

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 57

REPRESENTATIVES Willamowski, Flowers, Core, Jolivette, Evans, Niehaus,
Hollister, Hoops, DePiero, Womer Benjamin, Seitz, Jones, Gilb, Hagan,
Sulzer, Metzger, Calvert, Cirelli, D. Miller, Hartnett, Barrett, Distel, Otterman,
Allen, Latta, Webster, Salerno, Clancy, Reidelbach, Britton, Carmichael,
R. Miller, White, Barnes, Key, Woodard, Beatty, Coates

A B I L L

To amend sections 121.37, 2151.152, 2151.27, and 1
2151.354 of the Revised Code, effective January 1, 2
2002, to require counties to develop a service 3
coordination process to deal with children alleged 4
to be or at risk of becoming unruly children, to 5
provide an additional disposition for children 6
adjudicated unruly, to require the Ohio Family and 7
Children First Cabinet Council to collect 8
information regarding resources serving these 9
children, and 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. 13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.37, 2151.152, 2151.27, and 14
2151.354 of the Revised Code be amended to read as follows: 15

Sec. 121.37. (A)(1) There is hereby created the Ohio family 16

As Reported by the Senate Judiciary--Criminal Justice Committee

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 and children;

As Reported by the Senate Judiciary--Criminal Justice Committee

- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 48 49
- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 50 51 52 53 54
- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 55 56 57 58
- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 59 60 61 62
- (j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children; 63 64 65 66
- (k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children. 67 68 69 70
- (3) The cabinet council shall provide for the following: 71
- (a) Reviews of service and treatment plans for children for which such reviews are requested; 72 73
- (b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils; 74 75 76
- (c) Monitoring and supervision of a statewide, comprehensive, 77

As Reported by the Senate Judiciary--Criminal Justice Committee

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," 100 Stat. 1145 (1986), 20 U.S.C.A. 1471, as amended.

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

(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; 110

(e) The executive director of the county agency responsible 111
for the administration of children services pursuant to section 112
5153.15 of the Revised Code; 113

(f) The superintendent of the county board of mental 114
retardation and developmental disabilities; 115

(g) The county's juvenile court judge senior in service or 116
another judge of the juvenile court designated by the 117
administrative judge or, where there is no administrative judge, 118
by the judge senior in service; 119

(h) The superintendent of the city, exempted village, or 120
local school district with the largest number of pupils residing 121
in the county, as determined by the department of education, which 122
shall notify each board of county commissioners of its 123
determination at least biennially; 124

(i) A school superintendent representing all other school 125
districts with territory in the county, as designated at a 126
biennial meeting of the superintendents of those districts; 127

(j) A representative of the municipal corporation with the 128
largest population in the county; 129

(k) The president of the board of county commissioners, or an 130
individual designated by the board; 131

(l) A representative of the regional office of the department 132
of youth services; 133

(m) A representative of the county's head start agencies, as 134
defined in section 3301.31 of the Revised Code; 135

(n) A representative of the county's early intervention 136
collaborative established pursuant to the federal early 137
intervention program operated under the "Education of the 138
Handicapped Act Amendments of 1986"; 139

As Reported by the Senate Judiciary--Criminal Justice Committee

(o) A representative of a local nonprofit entity that funds, 140
advocates, or provides services to children and families. 141

Notwithstanding any other provision of law, the public 142
members of a county council are not prohibited from serving on the 143
council and making decisions regarding the duties of the council, 144
including those involving the funding of joint projects and those 145
outlined in the county's service coordination mechanism 146
implemented pursuant to division (C) of this section. 147

The cabinet council shall establish a state appeals process 148
to resolve disputes among the members of a county council 149
concerning whether reasonable responsibilities as members are 150
being shared. The appeals process may be accessed only by a 151
majority vote of the council members who are required to serve on 152
the council. Upon appeal, the cabinet council may order that state 153
funds for services to children and families be redirected to a 154
county's board of county commissioners. 155

(2) A county council shall provide for the following: 156

(a) Referrals to the cabinet council of those children for 157
whom the county council cannot provide adequate services; 158

(b) Development and implementation of a process that annually 159
evaluates and prioritizes services, fills service gaps where 160
possible, and invents new approaches to achieve better results for 161
families and children; 162

(c) Participation in the development of a countywide, 163
comprehensive, coordinated, multi-disciplinary, interagency system 164
for infants and toddlers with developmental disabilities or delays 165
and their families, as established pursuant to federal grants 166
received and administered by the department of health for early 167
intervention services under the "Education of the Handicapped Act 168
Amendments of 1986"; 169

(d) Maintenance of an accountability system to monitor the 170

As Reported by the Senate Judiciary--Criminal Justice Committee

county council's progress in achieving results for families and children; 171
172

(e) Establishment of a mechanism to ensure ongoing input from 173
a broad representation of families who are receiving services 174
within the county system. 175

(3)(a) Except as provided in division (B)(3)(b) of this 176
section, a county council shall comply with the policies, 177
procedures, and activities prescribed by the rules or interagency 178
agreements of a state department participating on the cabinet 179
council whenever the county council performs a function subject to 180
those rules or agreements. 181

(b) On application of a county council, the cabinet council 182
may grant an exemption from any rules or interagency agreements of 183
a state department participating on the council if an exemption is 184
necessary for the council to implement an alternative program or 185
approach for service delivery to families and children. The 186
application shall describe the proposed program or approach and 187
specify the rules or interagency agreements from which an 188
exemption is necessary. The cabinet council shall approve or 189
disapprove the application in accordance with standards and 190
procedures it shall adopt. If an application is approved, the 191
exemption is effective only while the program or approach is being 192
implemented, including a reasonable period during which the 193
program or approach is being evaluated for effectiveness. 194

(4)(a) Each county council shall designate an administrative 195
agent for the council from among the following public entities: 196
the board of alcohol, drug addiction, and mental health services, 197
including a board of alcohol and drug addiction or a community 198
mental health board if the county is served by separate boards; 199
the board of county commissioners; any board of health of the 200
county's city and general health districts; the county department 201
of job and family services; the county agency responsible for the 202

As Reported by the Senate Judiciary--Criminal Justice Committee

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

As Reported by the Senate Judiciary--Criminal Justice Committee

expenses related to council activity;	235
(iii) Receive by gift, grant, devise, or bequest any moneys,	236
lands, or other property for the purposes for which the council is	237
established. The agent shall hold, apply, and dispose of the	238
moneys, lands, or other property according to the terms of the	239
gift, grant, devise, or bequest. Any interest or earnings shall be	240
treated in the same manner and are subject to the same terms as	241
the gift, grant, devise, or bequest from which it accrues.	242
(b)(i) If the county council designates the board of county	243
commissioners as its administrative agent, the board may, by	244
resolution, delegate any of its powers and duties as	245
administrative agent to an executive committee the board	246
establishes from the membership of the county council. The board	247
shall name to the executive committee at least the individuals	248
described in divisions (B)(1)(b) through (h) of this section and	249
may appoint the president of the board or another individual as	250
the chair of the executive committee.	251
(ii) The executive committee may, with the approval of the	252
board, hire an executive director to assist the county council in	253
administering its powers and duties. The executive director shall	254
serve in the unclassified civil service at the pleasure of the	255
executive committee. The executive director may, with the approval	256
of the executive committee, hire other employees as necessary to	257
properly conduct the county council's business.	258
(iii) The board may require the executive committee to submit	259
an annual budget to the board for approval and may amend or repeal	260
the resolution that delegated to the executive committee its	261
authority as the county council's administrative agent.	262
(5) Two or more county councils may enter into an agreement	263
to administer their county councils jointly by creating a regional	264
family and children first council. A regional council possesses	265

As Reported by the Senate Judiciary--Criminal Justice Committee

the same duties and authority possessed by a county council,
except that the duties and authority apply regionally rather than
to individual counties. Prior to entering into an agreement to
create a regional council, the members of each county council to
be part of the regional council shall meet to determine whether
all or part of the members of each county council will serve as
members of the regional council.

(6) A board of county commissioners may approve a resolution
by a majority vote of the board's members that requires the county
council to submit a statement to the board each time the council
proposes to enter into an agreement, adopt a plan, or make a
decision, other than a decision pursuant to section 121.38 of the
Revised Code, that requires the expenditure of funds for two or
more families. The statement shall describe the proposed
agreement, plan, or decision.

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

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

(C) Each county shall develop a county service coordination
mechanism. The mechanism shall be developed and approved with the
participation of the county entities representing child welfare;
mental retardation and developmental disabilities; alcohol, drug
addiction, and mental health services; health; juvenile judges;
education; the county family and children first council; and the
county early intervention collaborative established pursuant to
the federal early intervention program operated under the
"Education of the Handicapped Act Amendments of 1986." The county

As Reported by the Senate Judiciary--Criminal Justice Committee

shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

(2) A procedure for assessing the service needs of the family of any child, including a child who is an abused, neglected, dependent, unruly, or delinquent child and under the jurisdiction of the juvenile court or a child whose parent or custodian is voluntarily seeking services;

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

(4) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with section 121.38 of the Revised Code. The cabinet

As Reported by the Senate Judiciary--Criminal Justice Committee

council shall adopt rules in accordance with Chapter 119. of the 329
Revised Code establishing an administrative review process to 330
address problems that arise concerning the operation of a local 331
dispute resolution process. 332

(D) Each county shall develop a comprehensive joint service 333
plan that does both of the following: 334

(1) Designates service responsibilities among the various 335
state and local agencies that provide services to children and 336
their families, including children who are abused, neglected, 337
dependent, unruly, or delinquent children and under the 338
jurisdiction of the juvenile court and children whose parents or 339
custodians are voluntarily seeking services; 340

(2) Includes a service coordination process for dealing with 341
a child who is alleged to be an unruly child. The service 342
coordination process shall include methods to divert the child 343
from the juvenile court system. 344

(E)(1) The service coordination process provided for under 345
division (D)(2) of this section may include, but is not limited 346
to, the following: 347

(a) An assessment of the needs and strengths of the child and 348
the child's family and the services the child and the child's 349
family need; 350

(b) Designation of the person or agency to conduct the 351
assessment of the child and the child's family as described in 352
division (E)(1)(a) of this section and designation of the 353
instrument or instruments to be used to conduct the assessment; 354

(c) Designation of the agency to provide case management 355
services to the child and to the child's family; 356

(d) An emphasis on the personal responsibilities of the child 357
and the parental responsibilities of the parents, guardian, or 358
custodian of the child; 359

(e) Involvement of local law enforcement agencies and officials. 360 361

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following: 362 363 364

(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; 365 366 367 368 369 370

(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; 371 372 373 374

(c) A method for dealing with short-term crisis situations involving a confrontation between the child and the parents, guardian, or custodian; 375 376 377

(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; 378 379 380 381

(e) A program to provide a mentor to the child or the parents, guardian, or custodian; 382 383

(f) A program to provide parenting education to the parents, guardian, or custodian; 384 385

(g) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 386 387 388

(h) Other appropriate measures, including, but not limited 389

As Reported by the Senate Judiciary--Criminal Justice Committee

to, any alternative methods to divert a child from the juvenile
court system that are identified by the Ohio family and children
first cabinet council.

(F) Each county may review and revise the service
coordination process described in division (D)(2) of this section
based on the availability of funds under Title IV-A of the "Social
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended,
or to the extent resources are available from any other federal,
state, or local funds.

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

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this
section, any person having knowledge of a child who appears to
have violated section 2151.87 of the Revised Code or to be a
juvenile traffic offender or to be an unruly, abused, neglected,
or dependent child may file a sworn complaint with respect to that
child in the juvenile court of the county in which the child has a
residence or legal settlement or in which the violation,
unruliness, abuse, neglect, or dependency allegedly occurred. If

an alleged abused, neglected, or dependent child is taken into
custody pursuant to division (D) of section 2151.31 of the Revised
Code or is taken into custody pursuant to division (A) of section
2151.31 of the Revised Code without the filing of a complaint and
placed into shelter care pursuant to division (C) of that section,
a sworn complaint shall be filed with respect to the child before
the end of the next day after the day on which the child was taken
into custody. The sworn complaint may be upon information and
belief, and, in addition to the allegation that the child
committed the violation or is an unruly, abused, neglected, or
dependent child, the complaint shall allege the particular facts
upon which the allegation that the child committed the violation
or is an unruly, abused, neglected, or dependent child is based.

(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

As Reported by the Senate Judiciary--Criminal Justice Committee

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.

(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.

(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.

(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

As Reported by the Senate Judiciary--Criminal Justice Committee

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 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;

(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

As Reported by the Senate Judiciary--Criminal Justice Committee

under that disposition, make a disposition otherwise authorized 513
under divisions (A)(1), (3), (4), and (7) of section 2152.19 of 514
the Revised Code, ~~except that the child may not be committed to or~~ 515
~~placed in a secure correctional facility, and commitment to or~~ 516
~~placement in a detention facility may not exceed twenty-four hours~~ 517
~~unless authorized by division (B)(3) of section~~ that is consistent 518
with sections 2151.312 ~~or sections~~ and 2151.56 to 2151.61 of the 519
Revised Code. 520

(B) If a child is adjudicated an unruly child for committing 521
any act that, if committed by an adult, would be a drug abuse 522
offense, as defined in section 2925.01 of the Revised Code, or a 523
violation of division (B) of section 2917.11 of the Revised Code, 524
then, in addition to imposing, in its discretion, any other order 525
of disposition authorized by this section, the court shall do both 526
of the following: 527

(1) Require the child to participate in a drug abuse or 528
alcohol abuse counseling program; 529

(2) Suspend or revoke the temporary instruction permit, 530
probationary driver's license, or driver's license issued to the 531
child for a period of time prescribed by the court or, at the 532
discretion of the court, until the child attends and 533
satisfactorily completes a drug abuse or alcohol abuse education, 534
intervention, or treatment program specified by the court. During 535
the time the child is attending the program, the court shall 536
retain any temporary instruction permit, probationary driver's 537
license, or driver's license issued to the child and shall return 538
the permit or license when the child satisfactorily completes the 539
program. 540

(C)(1) If a child is adjudicated an unruly child for being an 541
habitual truant, in addition to or in lieu of imposing any other 542
order of disposition authorized by this section, the court may do 543
any of the following: 544

As Reported by the Senate Judiciary--Criminal Justice Committee

(a) Order the board of education of the child's school 545
district or the governing board of the educational service center 546
in the child's school district to require the child to attend an 547
alternative school if an alternative school has been established 548
pursuant to section 3313.533 of the Revised Code in the school 549
district in which the child is entitled to attend school; 550

(b) Require the child to participate in any academic program 551
or community service program; 552

(c) Require the child to participate in a drug abuse or 553
alcohol abuse counseling program; 554

(d) Require that the child receive appropriate medical or 555
psychological treatment or counseling; 556

(e) Make any other order that the court finds proper to 557
address the child's habitual truancy, including an order requiring 558
the child to not be absent without legitimate excuse from the 559
public school the child is supposed to attend for five or more 560
consecutive days, seven or more school days in one school month, 561
or twelve or more school days in a school year and including an 562
order requiring the child to participate in a truancy prevention 563
mediation program. 564

(2) If a child is adjudicated an unruly child for being an 565
habitual truant and the court determines that the parent, 566
guardian, or other person having care of the child has failed to 567
cause the child's attendance at school in violation of section 568
3321.38 of the Revised Code, in addition to any order of 569
disposition authorized by this section, all of the following 570
apply: 571

(a) The court may require the parent, guardian, or other 572
person having care of the child to participate in any community 573
service program, preferably a community service program that 574
requires the involvement of the parent, guardian, or other person 575

As Reported by the Senate Judiciary--Criminal Justice Committee

having care of the child in the school attended by the child. 576

(b) The court may require the parent, guardian, or other 577
person having care of the child to participate in a truancy 578
prevention mediation program. 579

(c) The court shall warn the parent, guardian, or other 580
person having care of the child that any subsequent adjudication 581
of the child as an unruly or delinquent child for being an 582
habitual or chronic truant may result in a criminal charge against 583
the parent, guardian, or other person having care of the child for 584
a violation of division (C) of section 2919.21 or section 2919.24 585
of the Revised Code. 586

Section 2. That existing sections 121.37, 2151.152, 2151.27, 587
and 2151.354 of the Revised Code are hereby repealed. 588

Section 3. Sections 1 and 2 of this act shall take effect 589
January 1, 2002. 590

Section 4. Not later than thirty days after the effective 591
date of this section, the Ohio Family and Children First Cabinet 592
Council shall develop and distribute advisory guidance to each 593
county family and children first council and to any other key 594
relevant constituency that the Cabinet Council identifies. The 595
Cabinet Council shall design the advisory guidance to assist a 596
county council in developing under divisions (C), (D), (E), and 597
(F) of section 121.37 of the Revised Code its local service 598
coordination process for diversion of unruly children and children 599
who have committed acts that would be misdemeanors if committed by 600
an adult from the juvenile court system. The Cabinet Council shall 601
include in the advisory guidance suggestions on how to effectively 602
utilize TANF Youth Diversion Program funds, authorized in Section 603
63.09 of Am. Sub. H.B. 94 of the 124th General Assembly, as 604

As Reported by the Senate Judiciary--Criminal Justice Committee

amended by Am. Sub. H.B. 299 of the 124th General Assembly, and
suggestions on how to effectively utilize other available federal,
state, local, or private funds.

This section does not authorize the Cabinet Council to adopt
rules setting forth the above-described advisory guidance.

Section 5. Not later than November 1, 2002, the Ohio Family
and Children First Cabinet Council shall appoint a committee to
evaluate the implementation of Section 63.09, TANF Youth Diversion
Programs, of Am. Sub. H.B. 94 of the 124th General Assembly, as
amended by Am. Sub. H.B. 299 of the 124th General Assembly, and
divisions (C), (D), (E), and (F) of section 121.37 of the Revised
Code. The members of the committee shall represent key relevant
constituencies affected by that section and those divisions, and
the members shall serve without compensation. The Ohio Family and
Children First Cabinet Council shall provide any clerical support
the committee requires. The committee shall provide an interim
report of its findings and recommendations to the Ohio Family and
Children First Cabinet Council, the President of the Senate, and
the Speaker of the House of Representatives not later than March
1, 2003. The committee shall submit its final report of its
findings and recommendations, including identified best practices,
to the Ohio Family and Children First Cabinet Council, the
President of the Senate, and the Speaker of the House of
Representatives not later than December 31, 2003.

Section 6. Section 2151.27 of the Revised Code is presented
in this act as a composite of the section as amended by both Am.
Sub. S.B. 179 and Sub. S.B. 218 of the 123rd General Assembly. The
General Assembly, applying the principle stated in division (B) of
section 1.52 of the Revised Code that amendments are to be
harmonized if reasonably capable of simultaneous operation, finds
that the composite is the resulting version of the section in

effect on January 1, 2002.

636