Ohio
Child Abuse and Neglect

Definitions of Child Abuse and Neglect
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Physical Abuse
Citation: Rev. Stat. §§ 2151.031; 2919.22
'Abused child' includes any child who:

- Is endangered as defined § 2919.22
- Exhibits evidence of any physical or mental injury or death, inflicted by other than accidental means, that is at variance with the history given of it
- Suffers physical or mental injury that harms or threatens to harm the child's health or welfare because of the acts of his or her parent, guardian, or custodian
- Is subjected to out-of-home-care child abuse

'Endangering children' includes any of the following acts committed against a child under age 18 or a mentally or physically handicapped child under age 21:

- Abuse, torture, or cruel abuse
- Corporal punishment, other physical disciplinary measure, or physical restraint in a cruel manner or for a prolonged period that creates a substantial risk of serious physical harm to the child
- Repeated and unwarranted disciplinary measures that, if continued, create a substantial risk of serious impairment of the child's mental health or development
- Allowing the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, the illegal manufacture of drugs, cultivation of marijuana, or possession of chemicals for the illegal manufacture, when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation

Neglect
Citation: Rev. Stat. § 2151.03(A)
'Neglected child' includes any child:

- Who lacks proper parental care because of the faults or habits of the child's parents, guardian, or custodian
- Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being
- Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition
- Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of statutes regarding the placement and adoption of children
- Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
- Who is subjected to child neglect in out-of-home care

This is summary information, not the full statutory text. Be sure to check your state's statutes for the most current and complete information for mandated reporters in your state.
Sexual Abuse/Exploitation

Citation: Rev. Stat. §§ 2151.031; 2907.01; 2919.22

The term 'abused child' includes a child who is the victim of sexual activity when such activity would constitute an offense, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child. Sexual activity means sexual conduct or sexual contact or both.

'Sexual conduct' means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body of any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

'Sexual contact' means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttocks, pubic region, and if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

A person commits the crime of 'endangering children' when the person does any of the following to a child: Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, sexually oriented, or nudity-oriented matter.

Emotional Abuse

Citation: Rev. Stat. § 2151.011

'Mental injury' means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in § 2919.22 and is committed by a parent or other person who is responsible for the child's care.

Abandonment

Citation: Rev. Stat. §§ 2151.03(A); 2151.011

The term 'neglected child' includes a child who is abandoned by his or her parents, guardian, or custodian. A child shall be presumed abandoned when his or her parents have failed to visit or maintain contact with him or her for more than 90 days, regardless of whether the parents resume contact with the child after that period of 90 days.

Standards for Reporting

Citation: Rev. Stat. § 2151.421

A report is required when a person knows or has reasonable cause to suspect that a child has suffered or faces a threat of suffering abuse or neglect.

Persons Responsible for the Child

Citation: Rev. Stat. §§ 2151.03(A); 2151.011

Responsible persons include:

- The child's parents, guardian, or custodian
- Other persons responsible for the child's care

Exceptions

Citation: Rev. Stat. §§ 2151.03(B); 2151.031; 2919.22

Nothing in this chapter shall be construed as subjecting a parent to criminal liability when, solely in the practice of religious beliefs, the parent fails to provide adequate medical or surgical care or treatment for the child. This section:

- Does not abrogate or limit any person's responsibility to report child abuse or neglect that is known or reasonably suspected or believed to have occurred, and to report children who are known to face or are reasonably suspected or believed to be facing a threat of suffering abuse or neglect
- Does not preclude any exercise of the authority of the State, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires it

A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent is not an abused child if the measure is not prohibited under § 2919.22 [that prohibits cruel or excessive means of discipline].
Mandatory Reporters of Child Abuse and Neglect
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Professionals Required to Report
Citation: Rev. Code § 2151.421
Mandatory reporters include:

- Attorneys
- Physicians, interns, residents, dentists, podiatrists, nurses, or other health-care professionals
- Licensed psychologists, school psychologists, or marriage and family therapists
- Speech pathologists or audiologists
- Coroners
- Administrators or employees of child daycare centers, residential camps, child day camps, certified child care agencies, other public or private children services, or private, nonprofit therapeutic wilderness camps agencies
- Teachers, school employees, or school authorities
- Persons engaged in social work or the practice of professional counseling
- Agents of county humane societies
- Persons, other than clerics, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion
- Professional employees of a county Department of Job and Family Services who works with children and families
- Superintendents or regional administrators employed by the Department of Youth Services
- Superintendents, board members, or employees of county boards of developmental disabilities; investigative agents contracted with by a county board of developmental disabilities; employees of the Department of Developmental Disabilities; employees of a facility or home that provides respite care; employees of a home health agency; employees of an entity that provides homemaker services
- Persons performing the duties of an assessor or third party employed by a public children's services agency to assist in providing child- or family-related services
- Court-appointed special advocates or guardians ad litem

Reporting by Other Persons
Citation: Rev. Code § 2151.421
Any other person who suspects that a child has suffered or faces a threat of suffering from abuse or neglect may report.

Institutional Responsibility to Report
Not addressed in statutes reviewed.

Standards for Making a Report
Citation: Rev. Code § 2151.421
A report is required when a mandated person is acting in an official or professional capacity and knows or suspects that a child 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.
Privileged Communications
Citation: Rev. Code § 2151.421
An attorney, physician, or cleric is not required to make a report concerning any communication the attorney, physician, or cleric receives from a client, patient, or penitent in a professional relationship, if, in accordance with § 2317.02, the attorney, physician, or cleric could not testify with respect to that communication in a civil or criminal proceeding.

The client, patient, or penitent in the relationship is deemed to have waived any testimonial privilege with respect to any communication the attorney, physician, or cleric receives, and the attorney, physician, or cleric shall make a report with respect to that communication if all of the following apply:

- The client, patient, or penitent, at the time of the communication, is either a child under age 18 or a mentally retarded, developmentally disabled, or physically impaired person under age 21.
- The attorney, physician, or cleric knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client, patient, or 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 person.
- The abuse or neglect does not arise out of the person's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with § 2151.85.

Inclusion of Reporter's Name in Report
Citation: Rev. Code § 2151.421
The reporter is not required to provide his or her name in the report, but if he or she wants to receive information on the outcome of the investigation, he or she must provide his or her name, address, and telephone number to the person who receives the report.

Disclosure of Reporter Identity
Citation: Rev. Code § 2151.421
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.