

**As Reported by the Senate Health, Human Services and Aging
Committee**

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Sub. H. B. No. 289

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A B I L L

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
<u>(4) The cabinet council shall develop and implement the</u>	75
<u>following:</u>	76
<u>(a) An interagency process to select the indicators that will</u>	77

be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators 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.

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

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

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

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(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:

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(a) At least three individuals who are not employed by an agency represented on the council and 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.

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(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of

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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)~~(h) 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)~~(i) A representative of the municipal corporation with the 137
largest population in the county; 138

~~(k)~~(j) The president of the board of county commissioners or 139
an individual designated by the board; 140

~~(l)~~(k) A representative of the regional office of the 141
department of youth services; 142

~~(m)~~(l) A representative of the county's head start agencies, 143
as defined in section 3301.32 of the Revised Code; 144

~~(n)~~(m) 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)~~(n) A representative of a local nonprofit entity that 150
funds, 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

The county's juvenile court judge senior in service or 166
another judge of the juvenile court designated by the 167
administrative judge or, where there is no administrative judge, 168

by the judge senior in service shall serve as the judicial advisor 169
to the county family and children first council. The judge may 170
advise the county council on the court's utilization of resources, 171
services, or programs provided by the entities represented by the 172
members of the county council and how those resources, services, 173
or programs assist the court in its administration of justice. 174
Service of a judge as a judicial advisor pursuant to this section 175
is a judicial function. 176

(2) The purpose of the county council is to streamline and 177
coordinate existing government services for families seeking 178
services for their children. In seeking to fulfill its purpose, a 179
county council shall provide for the following: 180

(a) Referrals to the cabinet council of those children for 181
whom the county council cannot provide adequate services; 182

(b) Development and implementation of a process that annually 183
evaluates and prioritizes services, fills service gaps where 184
possible, and invents new approaches to achieve better results for 185
families and children; 186

(c) Participation in the development of a countywide, 187
comprehensive, coordinated, multi-disciplinary, interagency system 188
for infants and toddlers with developmental disabilities or delays 189
and their families, as established pursuant to federal grants 190
received and administered by the department of health for early 191
intervention services under the "~~Education of the Handicapped Act~~ 192
~~Amendments of 1986~~ Individuals with Disabilities Education Act of 193
2004"; 194

(d) Maintenance of an accountability system to monitor the 195
county council's progress in achieving results for families and 196
children; 197

(e) Establishment of a mechanism to ensure ongoing input from 198
a broad representation of families who are receiving services 199

within the county system. 200

(3) A county council shall develop and implement the 201
following: 202

(a) An interagency process to establish local indicators and 203
monitor the county's progress toward increasing child well-being 204
in the county; 205

(b) An interagency process to identify local priorities to 206
increase child well-being. The local priorities shall focus on 207
expectant parents and newborns thriving; infants and toddlers 208
thriving; children being ready for school; children and youth 209
succeeding in school; youth choosing healthy behaviors; and youth 210
successfully transitioning into adulthood and take into account 211
the indicators established by the cabinet council under division 212
(A)(4)(a) of this section. 213

(c) An annual plan that identifies the county's interagency 214
efforts to increase child well-being in the county. 215

On an annual basis, the county council shall submit a report 216
on the status of efforts by the county to increase child 217
well-being in the county to the county's board of county 218
commissioners and the cabinet council. This report shall be made 219
available to any other person on request. 220

(4)(a) Except as provided in division (B)~~(3)~~(4)(b) of this 221
section, a county council shall comply with the policies, 222
procedures, and activities prescribed by the rules or interagency 223
agreements of a state department participating on the cabinet 224
council whenever the county council performs a function subject to 225
those rules or agreements. 226

(b) On application of a county council, the cabinet council 227
may grant an exemption from any rules or interagency agreements of 228
a state department participating on the council if an exemption is 229

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

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

policies, procedures, and activities prescribed by state 262
departments in rules or interagency agreements that are applicable 263
to the council's functions. 264

The administrative agent of a county council shall send 265
notice of a member's absence if a member listed in division (B)(1) 266
of this section has been absent from either three consecutive 267
meetings of the county council or a county council subcommittee, 268
or from one-quarter of such meetings in a calendar year, whichever 269
is less. The notice shall be sent to the board of county 270
commissioners that establishes the county council and, for the 271
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 272
section, to the governing board overseeing the respective entity; 273
for the member listed in division (B)(1)(f) of this section, to 274
the county board of mental retardation and developmental 275
disabilities that employs the superintendent; for a member listed 276
in division (B)(1)(g) or (h) of this section, to the school board 277
that employs the superintendent; for the member listed in division 278
(B)(1)(i) of this section, to the mayor of the municipal 279
corporation; for the member listed in division (B)(1)(k) of this 280
section, to the director of youth services; and for the member 281
listed in division (B)(1)(n), to that member's board of trustees. 282

The administrative agent for a county council may do any of 283
the following on behalf of the council: 284

(i) Enter into agreements or administer contracts with public 285
or private entities to fulfill specific council business. Such 286
agreements and contracts are exempt from the competitive bidding 287
requirements of section 307.86 of the Revised Code if they have 288
been approved by the county council and they are for the purchase 289
of family and child welfare or child protection services or other 290
social or job and family services for families and children. The 291
approval of the county council is not required to exempt 292
agreements or contracts entered into under section 5139.34, 293

5139.41, or 5139.43 of the Revised Code from the competitive 294
bidding requirements of section 307.86 of the Revised Code. 295

(ii) As determined by the council, provide financial 296
stipends, reimbursements, or both, to family representatives for 297
expenses related to council activity; 298

(iii) Receive by gift, grant, devise, or bequest any moneys, 299
lands, or other property for the purposes for which the council is 300
established. The agent shall hold, apply, and dispose of the 301
moneys, lands, or other property according to the terms of the 302
gift, grant, devise, or bequest. Any interest or earnings shall be 303
treated in the same manner and are subject to the same terms as 304
the gift, grant, devise, or bequest from which it accrues. 305

(b)(i) If the county council designates the board of county 306
commissioners as its administrative agent, the board may, by 307
resolution, delegate any of its powers and duties as 308
administrative agent to an executive committee the board 309
establishes from the membership of the county council. The board 310
shall name to the executive committee at least the individuals 311
described in divisions (B)(1)~~(a)~~(b) to ~~(i)~~(h) of this section and 312
may appoint the president of the board or another individual as 313
the chair of the executive committee. The executive committee must 314
include at least one family county council representative who does 315
not have a family member employed by an agency represented on the 316
council. 317

(ii) The executive committee may, with the approval of the 318
board, hire an executive director to assist the county council in 319
administering its powers and duties. The executive director shall 320
serve in the unclassified civil service at the pleasure of the 321
executive committee. The executive director may, with the approval 322
of the executive committee, hire other employees as necessary to 323
properly conduct the county council's business. 324

(iii) The board may require the executive committee to submit 325
an annual budget to the board for approval and may amend or repeal 326
the resolution that delegated to the executive committee its 327
authority as the county council's administrative agent. 328

~~(5)~~(6) Two or more county councils may enter into an 329
agreement to administer their county councils jointly by creating 330
a regional family and children first council. A regional council 331
possesses the same duties and authority possessed by a county 332
council, except that the duties and authority apply regionally 333
rather than to individual counties. Prior to entering into an 334
agreement to create a regional council, the members of each county 335
council to be part of the regional council shall meet to determine 336
whether all or part of the members of each county council will 337
serve as members of the regional council. 338

~~(6)~~(7) A board of county commissioners may approve a 339
resolution by a majority vote of the board's members that requires 340
the county council to submit a statement to the board each time 341
the council proposes to enter into an agreement, adopt a plan, or 342
make a decision, other than a decision pursuant to section 121.38 343
of the Revised Code, that requires the expenditure of funds for 344
two or more families. The statement shall describe the proposed 345
agreement, plan, or decision. 346

Not later than fifteen days after the board receives the 347
statement, it shall, by resolution approved by a majority of its 348
members, approve or disapprove the agreement, plan, or decision. 349
Failure of the board to pass a resolution during that time period 350
shall be considered approval of the agreement, plan, or decision. 351

An agreement, plan, or decision for which a statement is 352
required to be submitted to the board shall be implemented only if 353
it is approved by the board. 354

(C) Each county shall develop a county service coordination 355

mechanism. The county service coordination mechanism shall serve
as the guiding document for coordination of services in the
county. For children who also receive services under the help me
grow program, the service coordination mechanism shall be
consistent with rules adopted by the department of health under
section 3701.61 of the Revised Code. All family service
coordination plans shall be developed in accordance with the
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~~ Individuals with Disabilities
Education Act of 2004." The county 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 an agency, including a juvenile court, or
a family voluntarily seeking service coordination, to refer the
child and family to the county council for service coordination in
accordance with the county service coordination mechanism;

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

(3) A procedure that permits a family to initiate a meeting
to develop or review the family's service coordination plan and

allows the family to invite a family advocate, mentor, or support person of the family's choice to participate in any such meeting; 387
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(4) A procedure for ensuring that a family service coordination plan meeting is conducted before a ~~non-emergency~~ nonemergency out-of-home placement for all multi-need children, or within ten days of a placement for emergency placements of multi-need children. The family service coordination plan shall outline how the county council members will jointly pay for services, where applicable, and provide services in the least restrictive environment. 389
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(5) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement with appropriate arrangements for housing, treatment, and education. 397
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(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan. 404
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(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate; 408
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(8) A procedure for development of a family service coordination plan described in division (D) of this section; 413
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(9) 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 415
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provision of services to children, including children who are 418
abused, neglected, dependent, unruly, alleged unruly, or 419
delinquent children and under the jurisdiction of the juvenile 420
court and children whose parents or custodians are voluntarily 421
seeking services. The local dispute resolution process shall 422
comply with ~~section~~ sections 121.38, 121.381, and 121.382 of the 423
Revised Code. The local dispute resolution process shall be used 424
to resolve disputes between a child's parents or custodians and 425
the county council regarding service coordination. The county 426
council shall inform the parents or custodians of their right to 427
use the dispute resolution process. Parents or custodians shall 428
use existing local agency grievance procedures to address disputes 429
not involving service coordination. The dispute resolution process 430
is in addition to and does not replace other rights or procedures 431
that parents or custodians may have under other sections of the 432
Revised Code. 433

The cabinet council shall adopt rules in accordance with 434
Chapter 119. of the Revised Code establishing an administrative 435
review process to address problems that arise concerning the 436
operation of a local dispute resolution process. 437

Nothing in division (C)(4) of this section shall be 438
interpreted as overriding or affecting decisions of a juvenile 439
court regarding an out-of-home placement, long-term placement, or 440
emergency out-of-home placement. 441

(D) Each county shall develop a ~~comprehensive~~ family service 442
coordination plan that does all of the following: 443

(1) Designates service responsibilities among the various 444
state and local agencies that provide services to children and 445
their families, including children who are abused, neglected, 446
dependent, unruly, or delinquent children and under the 447
jurisdiction of the juvenile court and children whose parents or 448

custodians are voluntarily seeking services;	449
(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;	450 451 452 453
(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.	454 455 456 457 458 459
(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;	460 461 462
(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;	463 464 465
(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	466 467
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	468 469
(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;	470 471 472 473
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	474 475 476
(c) Involvement of local law enforcement agencies and officials.	477 478

(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:

(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;

(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;

(c) 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;

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

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

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

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

(F) Each county may review and revise the service coordination process described in division (D) 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. 121.374. There is hereby created the Ohio family and children first cabinet council advisory board consisting of thirteen 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 one member of the general public who is a primary caregiver who uses or has used a service provided by an agency represented on a family and children first county council. The speaker of the house of representatives and the president of the senate shall each appoint one member representing a foundation or nonprofit organization with expertise in issues related to children, families, or education. The governor shall appoint one member representing a faith-based organization, one member from a county family and children first council in a rural county, and one member from a county family and children first council in an urban county.

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.

The advisory board shall consult with the cabinet council regarding the council's activities and initiatives, evaluating existing efforts, and help guide the direction of new efforts. The

advisory board shall provide guidance regarding efforts to seek 540
local input about the council's activities, initiatives, and 541
achievements of the indicators adopted under section 121.37 of the 542
Revised Code. 543

Section 2. That existing section 121.37 of the Revised Code 544
is hereby repealed. 545