



October 1, 2021

Family, Children, and Adult Services Procedure Letter No. 378

TO: Family, Children, and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: HB 92 Public Children Services Agency Reporting of Child Abuse/Neglect to Military Authorities

BACKGROUND:

On September 29, 2021, Governor Mike DeWine signed Substitute House Bill 92 (HB 92) of the 134th General Assembly, with an immediate effective date of September 29, 2021. HB 92 amends sections 2151.421 and 2151.423, and enacts section 2151.4210, of the Ohio Revised Code to require public children services agencies (PCSAs) to report child abuse or neglect in military families to the appropriate military authorities.

The enactment of HB 92 results in changes (underlined) in the following Ohio Revised Code Sections, effective September 29, 2021:

Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority, that needs the information to carry out its responsibilities to protect children from abuse or neglect. Information disclosed pursuant to this section is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed pursuant to this section.

Sec. 2151.4210. (A) A public children services agency shall determine as soon as practicable if a parent, guardian, or custodian of a child who is subject to an investigation under section 2151.421 or 2151.422 of the Revised Code is in the armed forces. (B) If the agency determines that the parent, guardian, or custodian is in the armed forces, the agency shall notify the appropriate authority of that armed force in which the parent, guardian, or custodian serves, in accordance with the memorandum of understanding established by that authority, that an investigation is being made of a report of child abuse or neglect that relates to the parent, guardian, or custodian. (C) As used in this section, "armed forces" has the same meaning as in 10 U.S.C. 101.

SUMMARY:

Pursuant to the passing of HB 92, the amended sections of 2151.421 and 2151.423, and the addition of section 2151.4210, of the Ohio Revised Code are effective September 29, 2021, and the following requirements are effective for all PCSAs to report child abuse or neglect in military families to the appropriate military authorities:

1. The PCSA is to attempt to obtain, at the time a referral is made, information about whether the parent, guardian, or custodian of a child is in the Armed Forces (inactive or active).
2. The PCSA is to determine as soon as practicable if the parent, guardian, or custodian of a child subject to an investigation is in the Armed Forces. Pursuant to 10 U.S. Code 101, the term Armed Forces means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. If determined the above individual is in the Armed Forces, the PCSA shall do the following:
 - a) Document the information related to the determination in the case record.
 - b) Notify the appropriate military authority that an assessment/investigation is being conducted of a report of child abuse or neglect.
 - c) Disclose confidential information discovered during the assessment/investigation necessary military authorities to carry out their responsibilities to protect children from abuse or neglect.
 - d) Document the disclosure of information related to the assessment/investigation to the military authority in the Statewide Automated Child Welfare Information System (SACWIS).
3. The PCSA will reference the memorandum of understanding (MOU) established by the military authority, and adhere to the process identified within the MOU, regarding notification of a child abuse or neglect investigation involving a child whose parent, guardian, or custodian is in the Armed Forces.

ODJFS will revise the following Ohio Administrative Code (OAC) rules in Chapter 5101:2-36 to include language that addresses these new requirements resulting from HB 92:

- OAC 5101:2-36-01 Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes
- OAC 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations
- OAC 5101:2-36-04 PCSA requirements for conducting a specialized assessment/investigation

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- OAC 5101:2-36-05 PCSA requirements for conducting stranger danger investigations
- OAC 5101:2-36-12 PCSA requirement for cross-referring reports of child abuse and/or neglect
- OAC 5101:2-36-20 Public children services agencies assessment requirements for child abuse and neglect reports in alternative response

INSTRUCTIONS:

The following chart indicates what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be added in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
PROCEDURE LETTERS		FCASPL No. 378