

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 289

Representative White

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A B I L L

To amend sections 121.37 and 2151.27 and to enact 1
sections 121.373 and 121.374 of the Revised Code 2
regarding the duties of the Ohio Family and 3
Children First Cabinet Council and county family 4
and children first councils. 5

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

Section 1. That sections 121.37 and 2151.27 be amended and 6
sections 121.373 and 121.374 of the Revised Code be enacted to 7
read as follows: 8

Sec. 121.37. (A) As used in this section, "commitments to 9
well-being" has the same meaning as in section 121.373 of the 10
Revised Code. 11

(B)(1) There is hereby created the Ohio family and children 12
first cabinet council. The council shall be composed of the 13
superintendent of public instruction and the directors of youth 14
services, job and family services, mental health, health, alcohol 15
and drug addiction services, mental retardation and developmental 16
disabilities, and budget and management. The chairperson of the 17
council shall be the governor or the governor's designee and shall 18
establish procedures for the council's internal control and 19
management. 20

~~(2)~~ The purpose of the cabinet council is to help families 21
seeking government services. This section shall not be interpreted 22
or applied to usurp the role of parents, but solely to streamline 23
and coordinate existing government services for families seeking 24
assistance for their children. 25

(2) In seeking to fulfill its purpose, the council may do any 26
of the following: 27

(a) Advise and make recommendations to the governor and 28
general assembly regarding the provision of services to children; 29

(b) Advise and assess local governments on the coordination 30
of service delivery to children; 31

(c) Hold meetings at such times and places as may be 32
prescribed by the council's procedures and maintain records of the 33
meetings, except that records identifying individual children are 34
confidential and shall be disclosed only as provided by law; 35

(d) Develop programs and projects, including pilot projects, 36
to encourage coordinated efforts at the state and local level to 37
improve the state's social service delivery system; 38

(e) Enter into contracts with and administer grants to county 39
family and children first councils, as well as other county or 40
multicounty organizations to plan and coordinate service delivery 41
between state agencies and local service providers for families 42
and children; 43

(f) Enter into contracts with and apply for grants from 44
federal agencies or private organizations; 45

(g) Enter into interagency agreements to encourage 46
coordinated efforts at the state and local level to improve the 47
state's social service delivery system. The agreements may include 48
provisions regarding the receipt, transfer, and expenditure of 49
funds; 50

(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;

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

(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;

(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.

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

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

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

(c) Monitoring and supervision of a statewide, 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," 100 Stat. 1145 (1986), 20 U.S.C.A. 1471, as amended;

(d) Development and implementation of an interagency process

to select the indicators that will be used to measure progress 81
toward achievement of Ohio's commitments to child well-being and 82
update the indicators on an annual basis; 83

(e) Development and implementation of an interagency system 84
to monitor progress towards achievement of Ohio's commitments to 85
child well-being in the state and in each county; 86

(f) Development of an annual plan that identifies state-level 87
interagency efforts taken to ensure progress towards achievement 88
of Ohio's commitments to child well-being. 89

(g) An annual report on the status of efforts to meet Ohio's 90
commitments to child well-being to be submitted to the governor 91
and the general assembly. This report shall be made available to 92
any other person on request. 93

~~(B)~~(C)(1) Each board of county commissioners shall establish 94
a county family and children first council. The board may invite 95
any local public or private agency or group that funds, advocates, 96
or provides services to children and families to have a 97
representative become a permanent or temporary member of its 98
county council. Each county council must include the following 99
individuals: 100

(a) At least three individuals whose families are or have 101
received services from an agency represented on the council or 102
another county's council. Where possible, the number of members 103
representing families shall be equal to twenty per cent of the 104
council's membership. 105

(b) The director of the board of alcohol, drug addiction, and 106
mental health services that serves the county, or, in the case of 107
a county that has a board of alcohol and drug addiction services 108
and a community mental health board, the directors of both boards. 109
If a board of alcohol, drug addiction, and mental health services 110
covers more than one county, the director may designate a person 111

to participate on the county's council.	112
(c) The health commissioner, or the commissioner's designee,	113
of the board of health of each city and general health district in	114
the county. If the county has two or more health districts, the	115
health commissioner membership may be limited to the commissioners	116
of the two districts with the largest populations.	117
(d) The director of the county department of job and family	118
services;	119
(e) The executive director of the county agency responsible	120
for the administration of children services pursuant to section	121
5153.15 of the Revised Code;	122
(f) The superintendent of the county board of mental	123
retardation and developmental disabilities;	124
(g) The county's juvenile court judge senior in service or	125
another judge of the juvenile court designated by the	126
administrative judge or, where there is no administrative judge,	127
by the judge senior in service;	128
(h) The superintendent of the city, exempted village, or	129
local school district with the largest number of pupils residing	130
in the county, as determined by the department of education, which	131
shall notify each board of county commissioners of its	132
determination at least biennially;	133
(i) A school superintendent representing all other school	134
districts with territory in the county, as designated at a	135
biennial meeting of the superintendents of those districts;	136
(j) A representative of the municipal corporation with the	137
largest population in the county;	138
(k) The president of the board of county commissioners, or an	139
individual designated by the board;	140
(l) A representative of the regional office of the department	141

of youth services;	142
(m) A representative of the county's head start agencies, as defined in section 3301.31 of the Revised Code;	143 144
(n) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Education of the Handicapped Act Amendments of 1986";	145 146 147 148
(o) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	149 150
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	151 152 153 154 155 156
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on 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.	157 158 159 160 161 162 163 164
(2) A county council shall provide for the following:	165
(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;	166 167
(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;	168 169 170 171

(c) Participation in the development of a countywide, 172
comprehensive, coordinated, multi-disciplinary, interagency system 173
for infants and toddlers with developmental disabilities or delays 174
and their families, as established pursuant to federal grants 175
received and administered by the department of health for early 176
intervention services under the "Education of the Handicapped Act 177
Amendments of 1986"; 178

(d) Maintenance of an accountability system to monitor the 179
county council's progress in achieving results for families and 180
children; 181

(e) Establishment of a mechanism to ensure ongoing input from 182
a broad representation of families who are receiving services 183
within the county system; 184

(f) Development and implementation of an interagency system 185
to monitor the county's progress toward achievement of Ohio's 186
commitments to child well-being; 187

(g) Development and implementation of an interagency process 188
to identify local priorities in relation to Ohio's commitments to 189
child well-being and associated indicators established by the 190
cabinet council under division (B)(3)(d) of this section; 191

(h) Development of an annual plan that identifies the 192
county's interagency efforts to ensure achievement of Ohio's 193
commitments to child well-being; 194

(i) An annual report on the status of efforts by the county 195
to meet Ohio's commitments to child well-being to be submitted to 196
the county's board of county commissioners and the Ohio family and 197
children first cabinet council. This report shall be made 198
available to any other person on request. 199

(3)(a) Except as provided in division (B)(3)(b) of this 200
section, a county council shall comply with the policies, 201

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 234
council's appointing authority for any employees of the council. 235
The council shall file an annual budget with its administrative 236
agent, with copies filed with the county auditor and with the 237
board of county commissioners, unless the board is serving as the 238
council's administrative agent. The council's administrative agent 239
shall ensure that all expenditures are handled in accordance with 240
policies, procedures, and activities prescribed by state 241
departments in rules or interagency agreements that are applicable 242
to the council's functions. 243

The administrative agent for a county council may do any of 244
the following on behalf of the council: 245

(i) Enter into agreements or administer contracts with public 246
or private entities to fulfill specific council business. Such 247
agreements and contracts are exempt from the competitive bidding 248
requirements of section 307.86 of the Revised Code if they have 249
been approved by the county council and they are for the purchase 250
of family and child welfare or child protection services or other 251
social or job and family services for families and children. The 252
approval of the county council is not required to exempt 253
agreements or contracts entered into under section 5139.34, 254
5139.41, or 5139.43 of the Revised Code from the competitive 255
bidding requirements of section 307.86 of the Revised Code. 256

(ii) As determined by the council, provide financial 257
stipends, reimbursements, or both, to family representatives for 258
expenses related to council activity; 259

(iii) Receive by gift, grant, devise, or bequest any moneys, 260
lands, or other property for the purposes for which the council is 261
established. The agent shall hold, apply, and dispose of the 262
moneys, lands, or other property according to the terms of the 263
gift, grant, devise, or bequest. Any interest or earnings shall be 264

treated in the same manner and are subject to the same terms as 265
the gift, grant, devise, or bequest from which it accrues. 266

(b)(i) If the county council designates the board of county 267
commissioners as its administrative agent, the board may, by 268
resolution, delegate any of its powers and duties as 269
administrative agent to an executive committee the board 270
establishes from the membership of the county council. The board 271
shall name to the executive committee at least the individuals 272
described in divisions (B)(1)(b) through (h) of this section and 273
may appoint the president of the board or another individual as 274
the chair of the executive committee. 275

(ii) The executive committee may, with the approval of the 276
board, hire an executive director to assist the county council in 277
administering its powers and duties. The executive director shall 278
serve in the unclassified civil service at the pleasure of the 279
executive committee. The executive director may, with the approval 280
of the executive committee, hire other employees as necessary to 281
properly conduct the county council's business. 282

(iii) The board may require the executive committee to submit 283
an annual budget to the board for approval and may amend or repeal 284
the resolution that delegated to the executive committee its 285
authority as the county council's administrative agent. 286

(5) Two or more county councils may enter into an agreement 287
to administer their county councils jointly by creating a regional 288
family and children first council. A regional council possesses 289
the same duties and authority possessed by a county council, 290
except that the duties and authority apply regionally rather than 291
to individual counties. Prior to entering into an agreement to 292
create a regional council, the members of each county council to 293
be part of the regional council shall meet to determine whether 294
all or part of the members of each county council will serve as 295

members of the regional council. 296

(6) A board of county commissioners may approve a resolution 297
by a majority vote of the board's members that requires the county 298
council to submit a statement to the board each time the council 299
proposes to enter into an agreement, adopt a plan, or make a 300
decision, other than a decision pursuant to section 121.38 of the 301
Revised Code, that requires the expenditure of funds for two or 302
more families. The statement shall describe the proposed 303
agreement, plan, or decision. 304

Not later than fifteen days after the board receives the 305
statement, it shall, by resolution approved by a majority of its 306
members, approve or disapprove the agreement, plan, or decision. 307
Failure of the board to pass a resolution during that time period 308
shall be considered approval of the agreement, plan, or decision. 309

An agreement, plan, or decision for which a statement is 310
required to be submitted to the board shall be implemented only if 311
it is approved by the board. 312

~~(C)~~(D) Each county shall develop a county service 313
coordination mechanism. The mechanism shall be developed and 314
approved with the participation of the county entities 315
representing child welfare; mental retardation and developmental 316
disabilities; alcohol, drug addiction, and mental health services; 317
health; juvenile judges; education; the county family and children 318
first council; and the county early intervention collaborative 319
established pursuant to the federal early intervention program 320
operated under the "Education of the Handicapped Act Amendments of 321
1986." The county shall establish an implementation schedule for 322
the mechanism. The cabinet council may monitor the implementation 323
and administration of each county's service coordination 324
mechanism. 325

Each mechanism shall include all of the following: 326

(1) A procedure for assessing the needs of any child, 327
including a child who is an abused, neglected, dependent, unruly, 328
or delinquent child and under the jurisdiction of the juvenile 329
court or a child whose parent or custodian is voluntarily seeking 330
services; 331

(2) A procedure for assessing the service needs of the family 332
of any child, including a child who is an abused, neglected, 333
dependent, unruly, or delinquent child and under the jurisdiction 334
of the juvenile court or a child whose parent or custodian is 335
voluntarily seeking services; 336

(3) A procedure for development of a comprehensive joint 337
service plan described in division (D) of this section; 338

(4) A local dispute resolution process to serve as the 339
process that must be used first to resolve disputes among the 340
agencies represented on the county council concerning the 341
provision of services to children, including children who are 342
abused, neglected, dependent, unruly, alleged unruly, or 343
delinquent children and under the jurisdiction of the juvenile 344
court and children whose parents or custodians are voluntarily 345
seeking services. The local dispute resolution process shall 346
comply with section 121.38 of the Revised Code. The cabinet 347
council shall adopt rules in accordance with Chapter 119. of the 348
Revised Code establishing an administrative review process to 349
address problems that arise concerning the operation of a local 350
dispute resolution process. 351

~~(D)~~(E) Each county shall develop a comprehensive joint 352
service plan that does both of the following: 353

(1) Designates service responsibilities among the various 354
state and local agencies that provide services to children and 355
their families, including children who are abused, neglected, 356
dependent, unruly, or delinquent children and under the 357

jurisdiction of the juvenile court and children whose parents or
custodians are voluntarily seeking services; 358
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(2) Includes a service coordination process for dealing with 360
a child who is alleged to be an unruly child. The service 361
coordination process shall include methods to divert the child 362
from the juvenile court system. 363

~~(E)~~(F)(1) The service coordination process provided for under 364
division (D)(2) of this section may include, but is not limited 365
to, the following: 366

(a) An assessment of the needs and strengths of the child and 367
the child's family and the services the child and the child's 368
family need; 369

(b) Designation of the person or agency to conduct the 370
assessment of the child and the child's family as described in 371
division (E)(1)(a) of this section and designation of the 372
instrument or instruments to be used to conduct the assessment; 373

(c) Designation of the agency to provide case management 374
services to the child and to the child's family; 375

(d) An emphasis on the personal responsibilities of the child 376
and the parental responsibilities of the parents, guardian, or 377
custodian of the child; 378

(e) Involvement of local law enforcement agencies and 379
officials. 380

(2) The method to divert a child from the juvenile court 381
system that must be included in the service coordination process 382
may include, but is not limited to, the following: 383

(a) The preparation of a complaint under section 2151.27 of 384
the Revised Code alleging that the child is an unruly child and 385
notifying the child and the parents, guardian, or custodian that 386
the complaint has been prepared to encourage the child and the 387

parents, guardian, or custodian to comply with other methods to 388
divert the child from the juvenile court system; 389

(b) Conducting a meeting with the child, the parents, 390
guardian, or custodian, and other interested parties to determine 391
the appropriate methods to divert the child from the juvenile 392
court system; 393

(c) A method for dealing with short-term crisis situations 394
involving a confrontation between the child and the parents, 395
guardian, or custodian; 396

(d) A method to provide to the child and the child's family a 397
short-term respite from a short-term crisis situation involving a 398
confrontation between the child and the parents, guardian, or 399
custodian; 400

(e) A program to provide a mentor to the child or the 401
parents, guardian, or custodian; 402

(f) A program to provide parenting education to the parents, 403
guardian, or custodian; 404

(g) An alternative school program for children who are truant 405
from school, repeatedly disruptive in school, or suspended or 406
expelled from school; 407

(h) Other appropriate measures, including, but not limited 408
to, any alternative methods to divert a child from the juvenile 409
court system that are identified by the Ohio family and children 410
first cabinet council. 411

~~(F)~~(G) Each county may review and revise the service 412
coordination process described in division (D)(2) of this section 413
based on the availability of funds under Title IV-A of the "Social 414
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 415
or to the extent resources are available from any other federal, 416
state, or local funds. 417

Sec. 121.373. There are hereby established the Ohio commitments to child well-being. The commitments consist of the efforts of Ohio government and citizens to meet the following goals: 418
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(A) That expectant parents and newborns thrive; 422

(B) That infants and toddlers thrive; 423

(C) That children are ready for school; 424

(D) That children and youth succeed in school; 425

(E) That youth choose healthy behaviors; 426

(F) That youth successfully transition into adulthood. 427

Sec. 121.374. There is hereby created the Ohio family and children first cabinet council advisory board consisting of fourteen members. The governor shall appoint one member from the governor's office to serve on the advisory board. The speaker of the house of representatives shall appoint two members of the house of representatives, each from a different political party. The president of the senate shall appoint two members of the senate, each from a different political party. The governor, the speaker of the house of representatives, and the president of the senate shall each appoint three members of the general public who must be persons who use a service provided by an agency represented on a family and children first county council. Each member shall serve until a replacement member is appointed. Vacancies shall be filled in the same manner as original appointments. Members of the advisory board shall serve without compensation. 428
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The advisory board shall provide guidance to the Ohio family and children first cabinet council regarding efforts to meet Ohio's commitments to child well-being. 444
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Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 447
section, any person having knowledge of a child who appears to 448
have violated section 2151.87 of the Revised Code or to be a 449
juvenile traffic offender or to be an unruly, abused, neglected, 450
or dependent child may file a sworn complaint with respect to that 451
child in the juvenile court of the county in which the child has a 452
residence or legal settlement or in which the violation, 453
unruliness, abuse, neglect, or dependency allegedly occurred. If 454
an alleged abused, neglected, or dependent child is taken into 455
custody pursuant to division (D) of section 2151.31 of the Revised 456
Code or is taken into custody pursuant to division (A) of section 457
2151.31 of the Revised Code without the filing of a complaint and 458
placed into shelter care pursuant to division (C) of that section, 459
a sworn complaint shall be filed with respect to the child before 460
the end of the next day after the day on which the child was taken 461
into custody. The sworn complaint may be upon information and 462
belief, and, in addition to the allegation that the child 463
committed the violation or is an unruly, abused, neglected, or 464
dependent child, the complaint shall allege the particular facts 465
upon which the allegation that the child committed the violation 466
or is an unruly, abused, neglected, or dependent child is based. 467

(2) Any person having knowledge of a child who appears to be 468
an unruly child for being an habitual truant may file a sworn 469
complaint with respect to that child and the parent, guardian, or 470
other person having care of the child in the juvenile court of the 471
county in which the child has a residence or legal settlement or 472
in which the child is supposed to attend public school. The sworn 473
complaint may be upon information and belief and shall contain the 474
following allegations: 475

(a) That the child is an unruly child for being an habitual 476
truant and, in addition, the particular facts upon which that 477

allegation is based;

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(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.

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(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.

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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) 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

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Code. 509

(F) Upon the filing of a complaint alleging that a child is 510
an unruly child, the court may hold the complaint in abeyance 511
pending the child's successful completion of actions that 512
constitute a method to divert the child from the juvenile court 513
system. The method may be adopted by a county pursuant to 514
divisions ~~(D) and~~ (E) and (F) of section 121.37 of the Revised 515
Code or it may be another method that the court considers 516
satisfactory. If the child completes the actions to the court's 517
satisfaction, the court may dismiss the complaint. If the child 518
fails to complete the actions to the court's satisfaction, the 519
court may consider the complaint. 520

Section 2. That existing sections 121.37 and 2151.27 of the 521
Revised Code are hereby repealed. 522