



Roger Bacon High School
Child Protection Policy Manual

2020/21

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SECTION 1

GLOSSARY OF TERMS

Accused Person

an individual who is accused of having performed an act of child abuse.

Adult

an individual who is eighteen years of age or older and not a current high school student.

Archbishop

the Archbishop of Cincinnati.

Archdiocese

the Roman Catholic Archdiocese of Cincinnati.

Child

a person under eighteen years of age or a current student of any age or a physically or mentally handicapped person under twenty-one years of age.

Child Abuse

any of the following:

- a. Engaging in sexual activity, as defined under Chapter 2907 of the *Ohio Revised Code*, with a child where such activity would constitute an offense under that Chapter;
- b. Endangering a child as defined in Section 2919.22 of the *Ohio Revised Code*;
- c. Denying to a child, as a means of punishment, proper or necessary subsistence, education, medical care or other care necessary to a child for the child's health;
- d. Using restraint that causes a child pain or injury;
- e. Administering prescription drugs or psychotropic medication to a child without the written approval and ongoing supervision of a licensed physician;
- f. Providing alcoholic beverages or controlled substances to a child. For the purpose of this *Policy*, this does not include the offering of the Precious Blood to someone under the age of 21 within the context of an official Church function;
- g. Commission of any act, other than by accidental means, that results in any injury or death to the child, or commission of any act by accidental means that results in any injury or death to the child and that is at variance with the history given of the injury or death, other than actions taken in self-defense or under similar justifiable circumstances;
- h. Infliction by any individual of physical or mental injury that threatens to harm the child's health or welfare, other than actions taken in self-defense or under similar justifiable circumstances.

Employee

any person who is employed by Roger Bacon or a subdivision thereof. An employee may be a cleric or a lay person who may also be a member of a religious institute.

Occasional Volunteer

any individual (i.e. driver, chaperone, cafeteria volunteer, etc.) that has contact with children for less than five (5) hours a month on a regular basis. This includes anyone who chaperones, drives or participates in a particular event with children that is not overnight.

Offender

an individual who has performed an act of child abuse.

Parent or Guardian

that person possessing legal custody of a child.

Recommendation

a provision of this *Policy* which urges an action or standard of behavior on the part of specified persons or offices or Roger Bacon.

Regular Volunteer

an adult who is not an employee who functions in a regular relationship with children for five (5) or more hours a month on a regular basis. This includes interns, student teachers and others in similar capacities.

Responsible Supervisor

the hiring and/or supervising agent for a school; the principal; any program director; the person in charge thereof.

Semblance of Truth

the level at which an allegation is deemed to have credibility, but is not yet proven.

Suspect

to imagine one to be guilty or culpable based on slight evidence or on facts and circumstances which do not amount to proof.

SECTION 2 PRINCIPLES OF POLICY

The principles behind this policy include:

1. Allegations of child abuse are to be taken seriously.
2. Incidents of abuse are to be handled forthrightly, but with due regard for confidentiality and privacy, especially with regard to the victim.
3. Roger Bacon will cooperate with the civil authorities responsible for handling incidents of child abuse.
4. A victim should never be held responsible for the abuse.
5. The paramount concern of Roger Bacon is the well-being of the victim and the victim's family.
6. An accused person has the right to due process, in civil law and canonically in the case of a Catholic religious or priest, in canon law.
7. All persons directly or indirectly involved with incidents of child abuse are to act with honesty, charity and confidence in the Lord's power to forgive and to heal.

SECTION 3 PREVENTION

1. Education. Ideally no child will ever be abused by an adult. The provisions of this section are intended to help assure that ideal. Everyone in the Roger Bacon High School community has a part to play: faculty, staff, parents, volunteers, even youths themselves and adults who are not directly involved in work with children. Everyone needs to be aware of the causes and signs of child abuse, what steps to take to protect children and what procedures to follow if abuse is suspected or observed. Child abuse is defined in the glossary terms at the beginning of this policy.

2. Faculty, Staff and Regular Volunteers. Roger Bacon faculty, staff and those lay persons employed or engaged as regular volunteers have an obligation to be knowledgeable about these matters. Not only are they responsible for the well being of children on a day-to-day basis, but they are perceived by the community and children as special and trustworthy individuals. Some of the persons in this category have duties mandated by civil law with regard to child abuse, about which they must be aware.

a. All Roger Bacon faculty, staff and regular volunteers are to read this Policy and to be familiar with its contents, especially the obligations for reporting suspected child abuse to civil and school authorities and the consequences of failure to report (**See Appendix A: Ohio Revised Code §2151.421 and §2921.22.**)

b. All programs designed to certify faculty, staff and others who serve children on a regular basis, whether as employees or volunteers, are to include a segment dealing with child abuse, including this Policy. Those who develop and sponsor such programs are responsible for the implementation of this Policy.

3. Parents

a. Parents have an obvious interest and responsibility in protecting their children from abuse. An understanding of the causes and effects of abuse will assist them in making sound decisions with regard to their children and in recognizing symptoms of abuse exhibited by their children. Children, too, can help to protect themselves by having a simple, practical appreciation of potential risks and appropriate responses.

b. Health and sexuality curricula will include an appropriate discussion of child abuse. Other programs which teach about personal health and development or human sexuality will likewise include a discussion of this topic.

4. Screening Child Workers. Persons who serve our youth as employees or regular volunteers are among Roger Bacon's most valuable assets. They contribute so much to the spiritual, emotional, intellectual and physical well-being of young persons. Administrators must take due precautions in order to assure that only those persons who are psychologically and temperamentally suited are chosen to work with children.

a. Each applicant for employment or for a regular volunteer position must supply to the hiring agent personal information adequate to assess his or her suitability for contact with children.

b. Responsible supervisors are to speak with all references provided by applicants for employment and to examine and verify the employment history. They are also to submit all names of applicants for employment or regular volunteer position for a background check with the Archdiocese. When the applicant is a member of a Catholic religious order or a Catholic Priest a reference should be sought from the proper canonical major superior. If circumstances warrant, the responsible supervisor is encouraged to further review.

c. Roger Bacon will establish procedures for gathering the information and completing the reference checks mentioned above. All of this information is to be retained in a confidential file at the location of employment until seven (7) years after employment ends, at which time all application documents are to be destroyed.

d. Those persons who recruit volunteers to work regularly with children should exercise caution in selecting volunteers. If there is any cause for concern regarding a recruited volunteer, the matter should be brought to the attention of the responsible supervisor for further review.

5. Preventive Intervention. Policies cannot in themselves always restrain an adult from abusing children. Thus, adults bear responsibility to assist one another in avoiding the abuse, and those at risk of abusing children must seek assistance to avoid behavior which may place a child at risk.

a. Any employee or regular volunteer who observes another employee or volunteer behaving in a manner which may pose a potential risk to a child is to report the matter in confidence to the President without delay.

b. The proper supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention. If a serious potential risk is not resolved satisfactorily, the supervisor may take appropriate action, with due regard for this Policy, school personnel policies and due process.

c. A parent, guardian or any adult who observes an employee or volunteer behaving in a manner which may pose a potential risk to a child is advised to call the matter to the attention of that adult. This may involve calling attention to circumstances which are inappropriate, even though not in themselves abusive, or reminding the person of particular provisions of this Policy, or challenging the person when guilty of affronts to a child. Any adult should not hesitate in reporting concerns confidentially to the proper supervisor, when warranted.

SECTION 4 RESPONSE

1. General

- a. If cases of child abuse do occur, Roger Bacon, under the leadership of the President, must respond expeditiously and with compassion and care to the victim and the victim's family, to the school, to the larger community and to the offender. The primary objectives of this response are personal and communal healing and the prevention of any further abuse by the offender.
- b. An important element of the response is a Response Team, whose task is to formulate specific plans for individual cases. The existence of a Response Team is intended to assure a high degree of objectivity in determining an appropriate response.
- c. Everything that follows in this section on Response requires action by specified persons or offices. Nevertheless, recognizing that the circumstances involved in each case of child abuse are unique, some flexibility in applying the policy is allowed to those responsible for implementing it, especially when incidents are reported many years after they occurred.
- d. The principles provided in beginning of this Policy are to guide those managing the response.
- e. In the event of an allegation of child abuse against the President or Principal, the Board of Trustees shall designate an individual to perform the duties of the President or Principal as provided in this Policy.

2. Initial Tasks

- a. The Ohio Revised Code (Section 2151.421) requires that certain individuals, acting in an official or professional capacity, report immediately any suspected or actual act of child abuse, perpetrated by any person, to the county children's services board or agency or a police officer; anyone else may report suspected or actual child abuse. All employees and volunteers are to be familiar with Section 2151.421 (see Appendix A). Agents of the School who are obligated to report to the civil authorities will do so without delay (unless the information is learned through the Sacrament of Penance).
- b. Section 2151.421 provides that anyone participating in good faith in making such a report shall be immune from civil or criminal liability. On the other hand, failure to report, when someone is required to do so, can result in a misdemeanor charge. The person making the report and other appropriate personnel will cooperate with the civil authorities, while retaining the right to seek guidance and legal counsel from officials of Roger Bacon.

3. Reporting and Investigating By School Authorities

- a. Any employee or regular volunteer (except licensed counselors, psychologists or social workers when their knowledge is protected by legal privilege and priests when their knowledge is protected by the seal of Confession), **whether obligated by state law to report to the civil authorities or**

not, who witnesses an act of child abuse perpetrated by an employee or volunteer or suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to the President of the School. If the President is not available, the report is to be made to the Principal; if the Principal is not available, the report is to be made to the Assistant Principal.

b. Any other person who believes that a child has been abused by an agent of Roger Bacon is encouraged to report the incident to the President.

c. If the reported incident has not already been reported to the civil authorities, the President, with the assistance of legal counsel, is to determine whether the incident requires reporting in accord with Ohio law. If so, the President will promptly report the incident to the appropriate civil authority and offer full cooperation.

d. The person who made the initial report will be notified by the President whether the incident has been reported to the civil authorities. The reporter, of course, retains the right to report the incident to the appropriate civil authority personally, if this has not already been done.

e. The President will notify legal counsel, the insurance administrator, as well as any other officer of the school or responsible supervisor who has reason to be aware of the situation, about any incident which has been reported to the President. Should the incident involve a member of a Catholic religious order or a Catholic priest, the President will also notify the proper canonical major superior.

f. Whether or not the incident requires reporting to the civil authorities, the incident is to be investigated quickly by the President or his delegate. This investigation is to be coordinated with any civil investigation and is to include, whenever possible, interviews with the alleged victim, the victim's parents, the person making the initial report, the accused person and any other person who may have knowledge of the situation. (This investigation is not intended to uncover all other possible cases of abuse perpetrated by the accused person; that aspect of the investigation is left properly to the civil authorities.)

g. If the charges are substantiated (even if not proven conclusively), steps in paragraphs 3.e and 3.f are to be implemented immediately. If it is concluded that the charges of child abuse are unsubstantiated, the original copy of the investigation report is to be placed in a confidential file of the President's office. All other copies are to be destroyed. The original copy is to be destroyed after ten years. Should the President learn later that the civil authorities have substantiated the charge or if new evidence is uncovered, then the case is to be reopened, and steps in paragraphs 3.e and 3.f are to be implemented immediately.

h. A report of the investigation is to be written by the President and distributed to those persons the President determines should receive it.

4. Immediate Pastoral Response to Victim. Whenever abuse occurs, the victim and the victim's family experience shock and anger. It is essential that effective, immediate and compassionate care be provided to these individuals until the procedures outlined below are completed. The President will determine who is responsible for the nature and duration of this response. Care

should be taken to consult with the civil agency or agencies which are investigating and responding to the reported incident.

a. Immediate Action Regarding Accused Person in Substantiated Case

(1) The President will direct the accused person's supervisor to place the person on a leave of absence from any official duties, pending the final resolution of the matter. Regular salary and benefits are to be provided. The accused person's permanent status should be resolved as soon as possible, pending any legal proceedings and the long-term response plan of the Response Team.

(2) Unless the case is already well-known, the Principal, when appropriate, will notify the faculty and staff only that the accused person has taken a leave of absence for personal reasons and for an undetermined time. Care is to be taken to avoid defamation of the character of the accused person.

(3) The accused person should seek his or her own legal counsel.

b. Formation of Response Team

(1) The President will convene a Response Team headed by the Principal. The Principal will work closely with professionals in the social services and child abuse fields.

(2) The Response Team is to meet within one week after the President completes the investigation described in paragraph 3.f.

(3) The Principal will serve as chairperson of the Response Team. The chairperson will serve as liaison to the President and as official spokesperson for the Team.

(4) The Team will disband upon the completion of the tasks delineated in with the concurrence of the President.

5. On-going Tasks. The Response Team and the President will bear the major responsibility for the School's response to incidents of child abuse, as outlined above and in. However, the School's central administration can provide valuable assistance to the response.

a. Media Relations. So often cases of child abuse becomes the occasion of sensational attention in the media, which can be harmful to victims, and the mission of Roger Bacon and the school community. On the other hand, there is benefit to a forthright and honest presentation of the attempt to provide a suitable response to incidents of child abuse within the School. It is the task of the President to serve as official public spokesperson and to assist school personnel in responding to inquiries from the media. Thus, all media inquiries addressed to school personnel and the Response Team are to be referred immediately to the President who is to consult with legal counsel, and the Response Team, once it is formed, before making any public statements or advising others to do so. All responses and statements to the media will be guided by the principles which underlie this Policy.

b. **Legal Actions.** When instances of child abuse lead to legal actions, the rightful claims of victims, the protection of Roger Bacon and the legal rights of the accused person must be carefully balanced. All personnel will cooperate with the civil authorities in their investigations, always notifying the President of these contacts. The President bears exclusive responsibility for managing the response to claims and civil actions and for advising the personnel, including the Response Team, in this regard, always with the assistance of legal counsel. The President also bears the responsibility for advising the proper canonical Major Superior, if a member of a Catholic religious order or a Catholic priest is involved, in the event that canonical procedures are warranted. Normally, Roger Bacon will not provide legal counsel for accused persons.

c. **Records Retention.** Once implementation of the Response Team's plan has begun, the President will keep a file under the name of the accused person. The file will include the President's investigation report, the short-term response plan, the long-term response plan and any other pertinent documents. After ten years, the file will be destroyed, with only a summary of the case being retained.

6. Local Tasks. It is the task of the President, Principal, faculty and staff to see that the provisions of this Policy with regard to the response to child abuse are implemented fully and carefully. It is also incumbent upon these persons and those who work with them to uphold the values enunciated in this Policy, to listen well and to provide concrete means for healing. They are to be especially attentive to the pastoral needs of victims and their families.

SECTION 5 RESPONSE TEAM TASKS

1. **Preliminary Plan of Action**. At its initial meeting the Response Team is to review the President's investigation report, assess the nature of the case and agree upon a preliminary plan of action. This work of the Response Team will be coordinated with the efforts of the civil authorities.

2. **Response**. Within two weeks of its initial meeting the Response Team is to meet to review the information gathered during implementation of the preliminary plan of action and to develop a plan for a response. The response plan will include the following elements:

a. the needs of the victim and victim's family (e.g. psychological evaluation, medical treatment, immediate demands upon the School or the accused person, continued contact with the Response Team);

b. the needs of the school community;

c. the needs of the civil authorities dealing with the case;

d. the needs of the accused person.

e. The Response Team is to report its plan to the President, and the Team and President are to agree on its implementation, including the assignment of responsibilities.

f. The Principal will communicate responsibilities assigned in the plan to specific School personnel. Compliance by these persons is required. The Response Team will implement any responsibilities it has assigned to itself.

g. Members of the Response Team and the President are to confer regularly during the implementation of the plan, making adjustments to the plan as needed. The Principal will confer regularly with school personnel regarding their responsibilities under the plan.

3. **Related Issues**

a. **Clientele**. The Response Team principally serves the school community in its attempt to provide a proper response to incidents of child abuse.

b. **Legal Counsel**. The Response Team may enlist the advice of legal counsel as they pursue their tasks, after consulting with the President. This is also true of other professionals whose assistance the Response Team may need. Such attorneys or other professionals will be viewed as serving Roger Bacon not the accused or the victim. Any fees required will be paid by Roger Bacon.

c. **Confidentiality**. The proper response to an incident of child abuse will ordinarily involve the sharing of information among a number of people. Whenever the greater good is served - bearing in mind the priority of the victim's well-being - the members of the Response Team may function as a conduit of information among the various persons involved in the incident. As a rule,

communication between the Response Team and the civil authorities, if any, will be handled by the President or the Team's own attorney. Otherwise the internal deliberations of the response Team are to remain confidential. The Response Team should determine, in consultation with the President, who should receive a copy of the plan.

d. Reimbursement. The working hours of the Response Team members are reimbursable according to standard rates for their respective professions. Out-of-pocket expenses are also reimbursable. Other expenses must receive prior approval from the President.

e. Psychological Services. In some cases the victim, members of the victim's family or the School community affected by an act of abuse may require the assistance of mental health or social service professionals. Typically the response plan will provide for evaluative counseling and any continuing assistance, as needed. When such assistance is called for in the response plan, Roger Bacon stands ready to assume any associated costs, as part of its healing ministry, if those costs are not covered by insurance available to the victim. Such assistance will be provided by a counselor, therapist, support group etc. The President will be responsible for the school's role in providing this assistance.

f. Reinstatement. Consideration of possible reinstatement in employment or volunteer involvement must take into account the seriousness of the abusive behavior, the potential for recidivism and the attitude of the offender. Special attention must be given in cases of sexual abuse. Reinstatement will rarely be an option in the school setting. Any decisions about reinstatement rest with the President.

g. Disclosure. Confidential disclosure of the offender's history of child abuse to appropriate supervisors and peers will almost always be a factor in any future reinstatement. Honesty within the community and protection from legal liability may warrant public disclosure of incidents of child abuse, either in the immediate aftermath of an incident or later, should the offender be reinstated in an official role within the school. Consideration of disclosure as part of the short-term or long-term response plan will include foremost the well-being of the school community involved and secondarily the wishes of the victim, the legal concerns of the school and the well-being of the offender. No recommendation to disclose may be made without consultation with the victim, legal counsel and the offender. The final decision concerning confidential and public disclosure rests with the President.

APPENDIX A

2151.421 Reporting child abuse or neglect.

(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 has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, 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 reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section [5120.173](#) of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency 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; health care professional; practitioner of a limited branch of medicine as specified in section [4731.15](#) of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section [5123.171](#) of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the

abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, 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.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section [2317.02](#) of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, 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 a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect 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 abuse or neglect 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.

(4)

(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, 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, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe 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 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) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section [2317.02](#) of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

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

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

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent 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 penitent.

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

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

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

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, 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 reasonable cause to suspect 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 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 injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

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

(D)

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

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

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

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

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

(E)

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

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

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

(G)

(1) Except as provided in section [2151.422](#) of the Revised Code or in an interagency agreement entered into under section [2151.428](#) of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) 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 (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not

give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section [5101.13](#) of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

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

(H)

(1)

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

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

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

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

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

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

(c) 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.

(I)

(1) Except as provided in divisions (I)(4) and (O) 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. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. 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)

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

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

(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 peace officer to which the report was made or referred, on the request of the child fatality review board or the director of health pursuant to guidelines established under section [3701.70](#) of the Revised Code, 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 or to the director. On the request of the review board or director, the agency or peace officer may, at its discretion, make the report available to the review board or director. 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.

(J) 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.

(K)

(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 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.

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

(L)

(1) Except as provided in division (L)(4) or (5) 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 (L)(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 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 (L)(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 (L)(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 (L)(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 the requirements of division (L) of this section.

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

(M) 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.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)

(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.

(P) As used in this section:

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

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section [4731.15](#) of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

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

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

Amended by 133rd General Assembly File No. TBD, HB 166, §101.01, eff. 10/17/2019.

Amended by 132nd General Assembly File No. TBD, HB 137, §1, eff. 3/20/2019.

Amended by 131st General Assembly File No. TBD, HB 493, §1, eff. 3/14/2017.

Amended by 131st General Assembly File No. TBD, HB 158, §1, eff. 10/12/2016.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. TBD, HB 213, §1, eff. 9/17/2014.

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

Amended by 128th General Assembly ch. 28, SB 79, §1, eff. 10/6/2009.

Effective Date: 01-30-2004; 09-16-2004; 04-11-2005; 05-06-2005; 08-03-2006; 09-21-2006; 2008 HB314 06-20-2008; 2008 SB163 08-14-2008; 2008 HB280 04-07-2009 .

2921.22 Failure to report a crime or knowledge of a death or burn injury.

(A)

(1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(2) No person, knowing that a violation of division (B) of section [2913.04](#) of the Revised Code has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(B) Except for conditions that are within the scope of division (E) of this section, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the person, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this division, "advanced practice registered nurse" does not include a certified registered nurse anesthetist.

(D) No person shall fail to provide upon request of the person to whom a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E)

(1) As used in this division, "burn injury" means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section [3743.01](#) of the Revised Code.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A)(15) of section [3737.22](#) of the Revised Code.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section [4731.22](#) of the Revised Code, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F)

(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section [3113.31](#) of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section [4731.22](#) of the Revised Code, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(G) Divisions (A) and (D) of this section do not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client;

member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source, privileged under section [2739.04](#) or [2739.12](#) of the Revised Code.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of a confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency, or community addiction services provider whose alcohol and drug addiction services are certified pursuant to section [5119.36](#) of the Revised Code.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of section [2907.02](#) or [2907.05](#) of the Revised Code or to victims of felonious sexual penetration in violation of former section [2907.12](#) of the Revised Code. As used in this division, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide those services.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A)(1) of this section is a misdemeanor of the fourth degree. Violation of division (A)(2) or (B) of this section is a misdemeanor of the second degree.

(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

(K)

(1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.

(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.

(L) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.

Amended by 131st General Assembly File No. TBD, SB 319, §1, eff. 7/1/2017.

Amended by 131st General Assembly File No. TBD, HB 216, §1, eff. 4/6/2017.

Amended by 130th General Assembly File No. TBD, HB 232, §1, eff. 7/10/2014.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Effective Date: 03-19-2003; 2008 SB248 04-07-2009.