

As Introduced

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H. B. No. 57

**REPRESENTATIVES Willamowski, Flowers, Core, Jolivette, Evans, Niehaus,
Hollister, Hoops, DePiero**

A B I L L

To amend sections 121.37, 181.52, 2151.022, 2151.152, 1
2151.27, and 2151.354 of the Revised Code to revise 2
the definition of an unruly child, to require 3
counties to develop a process to deal with children 4
alleged to be or at risk of becoming unruly 5
children, to provide an additional disposition for 6
childred adjudicated unruly, to require the Office 7
of Criminal Justice Services to collect and analyze 8
information regarding resources serving these 9
children, to expand the opportunities juvenile 10
courts have to obtain federal funds under an 11
agreement with the Ohio Department of Job and 12
Family Services, and to maintain the provisions of 13
this act on and after January 1, 2002, by amending 14
the versions of sections 2151.022, 2151.27, and 15
2151.354 that take effect on that date. 16
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.37, 181.52, 2151.022, 2151.152, 18
2151.27, and 2151.354 of the Revised Code be amended to read as 19
follows: 20

Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction and the directors of youth services, job and family services, mental health, health, alcohol and drug addiction services, mental retardation and developmental disabilities, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.

(2) The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.

In seeking to fulfill its purpose, the council may do any of the following:

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children;

(b) Advise and assess local governments on the coordination of service delivery to children;

(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery

between state agencies and local service providers for families 51
and children; 52

(f) Enter into contracts with and apply for grants from 53
federal agencies or private organizations; 54

(g) Enter into interagency agreements to encourage 55
coordinated efforts at the state and local level to improve the 56
state's social service delivery system. The agreements may include 57
provisions regarding the receipt, transfer, and expenditure of 58
funds. 59

(3) The cabinet council shall provide for the following: 60

(a) Reviews of service and treatment plans for children for 61
which such reviews are requested; 62

(b) Assistance as the council determines to be necessary to 63
meet the needs of children referred by county family and children 64
first councils; 65

(c) Monitoring and supervision of a statewide, comprehensive, 66
coordinated, multi-disciplinary, interagency system for infants 67
and toddlers with developmental disabilities or delays and their 68
families, as established pursuant to federal grants received and 69
administered by the department of health for early intervention 70
services under the "Education of the Handicapped Act Amendments of 71
1986," 100 Stat. 1145 (1986), 20 U.S.C.A. 1471, as amended. 72

(B)(1) Each board of county commissioners shall establish a 74
county family and children first council. The board may invite any 75
local public or private agency or group that funds, advocates, or 76
provides services to children and families to have a 77
representative become a permanent or temporary member of its 78
county council. Each county council must include the following 79
individuals: 80

(a) At least three individuals whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

(d) The director of the county department of job and family services;

(e) The executive director of the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code;

(f) The superintendent of the county board of mental retardation and developmental disabilities;

(g) The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, by the judge senior in service;

(h) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which

shall notify each board of county commissioners of its 112
determination at least biennially; 113

(i) A school superintendent representing all other school 114
districts with territory in the county, as designated at a 115
biennial meeting of the superintendents of those districts; 116

(j) A representative of the municipal corporation with the 117
largest population in the county; 118

(k) The president of the board of county commissioners, or an 119
individual designated by the board; 120

(l) A representative of the regional office of the department 121
of youth services; 122

(m) A representative of the county's head start agencies, as 123
defined in section 3301.31 of the Revised Code; 124

(n) A representative of the county's early intervention 125
collaborative established pursuant to the federal early 126
intervention program operated under the "Education of the 127
Handicapped Act Amendments of 1986"; 128

(o) A representative of a local nonprofit entity that funds, 129
advocates, or provides services to children and families. 130

Notwithstanding any other provision of law, the public 131
members of a county council are not prohibited from serving on the 132
council and making decisions regarding the duties of the council, 133
including those involving the funding of joint projects and those 134
outlined in the county's service coordination mechanism 135
implemented pursuant to division (C) of this section. 136

The cabinet council shall establish a state appeals process 137
to resolve disputes among the members of a county council 138
concerning whether reasonable responsibilities as members are 139
being shared. The appeals process may be accessed only by a 140
majority vote of the council members who are required to serve on 141

the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

(2) A county council shall provide for the following:

(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;

(b) Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children;

(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Education of the Handicapped Act Amendments of 1986";

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3)(a) Except as provided in division (B)(3)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.

(b) On application of a county council, the cabinet council

may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(4)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of mental retardation and developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county commissioners, may decline to serve as the council's administrative agent.

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the

council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

The administrative agent for a county council may do any of the following on behalf of the council:

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

(ii) As determined by the council, provide financial stipends, reimbursements, or both, to family representatives for expenses related to council activity;

(iii) Receive by gift, grant, devise, or bequest any moneys, lands, or other property for the purposes for which the council is established. The agent shall hold, apply, and dispose of the moneys, lands, or other property according to the terms of the gift, grant, devise, or bequest. Any interest or earnings shall be treated in the same manner and are subject to the same terms as the gift, grant, devise, or bequest from which it accrues.

(b)(i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as

administrative agent to an executive committee the board 235
establishes from the membership of the county council. The board 236
shall name to the executive committee at least the individuals 237
described in divisions (B)(1)(b) through (h) of this section and 238
may appoint the president of the board or another individual as 239
the chair of the executive committee. 240

(ii) The executive committee may, with the approval of the 241
board, hire an executive director to assist the county council in 242
administering its powers and duties. The executive director shall 243
serve in the unclassified civil service at the pleasure of the 244
executive committee. The executive director may, with the approval 245
of the executive committee, hire other employees as necessary to 246
properly conduct the county council's business. 247

(iii) The board may require the executive committee to submit 248
an annual budget to the board for approval and may amend or repeal 249
the resolution that delegated to the executive committee its 250
authority as the county council's administrative agent. 251

(5) Two or more county councils may enter into an agreement 252
to administer their county councils jointly by creating a regional 253
family and children first council. A regional council possesses 254
the same duties and authority possessed by a county council, 255
except that the duties and authority apply regionally rather than 256
to individual counties. Prior to entering into an agreement to 257
create a regional council, the members of each county council to 258
be part of the regional council shall meet to determine whether 259
all or part of the members of each county council will serve as 260
members of the regional council. 261

(6) A board of county commissioners may approve a resolution 262
by a majority vote of the board's members that requires the county 263
council to submit a statement to the board each time the council 264
proposes to enter into an agreement, adopt a plan, or make a 265
decision, other than a decision pursuant to section 121.38 of the 266

Revised Code, that requires the expenditure of funds for two or 267
more families. The statement shall describe the proposed 268
agreement, plan, or decision. 269

Not later than fifteen days after the board receives the 270
statement, it shall, by resolution approved by a majority of its 271
members, approve or disapprove the agreement, plan, or decision. 272
Failure of the board to pass a resolution during that time period 273
shall be considered approval of the agreement, plan, or decision. 274

An agreement, plan, or decision for which a statement is 275
required to be submitted to the board shall be implemented only if 276
it is approved by the board. 277

(C) Each county shall develop a county service coordination 278
mechanism. The mechanism shall be developed and approved with the 279
participation of the county entities representing child welfare; 280
mental retardation and developmental disabilities; alcohol, drug 281
addiction, and mental health services; health; juvenile judges; 282
education; the county family and children first council; and the 283
county early intervention collaborative established pursuant to 284
the federal early intervention program operated under the 285
"Education of the Handicapped Act Amendments of 1986." The county 286
shall establish an implementation schedule for the mechanism. The 287
cabinet council may monitor the implementation and administration 288
of each county's service coordination mechanism. 289

Each mechanism shall include all of the following: 290

(1) A procedure for assessing the needs of any child, 291
including a child who is an abused, neglected, dependent, unruly, 292
or delinquent child and under the jurisdiction of the juvenile 293
court or a child whose parent or custodian is voluntarily seeking 294
services; 295

(2) A procedure for assessing the service needs of the family 296
of any child, including a child who is an abused, neglected, 297

dependent, unruly, or delinquent child and under the jurisdiction 298
of the juvenile court or a child whose parent or custodian is 299
voluntarily seeking services; 300

(3) A procedure for development of a comprehensive joint 301
service plan ~~designating service responsibilities among the~~ 302
~~various state and local agencies that provide services to children~~ 303
~~and their families, including children who are abused, neglected,~~ 304
~~dependent, unruly, or delinquent children and under the~~ 305
~~jurisdiction of the juvenile court and children whose parents or~~ 306
~~custodians are voluntarily seeking services described in division~~ 307
~~(D) of this section;~~ 308

(4) A local dispute resolution process to serve as the 309
process that must be used first to resolve disputes among the 310
agencies represented on the county council concerning the 311
provision of services to children, including children who are 312
abused, neglected, dependent, unruly, alleged unruly, or 313
delinquent children and under the jurisdiction of the juvenile 314
court, children who appear to be unruly children but are not under 315
the jurisdiction of the juvenile court as alleged or adjudicated 316
unruly children, and children whose parents or custodians are 317
voluntarily seeking services. The local dispute resolution process 318
shall comply with section 121.38 of the Revised Code. The cabinet 319
council shall adopt rules in accordance with Chapter 119. of the 320
Revised Code establishing an administrative review process to 321
address problems that arise concerning the operation of a local 322
dispute resolution process. 323

(D) Each county shall develop a comprehensive joint service 324
plan that does both of the following: 325

(1) Designates service responsibilities among the various 326
state and local agencies that provide services to children and 327
their families, including children who are abused, neglected, 328
dependent, unruly, or delinquent children and under the 329

jurisdiction of the juvenile court and children whose parents or 330
custodians are voluntarily seeking services; 331

(2) Includes a service coordination process for dealing with 332
a child who is either of the following that includes methods to 333
divert the child from the juvenile court system: 334

(a) A child alleged to be an unruly child in a complaint 335
filed pursuant to section 2151.27 of the Revised Code; 336

(b) A child who appears to be an unruly child as that term is 337
defined in section 2151.022 of the Revised Code but is not under 338
the jurisdiction of the juvenile court as an alleged or 339
adjudicated unruly child. 340

(E)(1) The service coordination process provided for under 341
division (D)(2) of this section may include, but is not limited 342
to, the following: 343

(a) An assessment of the risk the child poses to the 344
community, the needs and strengths of the child and the child's 345
family, and the services the child and the child's family need; 346

(b) Designation of the person or agency to conduct the 347
assessment of the child and the child's family as described in 348
division (E)(1)(a) of this section and designation of the 349
instrument or instruments to be used to conduct the assessment; 350

(c) Designation of the agency to provide case management 351
services to the child and to the child's family; 352

(d) An emphasis on the personal responsibilities of the child 353
and the parental responsibilities of the parents, guardian, or 354
custodian of the child; 355

(e) Involvement of local law enforcement agencies and 356
officials. 357

(2) The method to divert a child from the juvenile court 358
system that must be included in the service coordination process 359

may include, but is not limited to, the following: 360

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system; 361
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(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system; 367
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(c) A method for dealing with short-term crisis situations involving a confrontation between the child and the parents, guardian, or custodian; 371
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(d) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 374
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(e) A program to provide a mentor to the child or the parents, guardian, or custodian; 378
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(f) A program to provide parenting education to the parents, guardian, or custodian; 380
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(g) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 382
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(h) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the office of criminal justice services. 385
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Sec. 181.52. (A) There is hereby created an office of 390
criminal justice services. The governor shall appoint a director 391
of the office, and the director may appoint, within the office, 392
any professional and technical personnel and other employees that 393
are necessary to enable the office to comply with sections 181.51 394
to 181.56 of the Revised Code. The director and the assistant 395
director of the office, and all professional and technical 396
personnel employed within the office who are not public employees 397
as defined in section 4117.01 of the Revised Code, shall be in the 398
unclassified civil service, and all other persons employed within 399
the office shall be in the classified civil service. The director 400
may enter into any contracts, except contracts governed by Chapter 401
4117. of the Revised Code, that are necessary for the operation of 402
the office. 403

(B) Subject to division ~~(D)~~(E) of this section and subject to 404
divisions (D) to (F) of section 5120.09 of the Revised Code 405
insofar as those divisions relate to federal criminal justice acts 406
that the governor requires the department of rehabilitation and 407
correction to administer, the office of criminal justice services 408
shall do all of the following: 409

(1) Serve as the state criminal justice services agency and 410
perform criminal and juvenile justice system planning in the 411
state, including any planning that is required by any federal law; 412

(2) Collect, analyze, and correlate information and data 413
concerning the criminal and juvenile justice systems in the state; 414

(3) Cooperate with and provide technical assistance to state 415
departments, administrative planning districts, metropolitan 416
county criminal justice services agencies, criminal justice 417
coordinating councils, agencies, offices, and departments of the 418
criminal and juvenile justice systems in the state, and other 419
appropriate organizations and persons; 420

- (4) Encourage and assist agencies, offices, and departments 421
of the criminal and juvenile justice systems in the state and 422
other appropriate organizations and persons to solve problems that 423
relate to the duties of the office; 424
- (5) Administer within the state any federal criminal justice 425
acts or juvenile justice acts that the governor requires it to 426
administer; 427
- (6) Implement the state comprehensive plans; 428
- (7) Audit grant activities of agencies, offices, 429
organizations, and persons that are financed in whole or in part 430
by funds granted through the office; 431
- (8) Monitor or evaluate the performance of criminal and 432
juvenile justice systems projects and programs in the state that 433
are financed in whole or in part by funds granted through the 434
office; 435
- (9) Apply for, allocate, disburse, and account for grants 436
that are made available pursuant to federal criminal justice acts 437
or juvenile justice acts, or made available from other federal, 438
state, or private sources, to improve the criminal and juvenile 439
justice systems in the state. All money from such federal grants 440
shall, if the terms under which the money is received require that 441
the money be deposited into an interest-bearing fund or account, 442
be deposited in the state treasury to the credit of the federal 443
program purposes fund, which is hereby created. All investment 444
earnings of the fund shall be credited to the fund. 445
- (10) Contract with federal, state, and local agencies, 446
foundations, corporations, businesses, and persons when necessary 447
to carry out the duties of the office; 448
- (11) Oversee the activities of metropolitan county criminal 449
justice services agencies, administrative planning districts, and 450
criminal justice coordinating councils in the state; 451

(12) Advise the general assembly and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;

(13) Prepare and recommend legislation to the general assembly and governor for the improvement of the criminal and juvenile justice systems in the state;

(14) Assist, advise, and make any reports that are requested or required by the governor, attorney general, or general assembly;

(15) Adopt rules pursuant to Chapter 119. of the Revised Code.

(C) The information and data collected, analyzed, and correlated under division (B)(2) of this section may include the following information with respect to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children:

(1) Identification of public and private funding sources for services provided to such children, including regulations governing access to and use of the services;

(2) Information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of such programs;

(3) Identification and dissemination of publications regarding such children or regarding programs serving such children;

(4) Maintenance of an inventory of individuals approved by the office to act as strategic planning facilitators for use by government or nonprofit entities that serve such children.

(D) Division (B) of this section does not limit the discretion or authority of the attorney general with respect to

crime victim assistance and criminal justice programs. 482

~~(D)~~(E) Nothing in this section is intended to diminish or 483
alter the status of the office of the attorney general as a 484
criminal justice services agency. 485

Sec. 2151.022. As used in this chapter, "unruly child" 486
includes any of the following: 487

(A) Any child who does not ~~subject the child's self~~ submit to 488
the reasonable control of the child's parents, teachers and other 489
school authorities, guardian, or custodian, by reason of the child 490
being wayward or habitually disobedient; 491

~~(B) Any child who is persistently truant from home;~~ 492

~~(C)~~ Any child who is an habitual truant from school and who 493
previously has not been adjudicated an unruly child for being an 494
habitual truant; 495

~~(D)~~(C) Any child who ~~so deports the child's self~~ behaves in a 496
manner as to injure or endanger the child's own health or morals 497
or the health or morals of others; 498

~~(E) Any child who attempts to enter the marriage relation in~~ 499
~~any state without the consent of the child's parents, custodian,~~ 500
~~or legal guardian or other legal authority;~~ 501

~~(F) Any child who is found in a disreputable place, visits or~~ 502
~~patronizes a place prohibited by law, or associates with vagrant,~~ 503
~~vicious, criminal, notorious, or immoral persons;~~ 504

~~(G) Any child who engages in an occupation prohibited by law~~ 505
~~or is in a situation dangerous to life or limb or injurious to the~~ 506
~~child's own health or morals or the health or morals of others;~~ 507

~~(H)~~(D) Any child who violates a law, other than division (A) 508
of section 2923.211 of the Revised Code, that is applicable only 509
to a child. 510

Sec. 2151.152. The juvenile judge may enter into an agreement 511
with the department of job and family services pursuant to section 512
5101.11 of the Revised Code for the purpose of reimbursing the 513
court for foster care maintenance costs and associated 514
administrative and training costs incurred on behalf of a child ~~in~~ 515
~~the temporary or permanent custody of the court and~~ eligible for 516
payments under Title IV-E of the "Social Security Act," 94 Stat. 517
501, 42 U.S.C.A. 670 (1980) and who is in the temporary or 518
permanent custody of the court or subject to a disposition issued 519
under division (A)(5) of section 2151.354, division (A)(25) of 520
section 2151.355 of the Revised Code prior to January 1, 2002, or 521
division (A)(6)(a)(ii) or (A)(7) of section 2152.19 of the Revised 522
Code on and after January 1, 2002. The agreement shall govern the 523
responsibilities and duties the court shall perform in providing 524
services to the child. 525

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 526
section, any person having knowledge of a child who appears to be 527
a juvenile traffic offender or to be a delinquent, unruly, abused, 528
neglected, or dependent child may file a sworn complaint with 529
respect to that child in the juvenile court of the county in which 530
the child has a residence or legal settlement or in which the 531
traffic offense, delinquency, unruliness, abuse, neglect, or 532
dependency allegedly occurred. If an alleged abused, neglected, or 533
dependent child is taken into custody pursuant to division (D) of 534
section 2151.31 of the Revised Code or is taken into custody 535
pursuant to division (A) of section 2151.31 of the Revised Code 536
without the filing of a complaint and placed into shelter care 537
pursuant to division (C) of that section, a sworn complaint shall 538
be filed with respect to the child before the end of the next day 539
after the day on which the child was taken into custody. The sworn 540
complaint may be upon information and belief, and, in addition to 541

the allegation that the child is a delinquent, unruly, abused, 542
neglected, or dependent child or a juvenile traffic offender, the 543
complaint shall allege the particular facts upon which the 544
allegation that the child is a delinquent, unruly, abused, 545
neglected, or dependent child or a juvenile traffic offender is 546
based. 547

(2) Any person having knowledge of a child who appears to be 548
an unruly or delinquent child for being an habitual or chronic 549
truant may file a sworn complaint with respect to that child and 550
the parent, guardian, or other person having care of the child in 551
the juvenile court of the county in which the child has a 552
residence or legal settlement or in which the child is supposed to 553
attend public school. The sworn complaint may be upon information 554
and belief and shall contain the following allegations: 555

(a) That the child is an unruly child for being an habitual 556
truant or the child is a delinquent child for being a chronic 557
truant or an habitual truant who previously has been adjudicated 558
an unruly child for being an habitual truant and, in addition, the 559
particular facts upon which that allegation is based; 560

(b) That the parent, guardian, or other person having care of 561
the child has failed to cause the child's attendance at school in 562
violation of section 3321.38 of the Revised Code and, in addition, 563
the particular facts upon which that allegation is based. 564
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(B) If a child, before arriving at the age of eighteen years, 566
allegedly commits an act for which the child may be adjudicated a 567
delinquent child, an unruly child, or a juvenile traffic offender 568
and if the specific complaint alleging the act is not filed or a 569
hearing on that specific complaint is not held until after the 570
child arrives at the age of eighteen years, the court has 571
jurisdiction to hear and dispose of the complaint as if the 572
complaint were filed and the hearing held before the child arrived 573

at the age of eighteen years.

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(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a planned permanent living arrangement, the complaint shall contain a prayer specifically requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement.

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(D) For purposes of the record to be maintained by the clerk under division (B) of section 2151.18 of the Revised Code, when a complaint is filed that alleges that a child is a delinquent child, the court shall determine if the victim of the alleged delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the alleged commission of the act.

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(E) Any person with standing under applicable law may file a complaint for the determination of any other matter over which the juvenile court is given jurisdiction by section 2151.23 of the Revised Code. The complaint shall be filed in the county in which the child who is the subject of the complaint is found or was last known to be found.

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(F) Within ten days after the filing of a complaint, the court shall give written notice of the filing of the complaint and of the substance of the complaint to the superintendent of a city, local, exempted village, or joint vocational school district if the complaint alleges that a child committed an act that would be a criminal offense if committed by an adult, that the child was sixteen years of age or older at the time of the commission of the alleged act, and that the alleged act is any of the following:

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(1) A violation of section 2923.122 of the Revised Code that 605
relates to property owned or controlled by, or to an activity held 606
under the auspices of, the board of education of that school 607
district; 608

(2) A violation of section 2923.12 of the Revised Code, of a 609
substantially similar municipal ordinance, or of section 2925.03 610
of the Revised Code that was committed on property owned or 611
controlled by, or at an activity held under the auspices of, the 612
board of education of that school district; 613

(3) A violation of section 2925.11 of the Revised Code that 614
was committed on property owned or controlled by, or at an 615
activity held under the auspices of, the board of education of 616
that school district, other than a violation of that section that 617
would be a minor drug possession offense, as defined in section 618
2925.01 of the Revised Code, if committed by an adult; 619

(4) A violation of section 2903.01, 2903.02, 2903.03, 620
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 621
Code, or a violation of former section 2907.12 of the Revised 622
Code, that was committed on property owned or controlled by, or at 623
an activity held under the auspices of, the board of education of 624
that school district, if the victim at the time of the commission 625
of the alleged act was an employee of the board of education of 626
that school district. 627

(5) Complicity in any violation described in division (F)(1), 628
(2), (3), or (4) of this section that was alleged to have been 629
committed in the manner described in division (F)(1), (2), (3), or 630
(4) of this section, regardless of whether the act of complicity 631
was committed on property owned or controlled by, or at an 632
activity held under the auspices of, the board of education of 633
that school district. 634

(G) A public children services agency, acting pursuant to a 635

complaint or an action on a complaint filed under this section, is
not subject to the requirements of section 3109.27 of the Revised
Code.

(H) Upon the filing of a complaint alleging that a child is
an unruly child, the court may hold the complaint in abeyance
pending the child's successful completion of actions that
constitute a method to divert the child from the juvenile court
system. The method may be adopted by a county pursuant to
divisions (D) and (E) of section 121.37 of the Revised Code or it
may be another method that the court considers satisfactory. If
the child completes the actions to the court's satisfaction, the
court may dismiss the complaint. If the child fails to complete
the actions to the court's satisfaction, the court may consider
the complaint.

Sec. 2151.354. (A) If the child is adjudicated an unruly
child, the court may:

(1) Make any of the dispositions authorized under section
2151.353 of the Revised Code;

(2) Place the child on probation under any conditions that
the court prescribes;

(3) Suspend or revoke the driver's license, probationary
driver's license, or temporary instruction permit issued to the
child and suspend or revoke the registration of all motor vehicles
registered in the name of the child. A child whose license or
permit is so suspended or revoked is ineligible for issuance of a
license or permit during the period of suspension or revocation.
At the end of the period of suspension or revocation, the child
shall not be reissued a license or permit until the child has paid
any applicable reinstatement fee and complied with all
requirements governing license reinstatement.

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(4) Commit the child to the temporary or permanent custody of the court; 666
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(5) Make any further disposition the court finds proper that is consistent with sections 2151.312 and 2151.56 to 2151.61 of the Revised Code; 668
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(6) If, after making a disposition under division (A)(1), (2), or (3) of this section, the court finds upon further hearing that the child is not amenable to treatment or rehabilitation under that disposition, make a disposition otherwise authorized under divisions (A)(1), (2), and (A)(8)(10) to (12)(20), (22), and (25) of section 2151.355 of the Revised Code, except that the child may not be committed to or placed in a secure correctional facility, and commitment to or placement in a detention home may not exceed twenty-four hours unless authorized by division (C)(3) of section that is consistent with sections 2151.312 or sections and 2151.56 to 2151.61 of the Revised Code. 671
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(B) If a child is adjudicated an unruly child for committing any act that, if committed by an adult, would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, or a violation of division (B) of section 2917.11 of the Revised Code, then, in addition to imposing, in its discretion, any other order of disposition authorized by this section, the court shall do both of the following: 682
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(1) Require the child to participate in a drug abuse or alcohol abuse counseling program; 689
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(2) Suspend or revoke the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court or, at the discretion of the court, until the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During 691
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the time the child is attending the program, the court shall
retain any temporary instruction permit, probationary driver's
license, or driver's license issued to the child and shall return
the permit or license when the child satisfactorily completes the
program.

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(C)(1) If a child is adjudicated an unruly child for being an
habitual truant, in addition to or in lieu of imposing any other
order of disposition authorized by this section, the court may do
any of the following:

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(a) Order the board of education of the child's school
district or the governing board of the educational service center
in the child's school district to require the child to attend an
alternative school if an alternative school has been established
pursuant to section 3313.533 of the Revised Code in the school
district in which the child is entitled to attend school;

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(b) Require the child to participate in any academic program
or community service program;

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(c) Require the child to participate in a drug abuse or
alcohol abuse counseling program;

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(d) Require that the child receive appropriate medical or
psychological treatment or counseling;

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(e) Make any other order that the court finds proper to
address the child's habitual truancy, including an order requiring
the child to not be absent without legitimate excuse from the
public school the child is supposed to attend for five or more
consecutive days, seven or more school days in one school month,
or twelve or more school days in a school year and including an
order requiring the child to participate in a truancy prevention
mediation program.

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(2) If a child is adjudicated an unruly child for being an
habitual truant and the court determines that the parent,

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guardian, or other person having care of the child has failed to 728
cause the child's attendance at school in violation of section 729
3321.38 of the Revised Code, in addition to any order of 730
disposition authorized by this section, all of the following 731
apply: 732

(a) The court may require the parent, guardian, or other 733
person having care of the child to participate in any community 734
service program, preferably a community service program that 735
requires the involvement of the parent, guardian, or other person 736
having care of the child in the school attended by the child. 737

(b) The court may require the parent, guardian, or other 738
person having care of the child to participate in a truancy 739
prevention mediation program. 740

(c) The court shall warn the parent, guardian, or other 741
person having care of the child that any subsequent adjudication 742
of the child as an unruly or delinquent child for being an 743
habitual or chronic truant may result in a criminal charge against 744
the parent, guardian, or other person having care of the child for 745
a violation of division (C) of section 2919.21 or section 2919.24 746
of the Revised Code. 747

Section 2. That existing sections 121.37, 181.52, 2151.022, 748
2151.152, 2151.27, and 2151.354 of the Revised Code are hereby 749
repealed. 750

Section 3. That sections 2151.022, 2151.27, and 2151.354 of 751
the Revised Code, as amended by Am. Sub. S. B. 179 of the 123rd 752
General Assembly, be amended to read as follows: 753

Sec. 2151.022. As used in this chapter, "unruly child" 754
includes any of the following: 755

(A) Any child who does not submit to the reasonable control 756

of the child's parents, teachers and other school authorities, 757
guardian, or custodian, by reason of the child being wayward or 758
habitually disobedient; 759

(B) Any child who is an habitual truant from school and who 760
previously has not been adjudicated an unruly child for being an 761
habitual truant; 762

(C) Any child who behaves in a manner as to injure or 763
endanger the child's own health or morals or the health or morals 764
of others; 765

(D) Any child who violates a law, other than division (A) of 766
section 2923.211 of the Revised Code, that is applicable only to a 767
child. 768

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 769
section, any person having knowledge of a child who appears to be 770
an unruly, abused, neglected, or dependent child may file a sworn 771
complaint with respect to that child in the juvenile court of the 772
county in which the child has a residence or legal settlement or 773
in which the unruliness, abuse, neglect, or dependency allegedly 774
occurred. If an alleged abused, neglected, or dependent child is 775
taken into custody pursuant to division (D) of section 2151.31 of 776
the Revised Code or is taken into custody pursuant to division (A) 777
of section 2151.31 of the Revised Code without the filing of a 778
complaint and placed into shelter care pursuant to division (C) of 779
that section, a sworn complaint shall be filed with respect to the 780
child before the end of the next day after the day on which the 781
child was taken into custody. The sworn complaint may be upon 782
information and belief, and, in addition to the allegation that 783
the child is an unruly, abused, neglected, or dependent child, the 784
complaint shall allege the particular facts upon which the 785
allegation that the child is an unruly, abused, neglected, or 786
dependent child is based. 787

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian, or other person having care of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend public school. The sworn complaint may be upon information and belief and shall contain the following allegations:

(a) That the child is an unruly child for being an habitual truant and, in addition, the particular facts upon which that allegation is based;

(b) That the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code and, in addition, the particular facts upon which that allegation is based.

(B) If a child, before arriving at the age of eighteen years, allegedly commits an act for which the child may be adjudicated an unruly child and if the specific complaint alleging the act is not filed or a hearing on that specific complaint is not held until after the child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of the complaint as if the complaint were filed and the hearing held before the child arrived at the age of eighteen years.

(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a planned permanent living arrangement, the complaint shall contain a prayer specifically requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living

arrangement.

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(D) Any person with standing under applicable law may file a complaint for the determination of any other matter over which the juvenile court is given jurisdiction by section 2151.23 of the Revised Code. The complaint shall be filed in the county in which the child who is the subject of the complaint is found or was last known to be found.

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(E) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under this section, is not subject to the requirements of section 3109.27 of the Revised Code.

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(F) Upon the filing of a complaint alleging that a child is an unruly child, the court may hold the complaint in abeyance pending the child's successful completion of actions that constitute a method to divert the child from the juvenile court system. The method may be adopted by a county pursuant to divisions (D) and (E) of section 121.37 of the Revised Code or it may be another method that the court considers satisfactory. If the child completes the actions to the court's satisfaction, the court may dismiss the complaint. If the child fails to complete the actions to the court's satisfaction, the court may consider the complaint.

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Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:

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(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;

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(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)(3) of section 2152.19 of the Revised Code;

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(3) Suspend or revoke the driver's license, probationary driver's license, or temporary instruction permit issued to the child and suspend or revoke the registration of all motor vehicles registered in the name of the child. A child whose license or permit is so suspended or revoked is ineligible for issuance of a license or permit during the period of suspension or revocation. At the end of the period of suspension or revocation, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(4) Commit the child to the temporary or permanent custody of the court;

(5) Make any further disposition the court finds proper that is consistent with sections 2151.312 and 2151.56 to 2151.61 of the Revised Code;

(6) If, after making a disposition under division (A)(1), (2), or (3) of this section, the court finds upon further hearing that the child is not amenable to treatment or rehabilitation under that disposition, make a disposition otherwise authorized under divisions (A)(1), (3), (4), and (7) of section 2152.19 of the Revised Code, ~~except that the child may not be committed to or placed in a secure correctional facility, and commitment to or placement in a detention facility may not exceed twenty-four hours unless authorized by division (B)(3) of section~~ that is consistent with sections 2151.312 or sections and 2151.56 to 2151.61 of the Revised Code.

(B) If a child is adjudicated an unruly child for committing any act that, if committed by an adult, would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, or a violation of division (B) of section 2917.11 of the Revised Code, then, in addition to imposing, in its discretion, any other order of disposition authorized by this section, the court shall do both

of the following: 882

(1) Require the child to participate in a drug abuse or 883
alcohol abuse counseling program; 884

(2) Suspend or revoke the temporary instruction permit, 885
probationary driver's license, or driver's license issued to the 886
child for a period of time prescribed by the court or, at the 887
discretion of the court, until the child attends and 888
satisfactorily completes a drug abuse or alcohol abuse education, 889
intervention, or treatment program specified by the court. During 890
the time the child is attending the program, the court shall 891
retain any temporary instruction permit, probationary driver's 892
license, or driver's license issued to the child and shall return 893
the permit or license when the child satisfactorily completes the 894
program. 895

(C)(1) If a child is adjudicated an unruly child for being an 896
habitual truant, in addition to or in lieu of imposing any other 897
order of disposition authorized by this section, the court may do 898
any of the following: 899

(a) Order the board of education of the child's school 900
district or the governing board of the educational service center 901
in the child's school district to require the child to attend an 902
alternative school if an alternative school has been established 903
pursuant to section 3313.533 of the Revised Code in the school 904
district in which the child is entitled to attend school; 905

(b) Require the child to participate in any academic program 906
or community service program; 907

(c) Require the child to participate in a drug abuse or 908
alcohol abuse counseling program; 909

(d) Require that the child receive appropriate medical or 910
psychological treatment or counseling; 911

(e) Make any other order that the court finds proper to 912
address the child's habitual truancy, including an order requiring 913
the child to not be absent without legitimate excuse from the 914
public school the child is supposed to attend for five or more 915
consecutive days, seven or more school days in one school month, 916
or twelve or more school days in a school year and including an 917
order requiring the child to participate in a truancy prevention 918
mediation program. 919

(2) If a child is adjudicated an unruly child for being an 920
habitual truant and the court determines that the parent, 921
guardian, or other person having care of the child has failed to 922
cause the child's attendance at school in violation of section 923
3321.38 of the Revised Code, in addition to any order of 924
disposition authorized by this section, all of the following 925
apply: 926

(a) The court may require the parent, guardian, or other 927
person having care of the child to participate in any community 928
service program, preferably a community service program that 929
requires the involvement of the parent, guardian, or other person 930
having care of the child in the school attended by the child. 931

(b) The court may require the parent, guardian, or other 932
person having care of the child to participate in a truancy 933
prevention mediation program. 934

(c) The court shall warn the parent, guardian, or other 935
person having care of the child that any subsequent adjudication 936
of the child as an unruly or delinquent child for being an 937
habitual or chronic truant may result in a criminal charge against 938
the parent, guardian, or other person having care of the child for 939
a violation of division (C) of section 2919.21 or section 2919.24 940
of the Revised Code. 941

Section 4. That all existing versions of sections 2151.022, 942

2151.27, and 2151.354 of the Revised Code are hereby repealed. 943

Section 5. Sections 3 and 4 of this act shall take effect 944

January 1, 2002. 945