) of this section; 486

(ii) Participating in medical examinations, tests, or 487  
procedures under division (D) of this section; 488

(iii) Providing information used in a report made pursuant 489  
to division (A) of this section or providing information in good 490  
faith used in a report made pursuant to division (B) of this 491

section; 492

(iv) Participating in a judicial proceeding resulting from 493  
a report made pursuant to division (A) of this section or 494  
participating in good faith in a proceeding resulting from a 495  
report made pursuant to division (B) of this section. 496

(b) Immunity under division (H) (1) (a) (ii) of this section 497  
shall not apply when a health care provider has deviated from 498  
the standard of care applicable to the provider's profession. 499

(c) Notwithstanding section 4731.22 of the Revised Code, 500  
the physician-patient privilege shall not be a ground for 501  
excluding evidence regarding a child's injuries, abuse, or 502  
neglect, or the cause of the injuries, abuse, or neglect in any 503  
judicial proceeding resulting from a report submitted pursuant 504  
to this section. 505

(2) In any civil or criminal action or proceeding in which 506  
it is alleged and proved that participation in the making of a 507  
report under this section was not in good faith or participation 508  
in a judicial proceeding resulting from a report made under this 509  
section was not in good faith, the court shall award the 510  
prevailing party reasonable attorney's fees and costs and, if a 511  
civil action or proceeding is voluntarily dismissed, may award 512  
reasonable attorney's fees and costs to the party against whom 513  
the civil action or proceeding is brought. 514

(I) (1) Except as provided in divisions (I) (4) and (O) of 515  
this section, a report made under this section is confidential. 516  
The information provided in a report made pursuant to this 517  
section and the name of the person who made the report shall not 518  
be released for use, and shall not be used, as evidence in any 519  
civil action or proceeding brought against the person who made 520

the report. Nothing in this division shall preclude the use of 521  
reports of other incidents of known or suspected abuse or 522  
neglect in a civil action or proceeding brought pursuant to 523  
division (N) of this section against a person who is alleged to 524  
have violated division (A) (1) of this section, provided that any 525  
information in a report that would identify the child who is the 526  
subject of the report or the maker of the report, if the maker 527  
of the report is not the defendant or an agent or employee of 528  
the defendant, has been redacted. In a criminal proceeding, the 529  
report is admissible in evidence in accordance with the Rules of 530  
Evidence and is subject to discovery in accordance with the 531  
Rules of Criminal Procedure. 532

(2) (a) Except as provided in division (I) (2) (b) of this 533  
section, no person shall permit or encourage the unauthorized 534  
dissemination of the contents of any report made under this 535  
section. 536

(b) A health care professional that obtains the same 537  
information contained in a report made under this section from a 538  
source other than the report may disseminate the information, if 539  
its dissemination is otherwise permitted by law. 540

(3) A person who knowingly makes or causes another person 541  
to make a false report under division (B) of this section that 542  
alleges that any person has committed an act or omission that 543  
resulted in a child being an abused child or a neglected child 544  
is guilty of a violation of section 2921.14 of the Revised Code. 545

(4) If a report is made pursuant to division (A) or (B) of 546  
this section and the child who is the subject of the report dies 547  
for any reason at any time after the report is made, but before 548  
the child attains eighteen years of age, the public children 549  
services agency or municipal or county peace officer to which 550

the report was made or referred, on the request of the child 551  
fatality review board or the director of health pursuant to 552  
guidelines established under section 3701.70 of the Revised 553  
Code, shall submit a summary sheet of information providing a 554  
summary of the report to the review board of the county in which 555  
the deceased child resided at the time of death or to the 556  
director. On the request of the review board or director, the 557  
agency or peace officer may, at its discretion, make the report 558  
available to the review board or director. If the county served 559  
by the public children services agency is also served by a 560  
children's advocacy center and the report of alleged sexual 561  
abuse of a child or another type of abuse of a child is 562  
specified in the memorandum of understanding that creates the 563  
center as being within the center's jurisdiction, the agency or 564  
center shall perform the duties and functions specified in this 565  
division in accordance with the interagency agreement entered 566  
into under section 2151.428 of the Revised Code relative to that 567  
advocacy center. 568

(5) A public children services agency shall advise a 569  
person alleged to have inflicted abuse or neglect on a child who 570  
is the subject of a report made pursuant to this section, 571  
including a report alleging sexual abuse of a child or another 572  
type of abuse of a child referred to a children's advocacy 573  
center pursuant to an interagency agreement entered into under 574  
section 2151.428 of the Revised Code, in writing of the 575  
disposition of the investigation. The agency shall not provide 576  
to the person any information that identifies the person who 577  
made the report, statements of witnesses, or police or other 578  
investigative reports. 579

(J) Any report that is required by this section, other 580  
than a report that is made to the state highway patrol as 581

described in section 5120.173 of the Revised Code, shall result 582  
in protective services and emergency supportive services being 583  
made available by the public children services agency on behalf 584  
of the children about whom the report is made, in an effort to 585  
prevent further neglect or abuse, to enhance their welfare, and, 586  
whenever possible, to preserve the family unit intact. The 587  
agency required to provide the services shall be the agency 588  
conducting the investigation of the report pursuant to section 589  
2151.422 of the Revised Code. 590

(K) (1) Each public children services agency shall prepare 591  
a memorandum of understanding that is signed by all of the 592  
following: 593

(a) If there is only one juvenile judge in the county, the 594  
juvenile judge of the county or the juvenile judge's 595  
representative; 596

(b) If there is more than one juvenile judge in the 597  
county, a juvenile judge or the juvenile judges' representative 598  
selected by the juvenile judges or, if they are unable to do so 599  
for any reason, the juvenile judge who is senior in point of 600  
service or the senior juvenile judge's representative; 601

(c) The county peace officer; 602

(d) All chief municipal peace officers within the county; 603

(e) Other law enforcement officers handling child abuse 604  
and neglect cases in the county; 605

(f) The prosecuting attorney of the county; 606

(g) If the public children services agency is not the 607  
county department of job and family services, the county 608  
department of job and family services; 609

(h) The county humane society; 610

(i) If the public children services agency participated in 611  
the execution of a memorandum of understanding under section 612  
2151.426 of the Revised Code establishing a children's advocacy 613  
center, each participating member of the children's advocacy 614  
center established by the memorandum. 615

(2) A memorandum of understanding shall set forth the 616  
normal operating procedure to be employed by all concerned 617  
officials in the execution of their respective responsibilities 618  
under this section and division (C) of section 2919.21, division 619  
(B) (1) of section 2919.22, division (B) of section 2919.23, and 620  
section 2919.24 of the Revised Code and shall have as two of its 621  
primary goals the elimination of all unnecessary interviews of 622  
children who are the subject of reports made pursuant to 623  
division (A) or (B) of this section and, when feasible, 624  
providing for only one interview of a child who is the subject 625  
of any report made pursuant to division (A) or (B) of this 626  
section. A failure to follow the procedure set forth in the 627  
memorandum by the concerned officials is not grounds for, and 628  
shall not result in, the dismissal of any charges or complaint 629  
arising from any reported case of abuse or neglect or the 630  
suppression of any evidence obtained as a result of any reported 631  
child abuse or child neglect and does not give, and shall not be 632  
construed as giving, any rights or any grounds for appeal or 633  
post-conviction relief to any person. 634

(3) A memorandum of understanding shall include all of the 635  
following: 636

(a) The roles and responsibilities for handling emergency 637  
and nonemergency cases of abuse and neglect; 638

(b) Standards and procedures to be used in handling and 639  
coordinating investigations of reported cases of child abuse and 640  
reported cases of child neglect, methods to be used in 641  
interviewing the child who is the subject of the report and who 642  
allegedly was abused or neglected, and standards and procedures 643  
addressing the categories of persons who may interview the child 644  
who is the subject of the report and who allegedly was abused or 645  
neglected. 646

(4) If a public children services agency participated in 647  
the execution of a memorandum of understanding under section 648  
2151.426 of the Revised Code establishing a children's advocacy 649  
center, the agency shall incorporate the contents of that 650  
memorandum in the memorandum prepared pursuant to this section. 651

(5) The clerk of the court of common pleas in the county 652  
may sign the memorandum of understanding prepared under division 653  
(K)(1) of this section. If the clerk signs the memorandum of 654  
understanding, the clerk shall execute all relevant 655  
responsibilities as required of officials specified in the 656  
memorandum. 657

(L)(1) Except as provided in division (L)(4) or (5) of 658  
this section, a person who is required to make a report pursuant 659  
to division (A) of this section may make a reasonable number of 660  
requests of the public children services agency that receives or 661  
is referred the report, or of the children's advocacy center 662  
that is referred the report if the report is referred to a 663  
children's advocacy center pursuant to an interagency agreement 664  
entered into under section 2151.428 of the Revised Code, to be 665  
provided with the following information: 666

(a) Whether the agency or center has initiated an 667  
investigation of the report; 668

(b) Whether the agency or center is continuing to 669  
investigate the report; 670

(c) Whether the agency or center is otherwise involved 671  
with the child who is the subject of the report; 672

(d) The general status of the health and safety of the 673  
child who is the subject of the report; 674

(e) Whether the report has resulted in the filing of a 675  
complaint in juvenile court or of criminal charges in another 676  
court. 677

(2) A person may request the information specified in 678  
division (L)(1) of this section only if, at the time the report 679  
is made, the person's name, address, and telephone number are 680  
provided to the person who receives the report. 681

When a municipal or county peace officer or employee of a 682  
public children services agency receives a report pursuant to 683  
division (A) or (B) of this section the recipient of the report 684  
shall inform the person of the right to request the information 685  
described in division (L)(1) of this section. The recipient of 686  
the report shall include in the initial child abuse or child 687  
neglect report that the person making the report was so informed 688  
and, if provided at the time of the making of the report, shall 689  
include the person's name, address, and telephone number in the 690  
report. 691

Each request is subject to verification of the identity of 692  
the person making the report. If that person's identity is 693  
verified, the agency shall provide the person with the 694  
information described in division (L)(1) of this section a 695  
reasonable number of times, except that the agency shall not 696  
disclose any confidential information regarding the child who is 697



the subject of the report other than the information described 698  
in those divisions. 699

(3) A request made pursuant to division (L)(1) of this 700  
section is not a substitute for any report required to be made 701  
pursuant to division (A) of this section. 702

(4) If an agency other than the agency that received or 703  
was referred the report is conducting the investigation of the 704  
report pursuant to section 2151.422 of the Revised Code, the 705  
agency conducting the investigation shall comply with the 706  
requirements of division (L) of this section. 707

(5) A health care professional who made a report under 708  
division (A) of this section, or on whose behalf such a report 709  
was made as provided in division (A)(1)(c) of this section, may 710  
authorize a person to obtain the information described in 711  
division (L)(1) of this section if the person requesting the 712  
information is associated with or acting on behalf of the health 713  
care professional who provided health care services to the child 714  
about whom the report was made. 715

(M) The director of job and family services shall adopt 716  
rules in accordance with Chapter 119. of the Revised Code to 717  
implement this section. The department of job and family 718  
services may enter into a plan of cooperation with any other 719  
governmental entity to aid in ensuring that children are 720  
protected from abuse and neglect. The department shall make 721  
recommendations to the attorney general that the department 722  
determines are necessary to protect children from child abuse 723  
and child neglect. 724

(N) Whoever violates division (A) of this section is 725  
liable for compensatory and exemplary damages to the child who 726

would have been the subject of the report that was not made. A 727  
person who brings a civil action or proceeding pursuant to this 728  
division against a person who is alleged to have violated 729  
division (A) (1) of this section may use in the action or 730  
proceeding reports of other incidents of known or suspected 731  
abuse or neglect, provided that any information in a report that 732  
would identify the child who is the subject of the report or the 733  
maker of the report, if the maker is not the defendant or an 734  
agent or employee of the defendant, has been redacted. 735

(O) (1) As used in this division: 736

(a) "Out-of-home care" includes a nonchartered nonpublic 737  
school if the alleged child abuse or child neglect, or alleged 738  
threat of child abuse or child neglect, described in a report 739  
received by a public children services agency allegedly occurred 740  
in or involved the nonchartered nonpublic school and the alleged 741  
perpetrator named in the report holds a certificate, permit, or 742  
license issued by the state board of education under section 743  
3301.071 or Chapter 3319. of the Revised Code. 744

(b) "Administrator, director, or other chief 745  
administrative officer" means the superintendent of the school 746  
district if the out-of-home care entity subject to a report made 747  
pursuant to this section is a school operated by the district. 748

(2) No later than the end of the day following the day on 749  
which a public children services agency receives a report of 750  
alleged child abuse or child neglect, or a report of an alleged 751  
threat of child abuse or child neglect, that allegedly occurred 752  
in or involved an out-of-home care entity, the agency shall 753  
provide written notice of the allegations contained in and the 754  
person named as the alleged perpetrator in the report to the 755  
administrator, director, or other chief administrative officer 756

of the out-of-home care entity that is the subject of the report 757  
unless the administrator, director, or other chief 758  
administrative officer is named as an alleged perpetrator in the 759  
report. If the administrator, director, or other chief 760  
administrative officer of an out-of-home care entity is named as 761  
an alleged perpetrator in a report of alleged child abuse or 762  
child neglect, or a report of an alleged threat of child abuse 763  
or child neglect, that allegedly occurred in or involved the 764  
out-of-home care entity, the agency shall provide the written 765  
notice to the owner or governing board of the out-of-home care 766  
entity that is the subject of the report. The agency shall not 767  
provide witness statements or police or other investigative 768  
reports. 769

(3) No later than three days after the day on which a 770  
public children services agency that conducted the investigation 771  
as determined pursuant to section 2151.422 of the Revised Code 772  
makes a disposition of an investigation involving a report of 773  
alleged child abuse or child neglect, or a report of an alleged 774  
threat of child abuse or child neglect, that allegedly occurred 775  
in or involved an out-of-home care entity, the agency shall send 776  
written notice of the disposition of the investigation to the 777  
administrator, director, or other chief administrative officer 778  
and the owner or governing board of the out-of-home care entity. 779  
The agency shall not provide witness statements or police or 780  
other investigative reports. 781

(P) As used in this section: 782

(1) "Children's advocacy center" and "sexual abuse of a 783  
child" have the same meanings as in section 2151.425 of the 784  
Revised Code. 785

(2) "Health care professional" means an individual who 786

provides health-related services including a physician, hospital 787  
intern or resident, dentist, podiatrist, registered nurse, 788  
licensed practical nurse, visiting nurse, licensed psychologist, 789  
speech pathologist, audiologist, person engaged in social work 790  
or the practice of professional counseling, and employee of a 791  
home health agency. "Health care professional" does not include 792  
a practitioner of a limited branch of medicine as specified in 793  
section 4731.15 of the Revised Code, licensed school 794  
psychologist, independent marriage and family therapist or 795  
marriage and family therapist, or coroner. 796

(3) "Investigation" means the public children services 797  
agency's response to an accepted report of child abuse or 798  
neglect through either an alternative response or a traditional 799  
response. 800

Sec. 2151.4210. (A) As used in this section, "armed 801  
forces" has the same meaning as in section 5903.01 of the 802  
Revised Code. 803

(B) A public children services agency that is 804  
investigating a report of child abuse or neglect shall determine 805  
if the person alleged to have inflicted the abuse or neglect is 806  
serving in the armed forces. Notwithstanding division (I) of 807  
section 2151.421 of the Revised Code, if the agency determines 808  
that the person is serving in the armed forces, it shall notify 809  
the department of defense family advocacy program that the 810  
person is alleged to have inflicted abuse or neglect on the 811  
child that is the subject of the report. 812

Sec. 2919.252. (A) As used in this section: 813

(1) "Peace officer" has the same meaning as in section 814  
2935.01 of the Revised Code. 815

(2) "Armed forces" has the same meaning as in section 816  
5903.01 of the Revised Code. 817

(B) A peace officer investigating an alleged violation of 818  
section 2919.25 of the Revised Code shall determine if the 819  
person alleged to have committed the violation serves in the 820  
armed forces. If the officer determines that the person serves 821  
in the armed forces, the officer shall notify the department of 822  
defense family advocacy program that the person is alleged to 823  
have committed a violation of that section. 824

**Sec. 4757.10.** (A) The counselor, social worker, and 825  
marriage and family therapist board may adopt any rules 826  
necessary to carry out this chapter. 827

(B) The board shall adopt rules that do all of the 828  
following: 829

~~(A)~~ (1) Concern intervention for and treatment of any 830  
impaired person holding a license or certificate of registration 831  
issued under this chapter; 832

~~(B)~~ (2) Establish standards for training and experience of 833  
supervisors described in division (C) of section 4757.30 of the 834  
Revised Code; 835

~~(C)~~ (3) Define the requirement that an applicant be of 836  
good moral character in order to be licensed or registered under 837  
this chapter; 838

~~(D)~~ (4) Establish requirements for criminal records checks 839  
of applicants under section 4776.03 of the Revised Code; 840

~~(E)~~ (5) Establish a graduated system of fines based on the 841  
scope and severity of violations and the history of compliance, 842  
not to exceed five hundred dollars per incident, that any 843

professional standards committee of the board may charge for a 844  
disciplinary violation described in section 4757.36 of the 845  
Revised Code; 846

~~(F)~~ (6) Establish the amount and content of corrective 847  
action courses required by the board under section ~~4755.36~~ 848  
4757.36 of the Revised Code; 849

~~(G)~~ (7) Provide for voluntary registration of all of the 850  
following: 851

~~(1)~~ (a) Master's level counselor trainees enrolled in 852  
practice and internships; 853

~~(2)~~ (b) Master's level social worker trainees enrolled in 854  
fieldwork, practice, and internships; 855

~~(3)~~ (c) Master's level marriage and family therapist 856  
trainees enrolled in practice and internships. 857

(8) Establish a schedule of deadlines for renewal. 858

(C) Rules adopted under division ~~(G)~~ (B) (7) of this 859  
section shall not require a trainee to register with the board, 860  
and if a trainee has not registered, shall prohibit any adverse 861  
effect with respect to a trainee's application for licensure by 862  
the board. 863

(D) All rules adopted under this section shall be adopted 864  
in accordance with Chapter 119. of the Revised Code. When it 865  
adopts rules under this section or any other section of this 866  
chapter, the board may consider standards established by any 867  
national association or other organization representing the 868  
interests of those involved in professional counseling, social 869  
work, or marriage and family therapy. 870

**Sec. 4757.13.** ~~(A) Each individual who engages in the~~ 871

~~practice of professional counseling, social work, or marriage  
and family therapy shall prominently display, in a conspicuous  
place in the office or place where a major portion of the  
individual's practice is conducted, and in such a manner as to  
be easily seen and read, the license granted to the individual  
by the state counselor, social worker, and marriage and family  
therapist board.~~

~~(B)~~ A person holding a license holder issued under this  
chapter who is engaged in a private individual practice,  
partnership, or group practice shall prominently display the  
license holder's fee schedule in the office or place where a  
major portion of the license holder's practice is conducted. The  
bottom of the first page of the fee schedule shall include the  
following statement, which shall be followed by the name,  
address, and telephone number of the board:

"This information is required by the Counselor, Social  
Worker, and Marriage and Family Therapist Board, which regulates  
the practices of professional counseling, social work, and  
marriage and family therapy in this state."

**Sec. 4757.32.** A license or certificate of registration  
issued under this chapter ~~expires two years after it is issued~~  
~~and is valid without further recommendation or examination until~~  
revoked or suspended or until the license or certificate of  
registration expires for failure to renew as provided for in  
this section. Licenses and certificates of registration shall be  
renewed biennially in accordance with the schedule established  
in rules adopted by the counselor, social worker, and marriage  
and family therapist board under section 4757.10 of the Revised  
Code. A license or certificate of registration may be renewed in  
accordance with the standard renewal procedure established under

Chapter 4745. of the Revised Code. 902

Subject to section 4757.36 of the Revised Code, the staff 903  
of the appropriate professional standards committee of the 904  
~~counselor, social worker, and marriage and family therapist~~ 905  
board shall, on behalf of each committee, issue a renewed 906  
license or certificate of registration to each applicant who has 907  
paid the renewal fee established by the board under section 908  
4757.31 of the Revised Code and satisfied the continuing 909  
education requirements established by the board under section 910  
4757.33 of the Revised Code. 911

A license or certificate of registration that is not 912  
renewed lapses on its expiration date. A license or certificate 913  
of registration that has lapsed may be restored if the 914  
individual, not later than two years after the license or 915  
certificate expired, applies for restoration of the license or 916  
certificate. The staff of the appropriate professional standards 917  
committee shall issue a restored license or certificate of 918  
registration to the applicant if the applicant pays the renewal 919  
fee established under section 4757.31 of the Revised Code and 920  
satisfies the continuing education requirements established 921  
under section 4757.33 of the Revised Code for restoring the 922  
license or certificate of registration. The board and its 923  
professional standards committees shall not require a person to 924  
take an examination as a condition of having a lapsed license or 925  
certificate of registration restored. 926

**Sec. 4757.33.** (A) Except as provided in division (B) of 927  
this section, each person who holds a license ~~or certificate of~~ 928  
~~registration~~ issued under this chapter shall complete during the 929  
period that the license ~~or certificate~~ is in effect not less 930  
than thirty clock hours of continuing professional education as 931



a condition of receiving a renewed license~~or certificate~~. To 932  
Except as provided in division (B) of this section, each person 933  
who holds a certificate of registration as a social work 934  
assistant shall complete during the period the certificate is in 935  
effect fifteen clock hours of continuing professional education 936  
as a condition of receiving a renewed certificate of 937  
registration. 938

To have a lapsed license or certificate of registration 939  
restored, a person shall complete the number of hours of 940  
continuing education specified by the counselor, social worker, 941  
and marriage and family therapist board in rules it shall adopt 942  
in accordance with Chapter 119. of the Revised Code. 943

The professional standards committees of the counselor, 944  
social worker, and marriage and family therapist board shall 945  
adopt rules in accordance with Chapter 119. of the Revised Code 946  
establishing standards and procedures to be followed by the 947  
committees in conducting the continuing education approval 948  
process, which shall include registering individuals and 949  
entities to provide continuing education programs approved by 950  
the board. 951

(B) The board may waive the continuing education 952  
requirements established under this section for persons who are 953  
unable to fulfill them because of military service, illness, 954  
residence abroad, or any other reason the committee considers 955  
acceptable. 956

**Section 2.** That existing sections 959.99, 2151.421, 957  
4757.10, 4757.13, 4757.32, and 4757.33 of the Revised Code are 958  
hereby repealed. 959

**Section 3.** A license or certificate of registration issued 960

under Chapter 4757. of the Revised Code that is in effect on the 961  
effective date of this act shall continue in effect until the 962  
first biennial renewal date established by the Counselor, Social 963  
Worker, and Marriage and Family Therapist Board pursuant to 964  
sections 4757.10 and 4757.32 of the Revised Code, as amended by 965  
this act. No license or certificate of registration in effect on 966  
the effective date of this act is valid for more than three 967  
years after the effective date of this act. 968

**Section 4.** The General Assembly, applying the principle 969  
stated in division (B) of section 1.52 of the Revised Code that 970  
amendments are to be harmonized if reasonably capable of 971  
simultaneous operation, finds that the composite of the sections 972  
as amended by the acts indicated, are the resulting version of 973  
the sections in effect prior to the effective date of the 974  
sections as presented in this act: 975

Section 959.99 of the Revised Code as amended by both Sub. 976  
H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. 977

Section 2151.421 of the Revised Code as amended by both 978  
Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 979  
Assembly. 980