

**As Reported by the House Health Committee**

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

**Sub. H. B. No. 289**

**Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason**

**A BILL**

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

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

**Section 1.** That section 121.37 be amended and section 121.374 5  
of the Revised Code be enacted to read as follows: 6

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 7  
and children first cabinet council. The council shall be composed 8  
of the superintendent of public instruction and the directors of 9  
youth services, job and family services, mental health, health, 10  
alcohol and drug addiction services, mental retardation and 11  
developmental disabilities, and budget and management. The 12  
chairperson of the council shall be the governor or the governor's 13  
designee and shall establish procedures for the council's internal 14  
control and management. 15

~~(2)~~ The purpose of the cabinet council is to help families 16  
seeking government services. This section shall not be interpreted 17  
or applied to usurp the role of parents, but solely to streamline 18  
and coordinate existing government services for families seeking 19  
assistance for their children. 20

|  |    |
|--|----|
| (2) In seeking to fulfill its purpose, the council may do any      | 21 |
| of the following:  | 22 |
| (a) Advise and make recommendations to the governor and            | 23 |
| general assembly regarding the provision of services to children;  | 24 |
| (b) Advise and assess local governments on the coordination        | 25 |
| of service delivery to children;                                   | 26 |
| (c) Hold meetings at such times and places as may be               | 27 |
| prescribed by the council's procedures and maintain records of the | 28 |
| meetings, except that records identifying individual children are  | 29 |
| confidential and shall be disclosed only as provided by law;       | 30 |
| (d) Develop programs and projects, including pilot projects,       | 31 |
| to encourage coordinated efforts at the state and local level to   | 32 |
| improve the state's social service delivery system;                | 33 |
| (e) Enter into contracts with and administer grants to county      | 34 |
| family and children first councils, as well as other county or     | 35 |
| multicounty organizations to plan and coordinate service delivery  | 36 |
| between state agencies and local service providers for families    | 37 |
| and children;  | 38 |
| (f) Enter into contracts with and apply for grants from            | 39 |
| federal agencies or private organizations;                         | 40 |
| (g) Enter into interagency agreements to encourage                 | 41 |
| coordinated efforts at the state and local level to improve the    | 42 |
| state's social service delivery system. The agreements may include | 43 |
| provisions regarding the receipt, transfer, and expenditure of     | 44 |
| funds;   | 45 |
| (h) Identify public and private funding sources for services       | 46 |
| provided to alleged or adjudicated unruly children and children    | 47 |
| who are at risk of being alleged or adjudicated unruly children,   | 48 |
| including regulations governing access to and use of the services; | 49 |
| (i) Collect information provided by local communities              | 50 |

regarding successful programs for prevention, intervention, and 51  
treatment of unruly behavior, including evaluations of the 52  
programs; 53

(j) Identify and disseminate publications regarding alleged 54  
or adjudicated unruly children and children who are at risk of 55  
being alleged or adjudicated unruly children and regarding 56  
programs serving those types of children; 57

(k) Maintain an inventory of strategic planning facilitators 58  
for use by government or nonprofit entities that serve alleged or 59  
adjudicated unruly children or children who are at risk of being 60  
alleged or adjudicated unruly children. 61

(3) The cabinet council shall provide for the following: 62

(a) Reviews of service and treatment plans for children for 63  
which such reviews are requested; 64

(b) Assistance as the council determines to be necessary to 65  
meet the needs of children referred by county family and children 66  
first councils; 67

(c) Monitoring and supervision of a statewide, comprehensive, 68  
coordinated, multi-disciplinary, interagency system for infants 69  
and toddlers with developmental disabilities or delays and their 70  
families, as established pursuant to federal grants received and 71  
administered by the department of health for early intervention 72  
services under the "Individuals with Disabilities Education Act of 73  
2004," 20 U.S.C.A. 1400, as amended. 74

(4) The cabinet council shall develop and implement the 75  
following: 76

(a) An interagency process to select the indicators that will 77  
be used to measure progress toward increasing child well-being in 78  
the state and to update the indicators on an annual basis. The 79  
indicators shall focus on expectant parents and newborns thriving; 80

infants and toddlers thriving; children being ready for school; 81  
children and youth succeeding in school; youth choosing healthy 82  
behaviors; and youth successfully transitioning into adulthood. 83

(b) An interagency system to offer guidance and monitor 84  
progress toward increasing child well-being in the state and in 85  
each county; 86

(c) An annual plan that identifies state-level agency efforts 87  
taken to ensure progress towards increasing child well-being in 88  
the state. 89

On an annual basis, the cabinet council shall submit to the 90  
governor and the general assembly a report on the status of 91  
efforts to increase child well-being in the state. This report 92  
shall be made available to any other person on request. 93

(B)(1) Each board of county commissioners shall establish a 94  
county family and children first council. The board may invite any 95  
local public or private agency or group that funds, advocates, or 96  
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 who are not employed by an 101  
agency represented on the council and whose families are or have 102  
received services from an agency represented on the council or 103  
another county's council. Where possible, the number of members 104  
representing families shall be equal to twenty per cent of the 105  
council's membership. 106

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

|  |     |
|--|-----|
| covers more than one county, the director may designate a person   | 112 |
| to participate on the county's council.                            | 113 |
| (c) The health commissioner, or the commissioner's designee,       | 114 |
| of the board of health of each city and general health district in | 115 |
| the county. If the county has two or more health districts, the    | 116 |
| health commissioner membership may be limited to the commissioners | 117 |
| of the two districts with the largest populations.                 | 118 |
| (d) The director of the county department of job and family        | 119 |
| services;  | 120 |
| (e) The executive director of the public children services         | 121 |
| agency;  | 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 143  
defined in section 3301.32 of the Revised Code; 144

(n) A representative of the county's early intervention 145  
collaborative established pursuant to the federal early 146  
intervention program operated under the "~~Education of the~~ 147  
~~Handicapped Act Amendments of 1986~~ Individuals with Disabilities 148  
Education Act of 2004"; 149

(o) A representative of a local nonprofit entity that funds, 150  
advocates, or provides services to children and families. 151

Notwithstanding any other provision of law, the public 152  
members of a county council are not prohibited from serving on the 153  
council and making decisions regarding the duties of the council, 154  
including those involving the funding of joint projects and those 155  
outlined in the county's service coordination mechanism 156  
implemented pursuant to division (C) of this section. 157

The cabinet council shall establish a state appeals process 158  
to resolve disputes among the members of a county council 159  
concerning whether reasonable responsibilities as members are 160  
being shared. The appeals process may be accessed only by a 161  
majority vote of the council members who are required to serve on 162  
the council. Upon appeal, the cabinet council may order that state 163  
funds for services to children and families be redirected to a 164  
county's board of county commissioners. 165

(2) The purpose of the county council is to streamline and 166  
coordinate existing government services for families seeking 167  
services for their children. In seeking to fulfill its purpose, a 168  
county council shall provide for the following: 169

(a) Referrals to the cabinet council of those children for 170  
whom the county council cannot provide adequate services; 171

(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~~ Individuals with Disabilities Education Act of 2004";

(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 county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 203  
204

On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 205  
206  
207  
208  
209

(4)(a) Except as provided in division (B)~~(3)~~(4)(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. 210  
211  
212  
213  
214  
215

(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. 216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228

~~(4)~~(5)(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 229  
230  
231  
232  
233

separate boards; the board of county commissioners; any board of 234  
health of the county's city and general health districts; the 235  
county department of job and family services; the county agency 236  
responsible for the administration of children services pursuant 237  
to section 5153.15 of the Revised Code; the county board of mental 238  
retardation and developmental disabilities; any of the county's 239  
boards of education or governing boards of educational service 240  
centers; or the county's juvenile court. Any of the foregoing 241  
public entities, other than the board of county commissioners, may 242  
decline to serve as the council's administrative agent. 243

A county council's administrative agent shall serve as the 244  
council's appointing authority for any employees of the council. 245  
The council shall file an annual budget with its administrative 246  
agent, with copies filed with the county auditor and with the 247  
board of county commissioners, unless the board is serving as the 248  
council's administrative agent. The council's administrative agent 249  
shall ensure that all expenditures are handled in accordance with 250  
policies, procedures, and activities prescribed by state 251  
departments in rules or interagency agreements that are applicable 252  
to the council's functions. 253

The administrative agent for a county council may do any of 254  
the following on behalf of the council: 255

(i) Enter into agreements or administer contracts with public 256  
or private entities to fulfill specific council business. Such 257  
agreements and contracts are exempt from the competitive bidding 258  
requirements of section 307.86 of the Revised Code if they have 259  
been approved by the county council and they are for the purchase 260  
of family and child welfare or child protection services or other 261  
social or job and family services for families and children. The 262  
approval of the county council is not required to exempt 263  
agreements or contracts entered into under section 5139.34, 264  
5139.41, or 5139.43 of the Revised Code from the competitive 265

bidding requirements of section 307.86 of the Revised Code. 266

(ii) As determined by the council, provide financial 267  
stipends, reimbursements, or both, to family representatives for 268  
expenses related to council activity; 269

(iii) Receive by gift, grant, devise, or bequest any moneys, 270  
lands, or other property for the purposes for which the council is 271  
established. The agent shall hold, apply, and dispose of the 272  
moneys, lands, or other property according to the terms of the 273  
gift, grant, devise, or bequest. Any interest or earnings shall be 274  
treated in the same manner and are subject to the same terms as 275  
the gift, grant, devise, or bequest from which it accrues. 276

(b)(i) If the county council designates the board of county 277  
commissioners as its administrative agent, the board may, by 278  
resolution, delegate any of its powers and duties as 279  
administrative agent to an executive committee the board 280  
establishes from the membership of the county council. The board 281  
shall name to the executive committee at least the individuals 282  
described in divisions (B)(1)~~(a)~~(b) to (i) of this section and may 283  
appoint the president of the board or another individual as the 284  
chair of the executive committee. The executive committee must 285  
include at least one family county council representative who does 286  
not have a family member employed by an agency represented on the 287  
council. 288

(ii) The executive committee may, with the approval of the 289  
board, hire an executive director to assist the county council in 290  
administering its powers and duties. The executive director shall 291  
serve in the unclassified civil service at the pleasure of the 292  
executive committee. The executive director may, with the approval 293  
of the executive committee, hire other employees as necessary to 294  
properly conduct the county council's business. 295

(iii) The board may require the executive committee to submit 296

an annual budget to the board for approval and may amend or repeal 297  
the resolution that delegated to the executive committee its 298  
authority as the county council's administrative agent. 299

~~(5)~~(6) Two or more county councils may enter into an 300  
agreement to administer their county councils jointly by creating 301  
a regional family and children first council. A regional council 302  
possesses the same duties and authority possessed by a county 303  
council, except that the duties and authority apply regionally 304  
rather than to individual counties. Prior to entering into an 305  
agreement to create a regional council, the members of each county 306  
council to be part of the regional council shall meet to determine 307  
whether all or part of the members of each county council will 308  
serve as members of the regional council. 309

~~(6)~~(7) A board of county commissioners may approve a 310  
resolution by a majority vote of the board's members that requires 311  
the county council to submit a statement to the board each time 312  
the council proposes to enter into an agreement, adopt a plan, or 313  
make a decision, other than a decision pursuant to section 121.38 314  
of the Revised Code, that requires the expenditure of funds for 315  
two or more families. The statement shall describe the proposed 316  
agreement, plan, or decision. 317

Not later than fifteen days after the board receives the 318  
statement, it shall, by resolution approved by a majority of its 319  
members, approve or disapprove the agreement, plan, or decision. 320  
Failure of the board to pass a resolution during that time period 321  
shall be considered approval of the agreement, plan, or decision. 322

An agreement, plan, or decision for which a statement is 323  
required to be submitted to the board shall be implemented only if 324  
it is approved by the board. 325

(C) Each county shall develop a county service coordination 326  
mechanism. The county service coordination mechanism shall serve 327

as the guiding document for coordination of services in the 328  
county. For children who also receive services under the help me 329  
grow program, the service coordination mechanism shall be 330  
consistent with rules adopted by the department of health under 331  
section 3701.61 of the Revised Code. All family service 332  
coordination plans shall be developed in accordance with the 333  
county service coordination mechanism. The mechanism shall be 334  
developed and approved with the participation of the county 335  
entities representing child welfare; mental retardation and 336  
developmental disabilities; alcohol, drug addiction, and mental 337  
health services; health; juvenile judges; education; the county 338  
family and children first council; and the county early 339  
intervention collaborative established pursuant to the federal 340  
early intervention program operated under the "~~Education of the~~ 341  
~~Handicapped Act Amendments of 1986~~ Individuals with Disabilities 342  
Education Act of 2004." The county shall establish an 343  
implementation schedule for the mechanism. The cabinet council may 344  
monitor the implementation and administration of each county's 345  
service coordination mechanism. 346

Each mechanism shall include all of the following: 347

(1) A procedure for an agency, including a juvenile court, or 348  
a family voluntarily seeking service coordination, to refer the 349  
child and family to the county council for service coordination in 350  
accordance with the county service coordination mechanism; 351

(2) A procedure ensuring that a family and all appropriate 352  
staff from involved agencies, including a representative from the 353  
appropriate school district, are notified of and invited to 354  
participate in all family service coordination plan meetings; 355

(3) A procedure that permits a family to initiate a meeting 356  
to develop or review the family's service coordination plan and 357  
allows the family to invite a family advocate, mentor, or support 358

person of the family's choice to participate in any such meeting; 359

(4) A procedure for ensuring that a family service 360  
coordination plan meeting is conducted before a ~~non-emergency~~ 361  
nonemergency out-of-home placement for all multi-need children, or 362  
within ten days of a placement for emergency placements of 363  
multi-need children. The family service coordination plan shall 364  
outline how the county council members will jointly pay for 365  
services, where applicable, and provide services in the least 366  
restrictive environment. 367

(5) A procedure for monitoring the progress and tracking the 368  
outcomes of each service coordination plan requested in the county 369  
including monitoring and tracking children in out-of-home 370  
placements to assure continued progress, appropriateness of 371  
placement, and continuity of care after discharge from placement 372  
with appropriate arrangements for housing, treatment, and 373  
education. 374

(6) A procedure for protecting the confidentiality of all 375  
personal family information disclosed during service coordination 376  
meetings or contained in the comprehensive family service 377  
coordination plan. 378

(7) A procedure for assessing the needs and strengths of any 379  
child or family that has been referred to the council for service 380  
coordination, including a child whose parent or custodian is 381  
voluntarily seeking services, and for ensuring that parents and 382  
custodians are afforded the opportunity to participate; 383

(8) A procedure for development of a family service 384  
coordination plan described in division (D) of this section; 385

(9) A local dispute resolution process to serve as the 386  
process that must be used first to resolve disputes among the 387  
agencies represented on the county council concerning the 388  
provision of services to children, including children who are 389

abused, neglected, dependent, unruly, alleged unruly, or 390  
delinquent children and under the jurisdiction of the juvenile 391  
court and children whose parents or custodians are voluntarily 392  
seeking services. The local dispute resolution process shall 393  
comply with ~~section~~ sections 121.38, 121.381, and 121.382 of the 394  
Revised Code. The local dispute resolution process shall be used 395  
to resolve disputes between a child's parents or custodians and 396  
the county council regarding service coordination. The county 397  
council shall inform the parents or custodians of their right to 398  
use the dispute resolution process. Parents or custodians shall 399  
use existing local agency grievance procedures to address disputes 400  
not involving service coordination. The dispute resolution process 401  
is in addition to and does not replace other rights or procedures 402  
that parents or custodians may have under other sections of the 403  
Revised Code. 404

The cabinet council shall adopt rules in accordance with 405  
Chapter 119. of the Revised Code establishing an administrative 406  
review process to address problems that arise concerning the 407  
operation of a local dispute resolution process. 408

Nothing in division (C)(4) of this section shall be 409  
interpreted as overriding or affecting decisions of a juvenile 410  
court regarding an out-of-home placement, long-term placement, or 411  
emergency out-of-home placement. 412

(D) Each county shall develop a ~~comprehensive~~ family service 413  
coordination plan that does all of the following: 414

(1) Designates service responsibilities among the various 415  
state and local agencies that provide services to children and 416  
their families, including children who are abused, neglected, 417  
dependent, unruly, or delinquent children and under the 418  
jurisdiction of the juvenile court and children whose parents or 419  
custodians are voluntarily seeking services; 420

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court

system that must be included in the service coordination process 451  
may include, but is not limited to, the following: 452

(a) The preparation of a complaint under section 2151.27 of 453  
the Revised Code alleging that the child is an unruly child and 454  
notifying the child and the parents, guardian, or custodian that 455  
the complaint has been prepared to encourage the child and the 456  
parents, guardian, or custodian to comply with other methods to 457  
divert the child from the juvenile court system; 458

(b) Conducting a meeting with the child, the parents, 459  
guardian, or custodian, and other interested parties to determine 460  
the appropriate methods to divert the child from the juvenile 461  
court system; 462

(c) A method to provide to the child and the child's family a 463  
short-term respite from a short-term crisis situation involving a 464  
confrontation between the child and the parents, guardian, or 465  
custodian; 466

(d) A program to provide a mentor to the child or the 467  
parents, guardian, or custodian; 468

(e) A program to provide parenting education to the parents, 469  
guardian, or custodian; 470

(f) An alternative school program for children who are truant 471  
from school, repeatedly disruptive in school, or suspended or 472  
expelled from school; 473

(g) Other appropriate measures, including, but not limited 474  
to, any alternative methods to divert a child from the juvenile 475  
court system that are identified by the Ohio family and children 476  
first cabinet council. 477

(F) Each county may review and revise the service 478  
coordination process described in division (D) of this section 479  
based on the availability of funds under Title IV-A of the "Social 480

Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 481  
or to the extent resources are available from any other federal, 482  
state, or local funds. 483

Sec. 121.374. There is hereby created the Ohio family and 484  
children first cabinet council advisory board consisting of 485  
thirteen members. The governor shall appoint one member from the 486  
governor's office to serve on the advisory board. The speaker of 487  
the house of representatives shall appoint two members of the 488  
house of representatives, each from a different political party. 489  
The president of the senate shall appoint two members of the 490  
senate, each from a different political party. The governor, the 491  
speaker of the house of representatives, and the president of the 492  
senate shall each appoint one member of the general public who is 493  
a primary caregiver who uses or has used a service provided by an 494  
agency represented on a family and children first county council. 495  
The speaker of the house of representatives and the president of 496  
the senate shall each appoint one member representing a foundation 497  
or nonprofit organization with expertise in issues related to 498  
children, families, or education. The governor shall appoint one 499  
member representing a faith-based organization, one member from a 500  
county family and children first council in a rural county, and 501  
one member from a county family and children first council in an 502  
urban county. 503

Each member shall serve until a replacement member is 504  
appointed. Vacancies shall be filled in the same manner as 505  
original appointments. Members of the advisory board shall serve 506  
without compensation. 507

The advisory board shall consult with the cabinet council 508  
regarding the council's activities and initiatives, evaluating 509  
existing efforts, and help guide the direction of new efforts. The 510  
advisory board shall provide guidance regarding efforts to seek 511

|   |     |
|---|-----|
| <u>local input about the council's activities, initiatives, and</u>       | 512 |
| <u>achievements of the indicators adopted under section 121.37 of the</u> | 513 |
| <u>Revised Code.</u>  | 514 |
| <b>Section 2.</b> That existing section 121.37 of the Revised Code        | 515 |
| is hereby repealed.   | 516 |