

R.C. § 2151.421



Baldwin's Ohio Revised Code Annotated [Currentness](#)

Title XXI. Courts--Probate--Juvenile

[Chapter 2151. Juvenile Courts--General Provisions \(Refs & Annos\)](#)

[General Provisions](#)

→2151.421 Persons required to report injury or neglect; procedures on receipt of report

(A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the entity or persons specified in this division. Except as provided in [section 5120.173 of the Revised Code](#), the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in [section 5120.173 of the Revised Code](#), the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in [section 4731.15 of the Revised Code](#); registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; or employee of the department of mental retardation and developmental disabilities.

(2) An attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of [section 2317.02 of the Revised Code](#), the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of [section 2317.02 of the Revised Code](#) with respect to that communication and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The attorney-client or physician-patient relationship does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with [section 2151.85 of the Revised Code](#).

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(B) Anyone, who knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or suspicion to the entity or persons specified in this division. Except as provided in [section 5120.173 of the Revised Code](#), a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in [section 5120.173 of the Revised Code](#), a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

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

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

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in [section 2151.425 of the Revised Code](#).

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

(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 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.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to [section 2151.422 of the Revised Code](#).

(F)(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

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shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect 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 division (J) of this section. 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 (H)(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 a central registry which the department of job and family services shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. 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.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, 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 the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding [section 4731.22 of the Revised Code](#), the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

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

(H)(1) Except as provided in divisions (H)(4) and (M) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

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

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

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request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under [section 2151.428 of the Revised Code](#) relative to that advocacy center.

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

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

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

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

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of [section 2919.21](#), [division \(B\)\(1\) of section 2919.22](#), [division \(B\) of section 2919.23](#), and [section 2919.24 of the Revised Code](#) and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a

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child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum 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.

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

- (a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;
- (b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child 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.

(4) 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.

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

- (a) Whether the agency or center has initiated an investigation of the report;
- (b) Whether the agency or center is continuing to investigate the report;
- (c) Whether the agency or center is otherwise involved with the child who is the subject of the report;
- (d) The general status of the health and safety of the child who is the subject of the report;
- (e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

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

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

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

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

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to [section 2151.422 of the Revised Code](#), the agency conducting the investigation shall comply with

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the requirements of division (K) of this section.

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

(M)(1) As used in this division:

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

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

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

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

([2004 S 66, eff. 5-6-05](#); [2004 S 185, eff. 4-11-05](#); [2004 H 106, eff. 9-16-04](#); [2004 S 178, eff. 1-30-04](#); [2002 S 221, eff. 4-9-03](#); [2002 H 374, eff. 4-7-03](#); [2002 H 510, eff. 3-31-03](#); [2000 H 448, eff. 10-5-00](#); [1999 H 471, eff. 7-1-00](#); [1998 H 606, eff. 3-9-99](#); [1998 S 212, eff. 9-30-98](#); [1997 H 408, eff. 10-1-97](#); [1997 H 215, eff. 6-30-97](#); [1996 S 223, eff. 3-18-97](#); [1996 S 269, eff. 7-1-96](#); [1996 H 274, eff. 8-8-96](#); [1992 H 154, eff. 7-31-92](#); [1990 S 3, H 44](#); [1989 H 257](#); 1986 H 529, H 528; 1985 H 349; 1984 S 321; 1977 H 219; 1975 H 85; 1969 H 338, S 49; 131 v H 218; 130 v H 765)

UNCODIFIED LAW

1999 H 121, § 3: See Uncodified Law under Ch 3314.

1990 S 3, § 6, eff. 4-11-91, reads: Each county shall amend its county plan of cooperation to comply with division (J) of section 2151.421 of the Revised Code, as amended by this act, when the plan is regularly scheduled to be revised. Prior to that time, the county does not have to amend its plan of cooperation; however, the appropriate officials of the county shall comply with division (J) of section 2151.421 of the Revised Code, as amended by this act, to the greatest extent possible.

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HISTORICAL AND STATUTORY NOTES

Ed. Note: The legal review and technical services staff of the Legislative Service Commission has issued an opinion regarding the treatment of multiple amendments [2004 S 66, eff. 5-6-05 and 2004 S 185, eff. 4-11-05] under [R.C. 1.52](#). The opinions are neither legally authoritative nor binding, but are provided as a general indication that the amendments of the several acts [2004 S 66, eff. 5-6-05 and 2004 S 185, eff. 4-11-05] may be included pursuant to the [R.C. 1.52\(B\)](#) rule of construction which requires all the amendments to be given effect if they can reasonably be put into simultaneous operation. See *Baldwin's Ohio Legislative Service Annotated*, 2004, pages 11/L-2472 and 11/L-2005, or the OH-LEGIS or OH-LEGIS-OLD database on Westlaw, for original versions of these Acts.

Amendment Note: 2004 S 66 redesignated division (D)(1); inserted the first sentence in division (D); substituted "do both of the following" for "comply" in division (D)(2); designated division (D)(2)(a); added division (D)(2)(b) and inserted "Comply" in division (D)(2)(a); inserted "or in an interagency agreement entered into under [section 2151.428 of the Revised Code](#) that applies to the particular report" in division (F)(1); added the last sentence in division (H)(4); inserted ", including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under [section 2151.428 of the Revised Code](#)," in division (H)(5); added division (j)(1)(i) and division (J)(4); inserted ", or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under [section 2151.428 of the Revised Code](#)," in division (K)(1); inserted "or center" in divisions (K)(1)(a)-(c); and made other nonsubstantive changes.

Amendment Note: 2004 S 185 added "A representative of the public children services agency shall, at the time of initial contract 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 (H)(1) of this section and protects the rights of the person making the report under this section." in division (F)(1); and inserted "A" at the beginning of the next paragraph.

Amendment Note: 2004 H 106 deleted ", and (N)" in division (H)(1); added divisions (M)(1), (M)(1)(a) and (M)(1)(b); and designated division (M)(2) and redesignated former division (N) as new division (M)(3).

Amendment Note: 2004 S 178 inserted "; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; or employee of the department of mental retardation and developmental disabilities" at the end of division (A)(1)(b).

Amendment Note: 2002 S 221 added "agent of a county humane society;" to division (A)(1)(b); and added division (J)(1)(h).

Amendment Note: 2002 H 374 inserted "independent marriage and family therapist or marriage and family therapist;" preceding "speech pathologist" in division (A)(1)(b).

Amendment Note: 2002 H 510 inserted "to the entity or persons specified in this division. Except as provided in [section 5120.173 of the Revised Code](#), the person making the report shall make it" and "In the circumstances described in [section 5120.173 of the Revised Code](#), the person making the report shall make it to the entity specified in that section." in division (A)(1)(a); inserted "to the entity or persons specified in this division. Except as provided in [section 5120.173 of the Revised Code](#), a person making a report or causing a report to be made under this division shall make it or cause it to be made" and "In the circumstances described in [section 5120.173 of the Revised Code](#), a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section." to division (B); substituted "When a municipal or county peace officer receives" with "Upon the receipt of" and inserted "upon receipt of the report," in division (D)(1); substituted "When a public children services agency receives" for "On receipt of" and inserted "upon receipt of the report," in division (D)(2); and inserted ", other than a report that is made to the state highway patrol as described in [section 5120.173 of the Revised Code](#)," in division (I).

Amendment Note: 2000 H 448 added new division (H)(4); redesignated former division (H)(4) as new division

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(H)(5); and inserted "in writing" in new division (H)(5).

Amendment Note: 1999 H 471 substituted "department of job and family services" for "state department of human services" in division (F)(1); substituted "job and family" for "human" twice in division (J)(1)(g); substituted "director of job and family services" for "department of human services" and inserted "of job and family services" in division (L); and made other nonsubstantive changes.

Amendment Note: 1998 H 606 deleted "or surgery" after "limited branch of medicine" and substituted "specified" for "defined" in division (A)(1)(b); designated divisions (G)(1)(a) and (G)(1)(b); and made other nonsubstantive changes.

Amendment Note: 1998 S 212 deleted "listed" following "No person described" in division (A)(1)(a); inserted "administrator or employee of a residential camp or child day camp;" in division (A)(1)(b); deleted "public" following "attorney of the county;" in division (J)(1)(f); deleted "agency" following "of human services" in division (J)(1)(g); and made other nonsubstantive changes.

Amendment Note: 1997 H 408 rewrote division (A)(1); changed references to county human services departments and county children services boards to references to public children services agencies throughout; and made corrective changes and other nonsubstantive changes. Prior to amendment, division (A)(1) read:

"(A)(1) No attorney, physician, including a hospital intern or resident, dentist, podiatrist, practitioner of a limited branch of medicine or surgery as defined in [section 4731.15 of the Revised Code](#), registered nurse, licensed practical nurse, visiting nurse, other health care professional, licensed psychologist, licensed school psychologist, speech pathologist or audiologist, coroner, administrator or employee of a child day care center, administrator or employee of a certified child care agency or other public or private children services agency, school teacher, school employee, school authority, person engaged in social work or the practice of professional counseling, or person rendering spiritual treatment through prayer in accordance with the tenets of a well recognized religion, who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the children services board, the county department of human services exercising the children services function, or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred."

Amendment Note: 1997 H 215 rewrote this section; see *Baldwin's Ohio Legislative Service Annotated*, 1997, page 8/L-1492, or the OH-LEGIS or OH-LEGIS-OLD database on Westlaw, for text of previous version.

Amendment Note: 1996 S 223 substituted "person engaged in social work or the practice of professional counseling," for "social worker, licensed professional counselor," in division (A)(1); added the reference to township peace officers in division (E); rewrote division (K); and made changes to reflect gender neutral language and other nonsubstantive changes. Prior to amendment, division (K) read:

"(K)(1) When a municipal or county peace officer or an employee of a county department of human services or children services board receives a report pursuant to division (A) or (B) of this section, the person who receives the report, at the time he receives the report, shall inform the person making the report that, if the person making the report is required to make the report pursuant to division (A) of this section and if he provides his name, address, and telephone number at the time he makes the report, subject to verification of his identity, he may make a reasonable number of requests of the county department of human services or children services board that receives or is referred the report to provide him with the following information:

"(a) Whether the department or board has initiated an investigation of the report;

"(b) Whether the department or board is continuing to investigate the report;

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"(c) Whether the department or board is otherwise involved with the child who is the subject of the report;

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

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

"(2) Any municipal or county peace officer or employee of a county department of human services or children services board who informs a person making a report pursuant to division (A) or (B) of this section of the person's right to request the information described in divisions (K)(1)(a) to (e) of this section shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

"(3) Any person, who is required to make a report pursuant to division (A) of this section and who provides his name, address, and telephone number at the time he makes the report, may make a reasonable number of requests of the county department of human services or children services board that receives or is referred the report to provide him with the information described in divisions (K)(1)(a) to (e) of this section. Each request is subject to verification of the person's identity. A request made pursuant to division (K)(3) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

"(4) If the county department of human services or children services board receives or is referred a report pursuant to this section, if the person making the report is required to make the report pursuant to division (A) of this section, if that person provides his name, address, and telephone number at the time he makes the report, if that person requests the department or board to provide the information described in divisions (K)(1)(a) to (e) of this section, and if that person's identity is verified, the department or board shall provide the person with the information described in divisions (K)(1)(a) to (e) of this section a reasonable number of times, except that the department or board shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions."

Amendment Note: 1996 S 269 changed a statutory reference from "division (B) of [section 2919.21](#)" to "division (C) of [section 2919.21](#)" in division (J); made changes to reflect gender neutral language; and made other nonsubstantive changes.

Amendment Note: 1996 H 274 substituted "mentally retarded, developmentally disabled, or physically impaired person" for "physically or mentally handicapped person" throughout; inserted "Except as provided in division (H)(4) of this section," in division (H)(1); added division (H)(4); added the second and third sentences in division (L); added divisions (M) and (N); and made changes to reflect gender neutral language.

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Abuse or neglect of minor inmate to be reported to state highway patrol, [5120.173](#)

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Certification of Type B family day-care homes, inspections, [5104.11](#)

Child abuse prevention, in-service training for school employees, [3319.073](#)

Community schools, required terms of contracts, [3314.03](#)

County children services boards, powers and duties, [5153.16](#)

Disclosure of information relevant to evaluation of fitness of applicant for type A family day-care home or

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type B family day-care home, [5153.175](#)

Evidence, privileged communications and acts, duty to report child abuse, [2317.02](#)

Failure to report a felony or certain suspicious circumstances, [2921.22](#)

Filing of power of attorney or affidavit with juvenile court, accompanying information, report to public children services agency, investigation, [3109.74](#)

Memorandum of understanding to outline normal operating procedure, [5126.058](#)

Mental retardation and developmental disabilities department, investigation of abuse or neglect by employees, [5123.51](#)

Outpatient mental health services for minors, obligations of mental health professionals, [5122.04](#)

Petition alleging domestic violence against minor children, [3113.31](#)

Prevention of child abuse and child neglect, [3109.13](#) to [3109.18](#)

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PCSA requirements for conducting out-of-home perpetrator investigations and alleged child victim assessments, [OAC 5101:2-34-36](#)

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[OH Jur. 3d Family Law § 1477](#), Immunity of Maker of Report.

[OH Jur. 3d Family Law § 1478](#), Who May Claim Immunity.

[OH Jur. 3d Family Law § 1479](#), Who May Not Claim Immunity.

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[1](#). Constitutional issues

Expense and inconvenience incurred by father in defending against child abuse allegations brought by state social services agency and agency employees, and humiliation and injury to father's reputation occasioned by such conduct, did not amount to taking of liberty or property interest required to support procedural due process claim under federal civil rights statute. [Roe v. Franklin Cty. \(Ohio App. 10 Dist., 03-12-1996\) 109 Ohio App.3d 772, 673 N.E.2d 172](#), appeal not allowed [77 Ohio St.3d 1415, 670 N.E.2d 1003](#). Constitutional Law  274(5); Infants  17

The absolute immunity granted to persons **reporting** alleged **child abuse** to certain government agencies under RC 2151.421(G) does not deny equal protection or due process to persons falsely accused of **child abuse** or violate the due course of law provisions of [O Const I § 16](#); the statute is rationally related to the legitimate state interest of encouraging such reports, and those accused in such reports are not denied access to the courts to defend against false allegations. [Cudlin v. Cudlin \(Cuyahoga 1990\) 64 Ohio App.3d 249, 580 N.E.2d 1170](#).

The fact that an individual charged with child mistreatment cannot discover records of a state protective service agency that investigated the matter, because the records are privileged information under state law, does not violate the defendant's Sixth Amendment rights to confront witnesses or to compel the attendance of witnesses whose existence could conceivably be discovered from the files; where the statute confers only a qualified privilege, however, due process requires that the trial judge review the records in camera for material information, at the defendant's request. (Ed. note: Pennsylvania statute construed in light of federal constitution.) [Pennsylvania v. Ritchie \(U.S.Pa. 1987\) 107 S.Ct. 989, 480 U.S. 39, 94 L.Ed.2d 40](#).

Venue provisions of bypass procedure under Ohio parental notification of abortion statute permitted minor fearing disclosure of her activities to travel to any county in state to initiate bypass proceeding and to have abortion performed and thus did not violate minor's due process right to confidentiality. [Akron Center for Reproductive Health v. Slaby \(C.A.6 \(Ohio\) 1988\) 854 F.2d 852](#), probable jurisdiction noted [109 S.Ct. 3239, 492 U.S. 916, 106 L.Ed.2d 586](#), reversed [110 S.Ct. 2972, 497 U.S. 502, 111 L.Ed.2d 405](#), on remand [911 F.2d 731](#), on remand [911 F.2d 733](#). Abortion And Birth Control  1.30; Constitutional Law  274(5)


State's statutory framework for investigating allegations of child abuse and neglect, including statute requiring county agency to investigate report of known or suspected abuse within 24 hours, did not supersede county social workers' obligations under Fourth Amendment so as to permit social workers' warrantless entry into private residence that was subject of anonymous report of unsafe conditions; report could have been investigated in accordance with Fourth Amendment, and social worker admitted that she fulfilled her statutory duty to commence investigation by making appointment with health inspector to visit home. [Walsh v. Erie County Dept. of Job and Family Services \(N.D. Ohio, 01-22-2003\) 240 F.Supp.2d 731](#). Infants  17

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A father whose visitation rights are denied because of his former wife's false accusations of child abuse has no liberty interest in continued companionship and association with his child under the federal constitution that is cognizable in a civil rights suit under [42 USC 1983](#) or [1985](#). [Norton v. Cobb \(N.D. Ohio 1990\) 744 F.Supp. 798](#).


A social service agency worker interviewing a person suspected of sexually molesting a child is not a law enforcement officer or agent where the social worker interviews the suspect after an interview with a deputy sheriff at the social service agency at the request of the suspect; thus, the social worker need not advise the "suspect" of his right to remain silent prior to recommencing the interview. [State v Simpson, No. 1706 \(4th Dist Ct App, Ross, 2-24-92\)](#).


2. Public children's services agency duty and authority


Mother's communications to mental health counselor, which included statements that she had violently shaken child and had fantasies about causing her further harm, fell within exception to statutory privilege and were thus admissible in dependency proceeding, since they constituted indications of past **child abuse** and came within mandatory **reporting** law. [In re Hauenstein \(Ohio App. 3 Dist., Hancock, 06-07-2004\) No. 5-03-38, No. 5-03-39, 2004-Ohio-2915, 2004 WL 1238288](#), Unreported. Witnesses  214.5


With the exception of initial child abuse reports made to peace officers, RC 2151.421 applies only to social service agency reports and does not prohibit the disclosure of criminal investigatory reports prepared by a law enforcement agency incident to the prosecution of a father for the murder of his infant when such documents are sought pursuant to [RC 149.43](#) or in a public records mandamus action. [State ex rel. Munici v. Kovacic \(Ohio App. 8 Dist., Cuyahoga, 06-15-1994\) No. 64818, 1994 WL 264265](#), Unreported.

Portions of city's police investigatory reports which referred to initial reports, to public children services agency, of suspected abuse of a child by police officers and of another child by two juveniles, were confidential, under the **child-abuse reporting** statute, and therefore were not subject to disclosure to newspaper publisher and reporter. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  133


The authority and responsibility, under the **child-abuse reporting** statute, to conduct investigations of suspected abuse and to submit the necessary reports are vested solely in the children services agency, in cooperation with law enforcement agencies, and this responsibility may not be delegated to another agency, whether that agency is public or private. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  17


Police investigatory reports are generally not confidential **child-abuse** investigatory reports under the **child-abuse reporting** statute, even if they are prepared by the police pursuant to a memorandum of understanding with a public children services agency. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  133


Statute imposing duty on public children services agencies to investigate reports of known or suspected child abuse within twenty-four hours did not expressly impose liability on county children services board (CSB) and its employees for failure to investigate child abuse, and, thus, sovereign immunity precluded their liability in wrongful death action alleging that CSB knew or should have known about mother's previous acts of violence against her children, and that its negligent failure to investigate and remove child from mother's custody was proximate cause of child's death from injuries inflicted by mother; abrogating [Rich v Erie Cty. Dept. of Human Resources, 106 Ohio App.3d 88, 665 N.E.2d 278](#), [Crago v. Lorain Cty. Comms., 69 Ohio App.3d 24, 590 N.E.2d 15](#), and [Reed v. Perry Cty. Children's Serv., 1993 WL 274299](#). [Marshall v. Montgomery Cty. Children Serv. Bd. \(Ohio, 07-25-2001\) 92 Ohio St.3d 348, 750 N.E.2d 549, 2001-Ohio-209](#). Infants  17


In civil proceeding, records and reports compiled by departments of human services and children's services boards regarding allegations of child abuse are confidential and privileged. [Johnson v. Johnson \(Ohio App. 3 Dist., 03- 05-1999\) 134 Ohio App.3d 579, 731 N.E.2d 1144](#). Infants  133


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Compelling interest in protecting child's health and welfare overrode statutory confidentiality of records maintained by county Department of Human Services (DHS) concerning investigation into allegations of sexual abuse by former wife's boyfriend, on former wife's motion for change of custody of child; records were relevant to pending motion, good cause for request was established, and need for records outweighed statutory confidentiality considerations. [Johnson v. Johnson \(Ohio App. 3 Dist., 03-05-1999\) 134 Ohio App.3d 579, 731 N.E.2d 1144](#). Infants  133


Statutory protection against the use of reports of suspected child abuse in civil action against persons making the reports does not apply only to reports prepared by a children services agency, but extends to reports provided to such an agency from outside sources. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  13

County agency could be held liable under state tort law for decision to return three-year-old child to mother's custody after removing child based on reports of abuse by mother's live-in companion, if action showed a failure to investigate reports of abuse or neglect or showed a reckless and wanton disregard for rights of child, who subsequently died from burns inflicted by mother's companion. [Rich v. Erie Cty. Dept. of Human Resources \(Ohio App. 6 Dist., 08-25-1995\) 106 Ohio App.3d 88, 665 N.E.2d 278](#), dismissed, appeal not allowed [74 Ohio St.3d 1498, 659 N.E.2d 314](#). Infants  17

County agency that returned three-year-old child to mother's custody after removing child based on reports of abuse by mother's live-in companion did not violate responsibility to investigate abuse reports or show a willful, reckless, or wanton disregard of child's rights, though department failed to file complaint, and though returning child was tragic mistake because child subsequently died from burns inflicted by mother's companion; department investigated abuse reports before removing child and sought to ameliorate problem by requiring parenting classes, and many of the procedural steps which department failed to follow, such as filing complaint, were clearly discretionary. [Rich v. Erie Cty. Dept. of Human Resources \(Ohio App. 6 Dist., 08-25-1995\) 106 Ohio App.3d 88, 665 N.E.2d 278](#), dismissed, appeal not allowed [74 Ohio St.3d 1498, 659 N.E.2d 314](#). Infants  17


When state voluntarily undertakes to protect neglected children from harm, it may also acquire a duty under state tort law to provide child with adequate protection and may be liable for doing so in a negligent fashion. [Rich v. Erie Cty. Dept. of Human Resources \(Ohio App. 6 Dist., 08-25-1995\) 106 Ohio App.3d 88, 665 N.E.2d 278](#), dismissed, appeal not allowed [74 Ohio St.3d 1498, 659 N.E.2d 314](#). States  112.2(1)

Duty imposed by statute requiring children services board to begin investigation of child abuse or neglect reports within 24 hours was owed to allegedly abused child, not to child's grandparents or any other person who files charge with board, and, thus, grandparents' claim that board violated statute did not set forth cause of action upon which relief could be granted to them under theory of negligence per se. [Neuenschwander v. Wayne Cty. Children Serv. Bd. \(Ohio App. 9 Dist., 02-02-1994\) 92 Ohio App.3d 767, 637 N.E.2d 102](#), motion overruled [69 Ohio St.3d 1489, 635 N.E.2d 44](#). Infants  17

Referee's release of confidential child abuse records of county department of human services, for review by court-appointed psychologist in determining custody action, represented usurpation of judicial decision-making power and was improper, where records were forwarded to psychologist before department was given opportunity to file objections and prior to judgment wherein trial court adopted referee's recommendations. [Sharpe v. Sharpe \(Lake 1993\) 85 Ohio App.3d 638, 620 N.E.2d 916](#). Infants  206


County department of human services' child abuse investigation report regarding foster child was report which was prohibited from being released by state law, except to extent that foster parents were required to be informed of allegation in and disposition of investigation, and thus, report was not subject to disclosure to foster parents under statute excepting from definition of "public record" records the release of which is prohibited by state or federal law. [State ex rel. Renfro v. Cuyahoga County Dept. of Human Services \(Ohio 1990\) 54 Ohio St.3d 25, 560 N.E.2d 230](#).

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rehearing denied [55 Ohio St.3d 709, 563 N.E.2d 302](#). Records  55

A children services board and its agents have a duty to investigate and report their findings as required by RC 2151.421 when a specific child is identified as abused or neglected, and the public duty doctrine may not be raised as a defense for agency failure to comply with such statutory requirements. [Brodie v. Summit County Children Services Bd. \(Ohio 1990\) 51 Ohio St.3d 112, 554 N.E.2d 1301](#).

The presence in a young child of a sexually transmitted disease is a commonly accepted indicator of sexual abuse; consequently, a health facility's diagnosis of a chlamydia infection is the type of situation for which the general assembly has mandated reports to child welfare services, and the benefits to society from encouraging **reporting** and prosecution of **child abuse** by granting immunity outweigh any individual harm resulting from false reports. [Criswell v. Brentwood Hosp. \(Cuyahoga 1989\) 49 Ohio App.3d 163, 551 N.E.2d 1315](#).

While some **child abuse** records may be confidential pursuant to child neglect **reporting** statute, such confidentiality is not absolute. [Child Care Provider Certification Dept. v. Harris \(Ohio App. 8 Dist., Cuyahoga, 07-25-2002\) No. 80669, 2002-Ohio-3795, 2002 WL 1728540](#), Unreported, appeal not allowed [97 Ohio St.3d 1485, 780 N.E.2d 288, 2002-Ohio-6866](#). Infants  133

County human services board and a children's services employee are not immune from an action for negligence by the parents of an allegedly abused child for failure to properly investigate and report an alleged instance of abuse under RC 2151.421 since they are not subject to general immunity granted to political subdivisions under [RC 2744.02\(A\)](#), nor are they immune under [RC 2744.03\(A\)\(6\)](#). [Crago v. Lorain Cty. Commrs. \(Lorain 1990\) 69 Ohio App.3d 24, 590 N.E.2d 15](#), motion to certify overruled [57 Ohio St.3d 705, 566 N.E.2d 170](#).

Under RC 2151.421, a children's services board, its executive secretary, and a board of county commissioners are liable for failing to investigate allegations of child abuse where that failure is found to be a proximate cause of the children's death. [Reed v Perry County Children's Servs, No. CA-429, 1993 WL 274299 \(5th Dist Ct App, Perry, 6-29-93\)](#).

In investigating a report of child abuse pursuant to RC 2151.421, a public children services agency is required to consider 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 for the injuries, abuse, neglect, or threat. Thus, a public children services agency must consider whether, in accordance with [RC 3319.41\(G\)](#), a school teacher, principal, administrator, nonlicensed employee, or bus driver has used reasonable and necessary force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property. OAG 02-019.

If, in investigating a report of child abuse pursuant to RC 2151.421, a public children services agency finds that action consisting of reasonable and necessary force and restraint was used by a school teacher, principal, administrator, nonlicensed employee, or bus driver in accordance with [RC 3319.41\(G\)](#) to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property, the public children services agency is precluded from finding that such action constituted child abuse for purposes of RC 2151.421. OAG 02-019.

When a public children services agency receives a report of the spanking of a student by a school administrator, the agency must assign the report a priority rating in accordance with [OAC 5101:2-34-08](#); a report that is rated priority I, II, or III must be investigated as required by RC 2151.421, in accordance with the procedures prescribed in [OAC 5101:2-34-32](#), [5101:2-34-33](#), and [5101:2-34-34](#), and a report that is rated priority IV may be resolved by termination pursuant to [OAC 5101:2-34-08](#) if it is determined that the report alleges only action that is permitted under [RC 3319.41](#) and [2919.22](#), for then the report does not constitute an allegation of abuse or neglect. OAG 92-082.

A public children services agency is required, pursuant to RC 2151.421(F)(1), to investigate as alleged child abuse a

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report received by it of an incident in which a sixteen-year-old female has been assaulted by her husband. OAG 92-073.

RC 2151.421 does not require that a public children services agency routinely share child abuse and neglect investigation materials with the air force office of special investigations, an agency of the federal government. OAG 92-046.

Each report and investigation of alleged child abuse or neglect made under RC 2151.421 is confidential and, pursuant to [OAC 5101:2-34-38](#), the dissemination of such confidential information to an agency or organization is permitted only if the agency or organization has rules or policies governing the dissemination of confidential information that are consistent with those of [OAC 5101:2-34-38](#). OAG 92-046.

A public children services agency may not share child abuse and neglect investigation materials with the air force office of special investigations unless the office has suitable rules or policies governing the dissemination of confidential information. OAG 92-046.

A public children services agency may disclose child abuse and neglect investigation materials to the air force office of special investigations when such disclosure is in compliance with RC 2151.421 and [5153.17](#), and [OAC 5101:2-34-38](#) and is for purposes authorized by those provisions; the agency is not required to obtain assurance that the office will not use the materials for purposes other than criminal prosecution. OAG 92-046.

A public children services agency may, pursuant to [OAC 5101:2-34-71](#), at 1991-92 OMR 280, include the air force office of special investigations as a voluntary subscriber to a county plan of cooperation prepared pursuant to RC 2151.421(J), if the office wishes to be a voluntary subscriber and if the agency determines that the participation of the office would be appropriate; if the office has suitable rules or policies governing the use and dissemination of confidential information, the office may receive investigatory materials as provided in the county plan of cooperation and in [OAC 5101:2-34-38\(D\)\(4\)](#). OAG 92-046.

Child abuse and neglect investigation records maintained by public children services agencies do not constitute "public records" within the meaning of [RC 149.43](#) to which the right of public access attaches. Records of child abuse or neglect investigations under RC 2151.421(H)(1) and [5153.17](#) are "records the release of which is prohibited by state law" under [RC 149.43\(A\)\(1\)](#). OAG 91-003.

Public children services agencies are authorized to investigate reports of alleged child abuse or neglect or threats thereof at facilities operated by the mental health department pursuant to RC Ch 5122, by the mental retardation and developmental disabilities department pursuant to RC Ch 5123, by the youth services department pursuant to RC Ch 5139, at detention homes established pursuant to [RC 2151.34](#), at the veterans' children's home operated pursuant to RC Ch 5909, and at public schools operating under standards set by the board of education pursuant to RC Ch 3301. OAG 89-108.

RC 2151.421 sets forth a comprehensive scheme for the **reporting** of allegations of **child abuse** and neglect and threats thereof and for the investigation of such reports by public children services agencies, which have authority to investigate all such reports within their counties of jurisdiction unless there is some provision of law restricting that authority with respect to particular persons or locations. OAG 89-108.

The powers of the highway patrol or special police officers designated by the highway patrol superintendent to investigate and to enforce laws on state properties and in state institutions do not restrict the authority of public children services agencies to investigate reports of alleged child abuse or neglect or threats thereof pertaining to such locations. OAG 89-108.

Public children services agencies are local agencies for purposes of RC Ch 1347, which governs the maintenance of personal information systems. OAG 89-084.


The provisions of RC 2151.421 impose the duties of investigation and disposition of reported cases of child abuse and neglect solely on children services boards and county welfare departments which have assumed the functions of


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a children services board, and, therefore, prohibit delegation of these duties to private entities. OAG 79-067.


3. Corpus delicti of crime


While the statute of limitations in a child sexual abuse case begins to run only when the corpus delicti of the crime is discovered and the general rule for discovery of corpus delicti in such a case is when the victim informs a responsible adult listed in RC 2151.421, a child abuse victim who has reached the age of majority is presumed to understand and acknowledge the act and the criminal nature of the act and, therefore, the statute of limitations begins to run after reaching the age of majority. [State v. Wooldridge \(Ohio App. 2 Dist., Montgomery, 10-08-1999\) No. 17708, 1999 WL 812363](#), Unreported, appeal not allowed [88 Ohio St.3d 1416, 723 N.E.2d 121](#).


Community hospital did not have duty, under statute requiring it to report known or suspected child abuse, to report conduct of former employee, given that at time employment terminated, hospital had no reason to know or suspect any particular child was being abused or in danger of being abused by employee. [Douglass v. Salem Community Hosp. \(Ohio App. 7 Dist., 07-23-2003\) 153 Ohio App.3d 350, 794 N.E.2d 107, 2003-Ohio-4006](#), appeal not allowed [100 Ohio St.3d 1530, 800 N.E.2d 47, 2003-Ohio-6458](#), reconsideration denied [101 Ohio St.3d 1471, 804 N.E.2d 43, 2004-Ohio-819](#). Infants  13.5(1)


Corpus delicti of crime involving child abuse or neglect is discovered, and statute of limitations begins to run, when responsible adult, as listed in statute, has knowledge of both act and criminal nature of act. [State v. Tillman \(Ohio App. 9 Dist., 05-07-1997\) 119 Ohio App.3d 449, 695 N.E.2d 792](#), motion for delayed appeal denied [90 Ohio St.3d 1471, 738 N.E.2d 382](#). Criminal Law  148.1

Corpus delicti of crimes involving child abuse or neglect is discovered, for limitations purposes, when responsible adult has knowledge both of act and of criminal nature of act. [State v. Weiss \(Ohio App. 5 Dist., 08-08-1994\) 96 Ohio App.3d 379, 645 N.E.2d 98](#), motion to certify denied [71 Ohio St.3d 1421, 642 N.E.2d 386](#). Criminal Law  148.1

Corpus delicti of sexual abuse of five-year-old child was discovered when child's babysitter reported child's graphic account of abuse to county child services agency over seven years before defendant was indicted for sexual misconduct, and thus six-year statute of limitations had run. [State v. Ritchie \(Ohio App. 12 Dist., 07-11-1994\) 95 Ohio App.3d 569, 642 N.E.2d 1168](#), dismissed, appeal not allowed [71 Ohio St.3d 1412, 641 N.E.2d 1111](#). Criminal Law  154


That responsible adult has acquired knowledge of sexual abuse is not enough to commence limitation period; instead, period begins to run only if responsible adult required requisite knowledge while acting in his official or professional capacity. [State v. Rosenberger \(Ohio App. 9 Dist., 10-20-1993\) 90 Ohio App.3d 735, 630 N.E.2d 435](#), motion overruled [68 Ohio St.3d 1473, 628 N.E.2d 1392](#). Criminal Law  154

Sexual abuse was not discovered, and limitation period did not commence, until victim disclosed existence of sexual abuse during professional counseling. [State v. Rosenberger \(Ohio App. 9 Dist., 10-20-1993\) 90 Ohio App.3d 735, 630 N.E.2d 435](#), motion overruled [68 Ohio St.3d 1473, 628 N.E.2d 1392](#). Criminal Law  154

For purposes of [RC 2901.13\(F\)](#), the corpus delicti of crimes involving child abuse or neglect is discovered when a responsible adult, as listed in RC 2151.421, has knowledge of both the act and the criminal nature of the act. [State v. Hensley \(Ohio 1991\) 59 Ohio St.3d 136, 571 N.E.2d 711](#). Criminal Law  154

Evidence did not establish that corpus delicti of offenses of gross sexual imposition and rape of child under 13 years of age had been discovered by responsible adult acting in professional capacity with legal duty to report sexual abuse of child, and thus, limitations period did not begin to run for the offenses; defendant's girlfriend, who was not acting in her professional capacity, merely reported to law enforcement authorities that defendant took victim into bedroom, locked the door, and played loud music, victim denied allegations of sexual abuse when questioned by juvenile court judge, and other reports of sexual abuse were unsubstantiated. [State v. Carpenter \(Ohio App. 6 Dist.,](#)


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[Erie, 05-10-2002\) No. E-00-033, 2002-Ohio-2266, 2002 WL 1003520](#), Unreported, appeal reopened [2002-Ohio-4824, 2002 WL 31053828](#), appeal not allowed [96 Ohio St.3d 1513, 775 N.E.2d 855, 2002-Ohio-4950](#), appeal reopened [2004-Ohio-1036, 2004 WL 413288](#). Criminal Law  150


For purposes of [RC 2901.13\(F\)](#), the corpus delicti of crimes involving child abuse or neglect is discovered when a person with an RC 2151.421 statutory duty to report child abuse learns of the abuse. *State v Wright*, No. 1870 (4th Dist Ct App, Scioto, 9-16-91).

The corpus delicti of a crime against a child is discovered when one who is required to report the crime discovers the crime and a prosecution for the crime is timely if commenced within the required limits following discovery. *State v Sutter*, No. 13749 (9th Dist Ct App, Summit, 11-15-89).

4. Procedural issues


Ordering department of children and family services prior to hearing in sexual predator classification proceeding to produce documents without reviewing documents in camera was abuse of trial court's discretion; information in records was sensitive in nature, disclosing records without in camera review would have potentially chilling effect on citizens' reports of abuse, and harm could be caused to those reporting abuse if records were disclosed. [State v. Sahady \(Ohio App. 8 Dist., Cuyahoga, 07-01-2004\) No. 83247, 2004-Ohio-3481, 2004 WL 1472087](#), Unreported. Mental Health  455


Records of department of children and family services are not absolutely privileged in sexual predator classification proceeding; although records are afforded confidentiality pursuant to statutes, this confidentiality is not absolute, but instead, access to records may be warranted if records are necessary and relevant to proceeding and good cause for disclosure is shown. [State v. Sahady \(Ohio App. 8 Dist., Cuyahoga, 07-01-2004\) No. 83247, 2004-Ohio-3481, 2004 WL 1472087](#), Unreported. Witnesses  216(1)

Father's allegation that school employee reported to children's services agency that child was bruised failed to state a cause of action against employee; employee had statutory duty to report any reasonable suspicion of child abuse, and father did not allege that employee's report was false, or was not based on reasonable suspicion. [Tracy v. Tinnerman \(Ohio App. 2 Dist., Miami, 12-12- 2003\) No. 2003-CA-21, 2003-Ohio-6675, 2003 WL 22927758](#), Unreported. Infants  13.5(2)


A complaint is insufficient to support a claim that the county children services board fails to properly investigate sexual abuse and defames a party by putting his name on a list of sexual offenders where the complaint fails to state that the board did not follow the procedures set forth in the plan of cooperation and fails to claim that the board has the authority to remove the name from the central registry thus giving the party the relief requested. [Dodson v. Shelby County Children Services Bd. \(Ohio App. 3 Dist., Shelby, 04-23-1997\) No. 17-96-20, 1997 WL 198919](#), Unreported.


A trial court's decision to deny defendant's motion for a protective order concerning a report of child abuse is an order entered in a special proceeding and is final and appealable. [Walters, Jr. v. Enrichment Center of Wishing Well \(Ohio App. 8 Dist., Cuyahoga, 03-28-1996\) No. 69159, 1996 WL 139704](#), Unreported, motion to certify allowed [76 Ohio St.3d 1422, 667 N.E.2d 25](#), appeal not allowed [76 Ohio St.3d 1424, 667 N.E.2d 27](#), reversed [78 Ohio St.3d 118, 676 N.E.2d 890, 1997-Ohio-232](#).


Reports that document **child abuse** are not necessarily confidential **child-abuse** investigatory records under the **child-abuse reporting** statute. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  133


The **child-abuse reporting** statute is not limited to cases of known or suspected abuse by parents, custodians, and guardians in family settings; it also applies to known or suspected abuse by other types of perpetrators, such as police officers or juvenile offenders. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  13.5(1)


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The General Assembly when imposing a duty to report abuse of a child did not intend to protect only the one specific minor student who was actually abused by a teacher. [Yates v. Mansfield Bd. of Edn. \(Ohio, 06-02-2004\) 102 Ohio St.3d 205, 808 N.E.2d 861, 2004-Ohio-2491](#). Infants  13.5(1)


The question of who is entitled to protection under the **child abuse reporting** statute in any given case depends on the circumstances and the relationships of the parties; in the typical case, the statute's mandatory **reporting** provisions will operate to protect only the specific child who is identified as abused because that child alone is in direct danger of further injury, but when the circumstances clearly indicate that there exists a danger of harm to another child from the same source and the reporter has an official or professional relationship with the other child, the statute does not withhold protection until such time as that child's personal security and bodily integrity are actually violated. [Yates v. Mansfield Bd. of Edn. \(Ohio, 06-02-2004\) 102 Ohio St.3d 205, 808 N.E.2d 861, 2004-Ohio-2491](#). Infants  13.5(1)


Use of word "reasonably," in statute requiring that certain persons report knowledge or suspicion of child abuse when there is a condition of a nature that reasonably indicates abuse or neglect of the child, clarifies that duty to report does not require absolute proof. [Surdel v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 10-04-1999\) 135 Ohio App.3d 141, 733 N.E.2d 281](#), dismissed, appeal not allowed [87 Ohio St.3d 1491, 722 N.E.2d 525](#). Infants  13


Statute that protects information provided in a report of known or suspected child abuse to a children services agency from use as evidence in civil action against person making the report creates a testimonial privilege. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  208

Day-care center that was sued by enrolled child's parents after its owner-director allegedly made bad-faith report to county agency of suspected child abuse was entitled, under child protection statute, to protective order preventing the depositions of employees concerning information contained in report. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  208

Report of suspected child abuse, made by owner-director of day-care center to county department of social services, was protected from use in action against center and its owner-director by child's parents. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  208

Parents are not included in definition of those "responsible adults" whose knowledge of act and criminal nature of act trigger limitation period on crime involving child abuse. [State v. Tillman \(Ohio App. 9 Dist., 05-07-1997\) 119 Ohio App.3d 449, 695 N.E.2d 792](#), motion for delayed appeal denied [90 Ohio St.3d 1471, 738 N.E.2d 382](#). Criminal Law  148.1


Requirement, for award of crime victim reparations, that criminally injurious conduct be reported to "law enforcement agency" or officer within 72 hours was satisfied by reporting incidents of sexual abuse to county children services board. [In re Kramer \(Ohio Ct.Cl., 06-28-1995\) 86 Ohio Misc.2d 4, 684 N.E.2d 751](#). Criminal Law  1220


Any privilege that attached to victim's communication with her psychologist was automatically waived, where victim was under 18 years of age, psychologist had reason to believe that victim had been sexually abused, and privileged communication did not arise from victim's attempt to get abortion. [State v. Stewart \(Ohio App. 9 Dist., 06-05-1996\) 111 Ohio App.3d 525, 676 N.E.2d 912](#). Witnesses  219(1)


In action brought by parents against day-care center for allegedly making bad faith report of child abuse, trial court's order denying center's motion for protective order as to certain documents allegedly pertaining to reports of child abuse was not a final appealable order. [Walters v. Enrichment Center of Wishing Well, Inc. \(Ohio, 04-02-1997\) 78](#)


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[Ohio St.3d 118, 676 N.E.2d 890, 1997-Ohio-232](#). Appeal And Error  78(1)


Father's allegations that social services agency and agency employees published false statements regarding father having sexually abused his daughter when they filed complaint to that effect in juvenile court, that father suffered public humiliation when his name was placed on "central registry" and that false statements were published maliciously were sufficient to state defamation claim. [Roe v. Franklin Cty. \(Ohio App. 10 Dist., 03-12-1996\) 109 Ohio App.3d 772, 673 N.E.2d 172](#), appeal not allowed [77 Ohio St.3d 1415, 670 N.E.2d 1003](#). Libel And Slander  7(16)


Statute of limitations on charges of child abuse which allegedly occurred when victim's age ranged from eight to 12 years was tolled during child's minority, irrespective of victim's awareness of corpus delicti, and absent evidence that victim had told responsible adult of the abuse prior to attaining majority, tolling ceased no earlier than when victim turned 18. [State v. Elsass \(Ohio App. 10 Dist., 07-25-1995\) 105 Ohio App.3d 277, 663 N.E.2d 1019](#). Criminal Law  151.1


Under statute setting forth specific duty to report knowledge or suspicions of child abuse, plaintiffs bear burden of showing that they fall within class of individuals statute was designed to protect. [Hite v. Brown \(Ohio App. 8 Dist., 03-09-1995\) 100 Ohio App.3d 606, 654 N.E.2d 452](#), appeal denied [73 Ohio St.3d 1414, 651 N.E.2d 1311](#). Infants  13.5(1)


Statute of limitations begins to run on child-abuse prosecution once child-abuse victim attains age of 18 and understands criminal nature of act. [State v. Weiss \(Ohio App. 5 Dist., 08-08-1994\) 96 Ohio App.3d 379, 645 N.E.2d 98](#), motion to certify denied [71 Ohio St.3d 1421, 642 N.E.2d 386](#). Criminal Law  148.1

Statute of limitations began to run on child-abuse prosecution once child victim attained age of 18 and understood that what defendant had done was wrong, even though victim may not have been aware of exact nature of defendant's crime. [State v. Weiss \(Ohio App. 5 Dist., 08-08-1994\) 96 Ohio App.3d 379, 645 N.E.2d 98](#), motion to certify denied [71 Ohio St.3d 1421, 642 N.E.2d 386](#). Criminal Law  148.1

Child's age may toll statute of limitations on child abuse prosecution, even when child is not of tender years, if child is under 18 years of age and has sufficiently internalized defendant's abuse; whether such internalization is sufficient to toll statute of limitations in any given case is best left to trier of fact. [State v. Weiss \(Ohio App. 5 Dist., 08-08-1994\) 96 Ohio App.3d 379, 645 N.E.2d 98](#), motion to certify denied [71 Ohio St.3d 1421, 642 N.E.2d 386](#). Criminal Law  151.1

There is no presumption, for limitations purposes, that child-abuse victim understands and acknowledges defendant's act and criminal nature of act merely because victim attains age of majority. [State v. Weiss \(Ohio App. 5 Dist., 08-08-1994\) 96 Ohio App.3d 379, 645 N.E.2d 98](#), motion to certify denied [71 Ohio St.3d 1421, 642 N.E.2d 386](#). Criminal Law  151.1

Under six-year criminal statute of limitations, corpus delicti of crime involving sexual abuse of children is discovered when employee of children services agency or other "responsible adult," as that term is statutorily defined, has knowledge of both act itself and criminal nature of act. [State v. Ritchie \(Ohio App. 12 Dist., 07-11-1994\) 95 Ohio App.3d 569, 642 N.E.2d 1168](#), dismissed, appeal not allowed [71 Ohio St.3d 1412, 641 N.E.2d 1111](#). Criminal Law  154

In action arising from alleged sexual assault by clergyman on child, order that church produce communications from clergyman's mental health counselors for in camera inspection did not affect substantial right of church by forcing it to violate canon law and thus excessively entangling state in affairs of church, for purposes of determining whether order was final and appealable; canons at issue dealt with how church chose to handle files administratively, and statutory **reporting** requirement for cases of **child abuse** indicated legislative intent that church yield to state on such issues. [Niemann v. Cooley \(Ohio App. 1 Dist., 01-26-1994\) 93 Ohio App.3d 81, 637 N.E.2d 943](#), dismissed, jurisdictional motion overruled [69 Ohio St.3d 1478, 634 N.E.2d 1025](#). Appeal And Error  78(1)

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Grandparents of allegedly abused child were not "affected by" statute imposing duty on children services board to investigate reports of child abuse or neglect, and, thus, grandparents did not have standing to seek declaratory judgment concerning such statute and the request for declaratory judgment could not present justiciable controversy; duty under statute was owed to allegedly abused child, not to any person who files a charge with board. [Neuenschwander v. Wayne Cty. Children Serv. Bd. \(Ohio App. 9 Dist., 02-02-1994\) 92 Ohio App.3d 767, 637 N.E.2d 102](#), motion overruled [69 Ohio St.3d 1489, 635 N.E.2d 44](#). Declaratory Judgment 🔑 300

Knowledge by victim's mother's neighbor, who was employed as paramedic, of victim's sexual abuse did not commence limitation period for prosecuting alleged abuser, where mother revealed her knowledge of abuse to neighbor as a personal friend, rather than in his professional capacity as paramedic. [State v. Rosenberger \(Ohio App. 9 Dist., 10-20-1993\) 90 Ohio App.3d 735, 630 N.E.2d 435](#), motion overruled [68 Ohio St.3d 1473, 628 N.E.2d 1392](#). Criminal Law 🔑 154

Judgment rejecting request of county department of human services that its confidential records remain sealed and not be reviewed by court-appointed psychologist in custody action was final appealable order. [Sharpe v. Sharpe \(Lake 1993\) 85 Ohio App.3d 638, 620 N.E.2d 916](#). Infants 🔑 242

Appeal taken by county department of human services, in challenging ruling that its confidential records be reviewed by court-appointed psychologist in determining custody action, was from actual order releasing confidential records for other than in camera review by court, rather than earlier judgment entry addressing department's motion to quash, for purposes of determining whether appeal was timely. [Sharpe v. Sharpe \(Lake 1993\) 85 Ohio App.3d 638, 620 N.E.2d 916](#). Infants 🔑 244.1

Where a welfare department does not complete an investigation of alleged abuse by a noncustodial father within thirty days as required by RC 2151.421 but instead waits nearly one year to close the case because of the complaining mother's refusal to cooperate and the department's failure to take any of the steps available to it to secure cooperation, the father who was deprived of visitation for the entire period should have sought a writ of mandamus ordering the investigation to proceed and cannot sue the department in US district court under [42 USC 1983](#). [Haag v. Cuyahoga County \(N.D. Ohio 1985\) 619 F.Supp. 262](#), affirmed [798 F.2d 1414](#).

County department of children and family services' allegations of child neglect, without further corroboration or explanation of the underlying facts by social worker and child care worker, who testified on behalf of county department of work & training that such findings had been made, did not constitute reliable, probative, and substantial evidence to support agency's revocation of provider's child care certification; department of work & training could have sought in camera inspection of the child abuse records or reports, and heard testimony from the case workers for department of children and family services who investigated the provider. [Child Care Provider Certification Dept. v. Harris \(Ohio App. 8 Dist., Cuyahoga, 07-25-2002\) No. 80669, 2002-Ohio-3795, 2002 WL 1728540](#). Unreported, appeal not allowed [97 Ohio St.3d 1485, 780 N.E.2d 288, 2002-Ohio-6866](#). Asylums 🔑 3

In camera inspection of child abuse records or reports was not only permitted, but was preferred, where child care provider sought judicial review of administrative decision revoking her child care certification, and evidence before trial court consisted of uncorroborated allegations of child neglect. [Child Care Provider Certification Dept. v. Harris \(Ohio App. 8 Dist., Cuyahoga, 07-25-2002\) No. 80669, 2002-Ohio-3795, 2002 WL 1728540](#). Unreported, appeal not allowed [97 Ohio St.3d 1485, 780 N.E.2d 288, 2002-Ohio-6866](#). Infants 🔑 133

A board of education may require by rule, adopted pursuant to [RC 3313.20](#), that an investigator from a county children services board obtain parental consent or permit a school official to be present before allowing such investigator to interview a child on school property in the course of an investigation required to be conducted under RC 2151.421; the reasonableness of such rule is subject to judicial review. OAG 82-029.


The phrase "having reason to believe" as used in RC 2151.421 is equivalent to "known or suspected" as used in [45 CFR 1340.3-3\(d\)](#). OAG 78-038.


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The term "child neglect" as used in RC 2151.421 applies to children without proper parental care or guardianship as defined by [RC 2151.05](#). OAG 78-038.


5. Immunity


A university hospital is immune from civil liability for **reporting** possible **child abuse** based upon X-rays of an eleven-month-old child which demonstrate a leg fracture and raise reasonable suspicion of a non-accidental injury. [White v. University Hospitals of Cleveland \(Ohio App. 8 Dist., Cuyahoga, 11- 22-2000\) No. 77694, 2000 WL 1739304](#), Unreported.


Purpose of statutory immunity for certain persons filing a report of suspected child abuse or neglect is that the societal benefits of preventing child abuse outweigh the individual harm that might arise from the filing of a false report. [Liedtke v. Carrington \(Ohio App. 8 Dist., 08-14-2001\) 145 Ohio App.3d 396, 763 N.E.2d 213](#). Infants  12(9)


Hospital, physician, and nurse who participated in making a report to a law enforcement agency of suspected **child abuse** fell within class of persons required by statute to report knowledge or suspicion of **child abuse** and, thus, were immune from liability to parents for alleged negligence and reckless conduct during course of investigation and in subsequent **reporting** of results of investigation to various agencies, regardless of whether reports were made in good faith or whether diagnosis of sexual abuse was a grave departure from applicable standard of care. [Casbohm v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 09-25-2000\) 140 Ohio App.3d 58, 746 N.E.2d 661](#). Infants  17

Statutory immunity for making a mandatory report of suspected child abuse, or for making a permissive report of suspected abuse in good faith, is not limited to the initial reporter of suspected abuse, but also attaches to persons making subsequent reports after an investigation has begun. [Surdel v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 10-04-1999\) 135 Ohio App.3d 141, 733 N.E.2d 281](#), dismissed, appeal not allowed [87 Ohio St.3d 1491, 722 N.E.2d 525](#). Infants  13


Persons who are required by statute to report suspected child abuse retain immunity from liability for such reports regardless of whether the report was made in good faith. [Surdel v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 10-04-1999\) 135 Ohio App.3d 141, 733 N.E.2d 281](#), dismissed, appeal not allowed [87 Ohio St.3d 1491, 722 N.E.2d 525](#). Infants  13


Mental health counselors who counseled three minor sisters upon a referral from county authorities fell within class of persons required by statute to report knowledge or suspicion of child abuse, and were thus immune from liability to father for making reports resulting in criminal sex abuse charges against father, regardless of whether reports were made in good faith. [Surdel v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 10-04-1999\) 135 Ohio App.3d 141, 733 N.E.2d 281](#), dismissed, appeal not allowed [87 Ohio St.3d 1491, 722 N.E.2d 525](#). Infants  17


Health care providers who performed diagnostic physical examinations of three minor sisters upon a referral from county authorities fell within class of persons required by statute to report knowledge or suspicion of child abuse, and therefore those providers were immune from liability to sisters' father for making reports resulting in criminal sex abuse charges against father, regardless of whether reports were made in good faith. [Surdel v. MetroHealth Med. Ctr. \(Ohio App. 8 Dist., 10-04-1999\) 135 Ohio App.3d 141, 733 N.E.2d 281](#), dismissed, appeal not allowed [87 Ohio St.3d 1491, 722 N.E.2d 525](#). Infants  17

Day-care center and its owner-director were immune from liability for any claims arising from owner-director's filing of report with county department of social services concerning suspected abuse of enrolled child by his father, regardless of whether report was filed in good faith. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  208


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Disclosures by a physician of otherwise confidential medical information made pursuant to statutory mandate are privileged, such as disclosure of occupational diseases or diseases which are infectious, contagious, or dangerous to public health, disclosure of medical conditions indicative of child abuse or neglect, and disclosure of injuries indicative of criminal conduct. [Biddle v. Warren Gen. Hosp. \(Ohio, 09-15-1999\) 86 Ohio St.3d 395, 715 N.E.2d 518, 1999-Ohio-115](#). Health  642


Immunity from civil or criminal liability is conferred by statute on any person **reporting** in good faith known or suspected **abuse** of **child** under 18 years of age to peace officer or children services board and on any person participating in judicial proceeding resulting from those reports. [State v. Thompson \(Ohio App. 12 Dist., 10-17-1994\) 97 Ohio App.3d 629, 647 N.E.2d 226](#). Infants  13


Defendant who kept custody of child for three-day period without consent of child's mother was not entitled to defense of immunity based on good faith report of known or suspected **child abuse** where prosecution of defendant was not based on or result of defendant's **reporting** suspected abuse to police but was based on defendant's harboring of child without mother's permission and contrary to instructions of police officer. [State v. Thompson \(Ohio App. 12 Dist., 10-17-1994\) 97 Ohio App.3d 629, 647 N.E.2d 226](#). Infants  13

The immunity provided by the **child abuse reporting** statute, RC 2151.421(G), does not control a claim asserted in a state court under [42 USC 1983, Cudlin v. Cudlin \(Cuyahoga 1990\) 64 Ohio App.3d 249, 580 N.E.2d 1170](#).

Former RC 2151.421(G) confers immunity upon those who, as a result of a report of a known or suspected incident of child abuse and/or neglect, participate in a judicial proceeding. [Gersper v. Ashtabula County Children Services Bd. \(Ohio 1991\) 59 Ohio St.3d 127, 570 N.E.2d 1120](#). Infants  13


A child care center administrator enjoys a qualified privilege to report suspected child abuse; confronting and terminating a teacher for suspected child abuse do not constitute defamation absent a showing of actual malice. [Lail v. Madisonville Child Care Project, Inc. \(Hamilton 1989\) 55 Ohio App.3d 37, 561 N.E.2d 1063](#).

Officers or agents of a children services bureau are immune from civil liability for the exercise of discretionary functions unless a plaintiff challenging the public officer's good faith can show that the official acted in willful, reckless, or wanton disregard of rights established under law. [Brodie v. Summit County Children Services Bd. \(Ohio 1990\) 51 Ohio St.3d 112, 554 N.E.2d 1301](#). Infants  17

Qualified immunity may not be asserted as a defense to an action alleging the failure of a public official to perform ministerial acts. [Brodie v. Summit County Children Services Bd. \(Ohio 1990\) 51 Ohio St.3d 112, 554 N.E.2d 1301](#). Officers And Public Employees  114

Division (G) of RC 2151.421 does not confer immunity upon those who fail to carry out the mandate of the statute. [Brodie v. Summit County Children Services Bd. \(Ohio 1990\) 51 Ohio St.3d 112, 554 N.E.2d 1301](#).

The filing of false child abuse reports by an ex-spouse is immune from prosecution since the societal benefits of freely making reports outweigh the individual harm which arises from false reports. [Hartley v. Hartley \(Lucas 1988\) 42 Ohio App.3d 160, 537 N.E.2d 706](#), motion to certify overruled [38 Ohio St.3d 717, 533 N.E.2d 787](#).

Under Ohio law, school district did not enjoy statutory immunity from liability for damages in student's state law claim for reckless indifference arising out of sexual relationship initiated by teacher, where student alleged that school district failed to observe statutory duties. [Doe v. New Philadelphia Public Schools Bd. of Educ. \(N.D. Ohio, 03-12-1998\) 996 F.Supp. 741](#). Schools  89.3


A federal court will enforce the doctrine of absolute judicial immunity and statutory immunity accorded participants in child abuse proceedings codified at RC 2151.421. [Scarso v. Cuyahoga County Dept. of Human Services \(N.D. Ohio 1989\) 747 F.Supp. 381](#), affirmed in part and remanded [917 F.2d 1305](#).


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City school district was not immune from claim of failure to report child abuse where [RC 2744.02](#) provides exception to immunity when liability is expressly imposed by a section of the Revised Code, as is the case under RC 2151.421 which places a statutory duty to report upon teachers, school employees, and school authorities. [Sprouse v Lucas Bd of Ed, No. L-98-1098, 1999 WL 128636 \(6th Dist Ct App, Lucas, 3-12-99\)](#).



A police officer testifying before a grand jury in a sexual abuse proceeding is immunized from civil liability by RC 2151.421. [Dunbar v Oregon, No. L-88-289 \(6th Dist Ct App, Lucas, 5-5-89\)](#).



6. Consequences of failure to report


Statute prohibiting the failure to report suspected child abuse contemplates individual-capacity suits against government officers. [Doe v. Roman \(Ohio App. 5 Dist., Tuscarawas, 12-04-2002\) No. 2001-AP-05-0044, 2002-Ohio-6671, 2002 WL 31732468](#), Unreported, appeal not allowed [98 Ohio St.3d 1537, 786 N.E.2d 900, 2003-Ohio-1946](#). Infants  13.5(2)

Statutory duty on part of local board of education to report high school teacher's sexual abuse of a female student to authorities was owed only to that student, and therefore board's failure to report that incident did not bring board within an exception to immunity in action by parents of another female student with whom same teacher subsequently engaged in sexual misconduct. [Yates v. Mansfield Bd. of Edn. \(Ohio App. 5 Dist., 11-20-2002\) 150 Ohio App.3d 241, 780 N.E.2d 608, 2002-Ohio-6311](#), appeal allowed, reversed [99 Ohio St.3d 48, 788 N.E.2d 1062, 2003-Ohio-2461](#), reversed [102 Ohio St.3d 205, 808 N.E.2d 861, 2004-Ohio-2491](#). Schools  89

Concern of the General Assembly in enacting the statute mandating the **reporting** of known or suspected **child abuse** was not the protection of political subdivisions or their employees from claims for damages, but the protection of **children** from **abuse** and neglect. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#). Infants  12(2)

Psychologist who fails to report knowledge or suspicion of child abuse has no duty to persons outside psychologist/patient relationship. [Hite v. Brown \(Ohio App. 8 Dist., 03-09-1995\) 100 Ohio App.3d 606, 654 N.E.2d 452](#), appeal denied [73 Ohio St.3d 1414, 651 N.E.2d 1311](#). Infants  13.5(2); Health  751

Under statute setting forth specific duty to report knowledge or suspicions of child abuse, duty to report such knowledge or suspicion was owed to individual minor; thus, psychologist who allegedly failed to report his suspicions that minor had been molested owed no duty to others who allegedly were subsequently molested by same perpetrator. [Hite v. Brown \(Ohio App. 8 Dist., 03-09-1995\) 100 Ohio App.3d 606, 654 N.E.2d 452](#), appeal denied [73 Ohio St.3d 1414, 651 N.E.2d 1311](#). Infants  13.5(2); Health  751


Defendant charged with contributing to unruliness of minor after he had custody of child against wishes of child's mother over three-day period did not make report in good faith of known or suspected **abuse of child** to authorities, and was not entitled to assert defense of statutory immunity from prosecution based on **reporting**, where defendant did not report abuse to authorities but took child from friend's home when child was not in danger of being abused and harbored child without mother's permission, returned child to mother following day, and after finally calling police did not follow police instructions, and defendant's wife admitted that she and defendant hid child from police. [State v. Thompson \(Ohio App. 12 Dist., 10-17-1994\) 97 Ohio App.3d 629, 647 N.E.2d 226](#). Infants  13


A counseling case manager who is told by the manager of the apartment where one of her clients lives that the client is abusing her child, but who does not report the abuse because of an unsubstantiated belief that the police are acting on the matter, gives her employer just cause to fire her for violation of a work rule. In re Spero, UCBR B94-D1215-0000 (11-22-94).


7. School teacher's duty


Genuine issues of material fact as to whether high school principal engaged in outrageous conduct both by failing to conduct further investigation into alleged sexual misconduct by teacher and by failing to report matter to school


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social worker and whether student suffered severe emotional distress precluded summary judgment in favor of principal, in his individual capacity, in student's action for intentional infliction of emotional distress. [Doe v. Roman \(Ohio App. 5 Dist., Tuscarawas, 12-04-2002\) No. 2001-AP-05-0044, 2002-Ohio-6671, 2002 WL 31732468](#), Unreported, appeal not allowed [98 Ohio St.3d 1537, 786 N.E.2d 900, 2003-Ohio-1946](#). Judgment  181(27)


Genuine issue of material fact as to whether high school principal and school social worker should have reported alleged incidents of teacher's sexual misconduct before student's admissions precluded summary judgment in favor of principal and social worker, in their individual capacities, in student's action for failure to report suspected child abuse. [Doe v. Roman \(Ohio App. 5 Dist., Tuscarawas, 12-04-2002\) No. 2001-AP-05-0044, 2002-Ohio-6671, 2002 WL 31732468](#), Unreported, appeal not allowed [98 Ohio St.3d 1537, 786 N.E.2d 900, 2003-Ohio-1946](#). Judgment  181(27)



Statute providing immunity to employees of political subdivisions under certain circumstances did not apply in high school student's action against principal and school social worker for failure to report teacher's alleged sexual misconduct, since statute prohibiting the failure to report suspected abuse expressly imposed liability on school employees. [Doe v. Roman \(Ohio App. 5 Dist., Tuscarawas, 12-04-2002\) No. 2001-AP-05-0044, 2002-Ohio-6671, 2002 WL 31732468](#), Unreported, appeal not allowed [98 Ohio St.3d 1537, 786 N.E.2d 900, 2003-Ohio-1946](#). Infants  13.5(2)


Pursuant to former exception to sovereign immunity when liability is expressly imposed, a board of education may be held liable when its failure to report the sexual abuse of a minor student by a teacher in violation of the reporting statute proximately results in the sexual abuse of another minor student by the same teacher. [Yates v. Mansfield Bd. of Edn. \(Ohio, 06-02-2004\) 102 Ohio St.3d 205, 808 N.E.2d 861, 2004-Ohio-2491](#). Schools  89.3

The statutory duty to report abuse of a child does not run solely to the identified abused child in the situation where the reporter to whom that child's control and protection has been entrusted also has direct control over the alleged perpetrator, other potential victims, and the environment in which they are brought together; abrogating [Curran v. Walsh Jesuit High School, 99 Ohio App.3d 696, 651 N.E.2d 1028](#). [Yates v. Mansfield Bd. of Edn. \(Ohio, 06-02-2004\) 102 Ohio St.3d 205, 808 N.E.2d 861, 2004-Ohio-2491](#). Infants  13.5(1)


City school superintendent and peer mediation coordinator for junior high school did not have sovereign immunity from action for damages by eighth grade student, alleging that coordinator violated statutory duty to report, to public children services agency or municipal or county peace officer, known or suspected abuse of the student. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#). Schools  63(3); Schools  147

City board of education did not have sovereign immunity from action for damages by eighth grade student, alleging that peer mediation coordinator for junior high school violated statutory duty to report, to public children services agency or municipal or county peace officer, known or suspected abuse of the student. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#). Schools  89.3


Failure to perform duty imposed by statute requiring school teacher or authority having reason to believe that child has been abused or neglected to report information to proper authorities is actionable. [Curran v. Walsh Jesuit High School \(Ohio App. 9 Dist., 01-04-1995\) 99 Ohio App.3d 696, 651 N.E.2d 1028](#), appeal not allowed [72 Ohio St.3d 1529, 649 N.E.2d 839](#). Action  3; Infants  13.5(1)

School was not liable to student who alleged that he had been sexually assaulted by teacher based on alleged violation of statute requiring school teacher or authority having reason to believe that child has been abused or neglected to report information to proper authorities where alleged breach of school's duty to report involved alleged abuse by teacher of student other than student who brought action. [Curran v. Walsh Jesuit High School \(Ohio App. 9 Dist., 01-04-1995\) 99 Ohio App.3d 696, 651 N.E.2d 1028](#), appeal not allowed [72 Ohio St.3d 1529, 649 N.E.2d 839](#). Infants  13.5(1)

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Statute requiring school teacher or authority having reason to believe that child has been abused or neglected to report information to proper authorities imposes duty which is owed solely to minor child of whom reports have been received concerning abuse or neglect. [Curran v. Walsh Jesuit High School \(Ohio App. 9 Dist., 01-04-1995\) 99 Ohio App.3d 696, 651 N.E.2d 1028](#), appeal not allowed [72 Ohio St.3d 1529, 649 N.E.2d 839](#). Infants  13.5(1)


8. Mother's duty


Fact that **child abuse reporting** statute does not list parent or guardian as person required to report knowledge or suspicion of **child abuse** to appropriate governmental agency did not preclude finding that mother had special relationship with child, and that mother thus had duty to report father's alleged sexual abuse of daughter; statute is not exclusive listing of those persons who must report knowledge or suspicion of **child abuse**, and because mother had "special relationship" to daughter, statutory duty of care, protection and support created duty to stop alleged acts of abuse. [Hite v. Brown \(Ohio App. 8 Dist., 03-09-1995\) 100 Ohio App.3d 606, 654 N.E.2d 452](#), appeal denied [73 Ohio St.3d 1414, 651 N.E.2d 1311](#). Infants  13.5(1)


9. Private organization's duty to report

A big brother or big sister is not subject to the **child abuse** or neglect **reporting** requirements of RC 2151.421(A)(1), but a big brother or big sister who, during the course of his or her activities as a big brother or big sister, learns of or suspects **child abuse** or neglect, may, in accordance with RC 2151.421(B), report such knowledge or suspicion to one of the agencies or authorities described therein. OAG 97-031.

10. Public records disclosure


Trial court order quashing subpoena for child victim's county children's services records and granting protective orders for the records was not an abuse of discretion, during prosecution for rape and gross sexual imposition; trial court reviewed the records in camera and determined that the disclosure of the records would not have outweighed confidentiality considerations, and statute that allowed the admission of a report in a criminal proceeding referred to an incident report that was required to be made by a certain category of persons, was very limited in scope, and did not encompass the "records" that defendant sought to admit. [State v. Dixon \(Ohio App. 5 Dist., Richland, 07-26-2004\) No. 03 CA 75, 2004-Ohio-3940, 2004 WL 1672194](#), Unreported, motion for delayed appeal denied [103 Ohio St.3d 1490, 816 N.E.2d 1078, 2004-Ohio-5605](#), appeal not allowed [105 Ohio St.3d 1438, 822 N.E.2d 810, 2005-Ohio-531](#). Criminal Law  627.8(4)


Uniform incident report about rape crime was not protected from public disclosure by exemption for reports of child abuse, even though report allegedly set out a child abuse claim; uniform incident report did not request detailed information relating to a juvenile victim such as the name and address of the child's parents, the history of injury or abuse, or the potential threat of further abuse, and uniform incident reports were public records, even if they included information that would otherwise qualify under an exception to disclosure. [State ex rel. Beacon Journal Pub. Co. v. Akron \(Ohio App. 9 Dist., Summit, 07-24-2003\) No. 21116, 2003 WL 21756380](#), Unreported. Infants  133


None of the documents pertaining to internal police investigation involved a report of **child abuse**, made under **child-abuse reporting** statute, that was referred for investigation to the county Children Services Board, and thus documents were not exempt from disclosure, but rather were public records that had to be available for public inspection, even though documents might have contained some information that would have been included in an initial report of suspected **child abuse**, where documents were prepared for police investigatory purposes, not for an investigation of **child abuse** or neglect by a public children services agency. [State ex rel. Beacon Journal Pub. Co. v. Akron \(Ohio App. 9 Dist., Summit, 07-24-2003\) No. 21116, 2003 WL 21756380](#), Unreported. Infants  133


Confidentiality provision of **child-abuse reporting** statute, which encouraged **reporting** of suspected **child abuse** by assuring those making reports would remain confidential, only extended to investigations conducted by the public children services agency, and thus confidentiality provision did not extend to criminal investigations or police


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internal investigations to preclude disclosure of documents relevant to investigations. [State ex rel. Beacon Journal Pub. Co. v. Akron \(Ohio App. 9 Dist., Summit, 07-24-2003\) No. 21116, 2003 WL 21756380](#), Unreported. Infants  133

Award of attorney fees to newspaper publisher and reporter was not warranted, under Public Records Act, though city had refused to disclose any portion of police department's uniform offense and incident report for rape of 14-year-old girl, and though information in the report which did not identify victim or her parents was not confidential under **child-abuse reporting** statute, where city had reasonably believed that disclosure of information might subject city and police chief to criminal liability for violating **child-abuse reporting** statute, and city had been genuinely concerned that disclosure might deter **reporting** of crimes concerning abused children. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Records  68


Information, in city police department's uniform offense and incident report for rape of 14-year-old girl, which would identify the victim and her parents, was confidential under **child-abuse reporting** statute, and therefore was not subject to disclosure to newspaper publisher and reporter, but information in the report concerning the rape, its general location, and the description of the perpetrators was not confidential and therefore was subject to disclosure. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12- 15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  133

Portions of city's police investigatory reports which referred to initial reports, to public children services agency, of suspected abuse of a child by police officers and of another child by two juveniles, were confidential, under the **child-abuse reporting** statute, and therefore were not subject to disclosure to newspaper publisher and reporter. [State ex rel. Beacon Journal Publishing Co. v. Akron \(Ohio, 12-15-2004\) 104 Ohio St.3d 399, 819 N.E.2d 1087, 2004-Ohio-6557](#). Infants  133


Statutory confidentiality of records and reports of alleged child abuse or neglect is not absolute. [Johnson v. Johnson \(Ohio App. 3 Dist., 03-05-1999\) 134 Ohio App.3d 579, 731 N.E.2d 1144](#). Infants  133

Reports prepared by county ombudsman office in investigating allegations of child abuse and neglect by staff members of juvenile detention center were not excepted from disclosure requirements of Public Records Act by statute providing for confidentiality of reports by persons required to report injury or neglect; such statute was directed to children services boards or departments of human services. [State ex rel. Strothers v. Wertheim \(Ohio, 10-22-1997\) 80 Ohio St.3d 155, 684 N.E.2d 1239, 1997-Ohio-349](#), reconsideration denied [80 Ohio St.3d 1472, 687 N.E.2d 299](#), motion denied [81 Ohio St.3d 1469, 690 N.E.2d 1288](#). Records  55

11. Child day care center employees and administrators duty

Administrators and employees of day-care centers have affirmative legal duty under child protection statute to report known or suspected child abuse. [Walters v. The Enrichment Ctr. of Wishing Well, Inc. \(Ohio App. 8 Dist., 06-07-1999\) 133 Ohio App.3d 66, 726 N.E.2d 1058](#), appeal not allowed [87 Ohio St.3d 1408, 716 N.E.2d 1170](#). Infants  13


12. Political subdivision

An employee of a political subdivision may be held liable for failure to perform a duty expressly imposed by the statute mandating the **reporting** of known or suspected **child abuse**. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#). Municipal Corporations  747(1)


Statute mandating the **reporting** of known or suspected **child abuse**, through its criminal penalty for failure to report, "expressly imposes liability," within meaning of Political Subdivision Tort Liability Act provisions creating exceptions from sovereign immunity of political subdivisions and their employees if the Revised Code expressly imposes liability. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#).


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Municipal Corporations  727

A political subdivision may be held liable for its employee's failure to perform a duty expressly imposed by the statute mandating the **reporting** of known or suspected **child abuse**. [Campbell v. Burton \(Ohio, 07-25-2001\) 92 Ohio St.3d 336, 750 N.E.2d 539, 2001-Ohio-206](#). Municipal Corporations  747(1)

13. Professional counselors or social workers duty

Social worker represented a "responsible adult" and was thus obligated to report alleged instances of **child abuse**, even though social worker acted irresponsibly in not **reporting** abuse; record demonstrated that social worker had knowledge of the alleged abuse and its criminal nature. [State v. Koerner \(Ohio App. 2 Dist., Montgomery, 02-06-2004\) No. 19830, 2004-Ohio-457, 2004 WL 225461](#), Unreported. Infants  13.5(1)

High school psychologist, who had a statutory duty to report to county Department of Family and Children's Services her suspicion that high school student's father abused student, had statutory immunity from action by student's father in connection with report and subsequent investigation by the Department, although Department determined that father did not abuse student. [Liedtke v. Carrington \(Ohio App. 8 Dist., 08-14-2001\) 145 Ohio App.3d 396, 763 N.E.2d 213](#). Infants  13.5(2)

Information contained in report which high school psychologist filed with county Department of Family and Children's Services, which apparently indicated that high school student's father abused student and resulted in Department's investigation of father, was confidential and privileged, and thus father was not entitled to discovery of report in his action against psychologist stemming from the allegations of the report and the investigation, although Department determined that the allegations were unsubstantiated. [Liedtke v. Carrington \(Ohio App. 8 Dist., 08-14-2001\) 145 Ohio App.3d 396, 763 N.E.2d 213](#). Witnesses  216(1)

RC 2151.421(A) does not impose upon a professional counselor or social worker licensed under RC Ch 4757 the duty to report knowledge or suspicion of child abuse of an individual if, when the professional counselor or social worker learns of the child abuse, the individual no longer is a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age. However, if information provided to a professional counselor or social worker who is acting in an official or professional capacity gives that person reason to know or suspect that an individual who currently is a child is at risk of child abuse, RC 2151.421(A) requires that such knowledge or suspicion be reported. OAG 01-035.

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