

**CORRECTED VERSION**  
**As Passed by the House**

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

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

**Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason,  
Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Hughes, Key,  
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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

(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 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) 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 individual designated by the board; 139  
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(l) A representative of the regional office of the department of youth services; 141  
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(m) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 143  
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(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~~ Individuals with Disabilities Education Act of 2004"; 145  
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(o) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families. 150  
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Each member of a county council specified in division (B)(1)(b) to (j) and (B)(1)(l) to (n) of this section may designate an individual to serve on the county council for the member. 152  
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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. 156  
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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 162  
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county's board of county commissioners. 169

(2) The purpose of the county council is to streamline and 170  
coordinate existing government services for families seeking 171  
services for their children. In seeking to fulfill its purpose, a 172  
county council shall provide for the following: 173

(a) Referrals to the cabinet council of those children for 174  
whom the county council cannot provide adequate services; 175

(b) Development and implementation of a process that annually 176  
evaluates and prioritizes services, fills service gaps where 177  
possible, and invents new approaches to achieve better results for 178  
families and children; 179

(c) Participation in the development of a countywide, 180  
comprehensive, coordinated, multi-disciplinary, interagency system 181  
for infants and toddlers with developmental disabilities or delays 182  
and their families, as established pursuant to federal grants 183  
received and administered by the department of health for early 184  
intervention services under the "~~Education of the Handicapped Act~~ 185  
~~Amendments of 1986~~ Individuals with Disabilities Education Act of 186  
2004"; 187

(d) Maintenance of an accountability system to monitor the 188  
county council's progress in achieving results for families and 189  
children; 190

(e) Establishment of a mechanism to ensure ongoing input from 191  
a broad representation of families who are receiving services 192  
within the county system. 193

(3) A county council shall develop and implement the 194  
following: 195

(a) An interagency process to establish local indicators and 196  
monitor the county's progress toward increasing child well-being 197  
in the county; 198

(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.

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.

(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.

(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)~~(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  
departments in rules or interagency agreements that are applicable  
to the council's functions.

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

(i) Enter into agreements or administer contracts with public

or private entities to fulfill specific council business. Such 261  
agreements and contracts are exempt from the competitive bidding 262  
requirements of section 307.86 of the Revised Code if they have 263  
been approved by the county council and they are for the purchase 264  
of family and child welfare or child protection services or other 265  
social or job and family services for families and children. The 266  
approval of the county council is not required to exempt 267  
agreements or contracts entered into under section 5139.34, 268  
5139.41, or 5139.43 of the Revised Code from the competitive 269  
bidding requirements of section 307.86 of the Revised Code. 270

(ii) As determined by the council, provide financial 271  
stipends, reimbursements, or both, to family representatives for 272  
expenses related to council activity; 273

(iii) Receive by gift, grant, devise, or bequest any moneys, 274  
lands, or other property for the purposes for which the council is 275  
established. The agent shall hold, apply, and dispose of the 276  
moneys, lands, or other property according to the terms of the 277  
gift, grant, devise, or bequest. Any interest or earnings shall be 278  
treated in the same manner and are subject to the same terms as 279  
the gift, grant, devise, or bequest from which it accrues. 280

(b)(i) If the county council designates the board of county 281  
commissioners as its administrative agent, the board may, by 282  
resolution, delegate any of its powers and duties as 283  
administrative agent to an executive committee the board 284  
establishes from the membership of the county council. The board 285  
shall name to the executive committee at least the individuals 286  
described in divisions (B)(1)(~~a~~)(b) to (i) of this section and may 287  
appoint the president of the board or another individual as the 288  
chair of the executive committee. The executive committee must 289  
include at least one family county council representative who does 290  
not have a family member employed by an agency represented on the 291  
council. 292

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

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

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

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

Not later than fifteen days after the board receives the statement, it shall, by resolution approved by a majority of its

members, approve or disapprove the agreement, plan, or decision. 324  
Failure of the board to pass a resolution during that time period 325  
shall be considered approval of the agreement, plan, or decision. 326

An agreement, plan, or decision for which a statement is 327  
required to be submitted to the board shall be implemented only if 328  
it is approved by the board. 329

(C) Each county shall develop a county service coordination 330  
mechanism. The county service coordination mechanism shall serve 331  
as the guiding document for coordination of services in the 332  
county. For children who also receive services under the help me 333  
grow program, the service coordination mechanism shall be 334  
consistent with rules adopted by the department of health under 335  
section 3701.61 of the Revised Code. All family service 336  
coordination plans shall be developed in accordance with the 337  
county service coordination mechanism. The mechanism shall be 338  
developed and approved with the participation of the county 339  
entities representing child welfare; mental retardation and 340  
developmental disabilities; alcohol, drug addiction, and mental 341  
health services; health; juvenile judges; education; the county 342  
family and children first council; and the county early 343  
intervention collaborative established pursuant to the federal 344  
early intervention program operated under the "~~Education of the~~ 345  
~~Handicapped Act Amendments of 1986~~ Individuals with Disabilities 346  
Education Act of 2004." The county shall establish an 347  
implementation schedule for the mechanism. The cabinet council may 348  
monitor the implementation and administration of each county's 349  
service coordination mechanism. 350

Each mechanism shall include all of the following: 351

(1) A procedure for an agency, including a juvenile court, or 352  
a family voluntarily seeking service coordination, to refer the 353  
child and family to the county council for service coordination in 354

accordance with the county service coordination mechanism; 355

(2) A procedure ensuring that a family and all appropriate 356  
staff from involved agencies, including a representative from the 357  
appropriate school district, are notified of and invited to 358  
participate in all family service coordination plan meetings; 359

(3) A procedure that permits a family to initiate a meeting 360  
to develop or review the family's service coordination plan and 361  
allows the family to invite a family advocate, mentor, or support 362  
person of the family's choice to participate in any such meeting; 363

(4) A procedure for ensuring that a family service 364  
coordination plan meeting is conducted before a ~~non-emergency~~ 365  
nonemergency out-of-home placement for all multi-need children, or 366  
within ten days of a placement for emergency placements of 367  
multi-need children. The family service coordination plan shall 368  
outline how the county council members will jointly pay for 369  
services, where applicable, and provide services in the least 370  
restrictive environment. 371

(5) A procedure for monitoring the progress and tracking the 372  
outcomes of each service coordination plan requested in the county 373  
including monitoring and tracking children in out-of-home 374  
placements to assure continued progress, appropriateness of 375  
placement, and continuity of care after discharge from placement 376  
with appropriate arrangements for housing, treatment, and 377  
education. 378

(6) A procedure for protecting the confidentiality of all 379  
personal family information disclosed during service coordination 380  
meetings or contained in the comprehensive family service 381  
coordination plan. 382

(7) A procedure for assessing the needs and strengths of any 383  
child or family that has been referred to the council for service 384  
coordination, including a child whose parent or custodian is 385

voluntarily seeking services, and for ensuring that parents and 386  
custodians are afforded the opportunity to participate; 387

(8) A procedure for development of a family service 388  
coordination plan described in division (D) of this section; 389

(9) A local dispute resolution process to serve as the 390  
process that must be used first to resolve disputes among the 391  
agencies represented on the county council concerning the 392  
provision of services to children, including children who are 393  
abused, neglected, dependent, unruly, alleged unruly, or 394  
delinquent children and under the jurisdiction of the juvenile 395  
court and children whose parents or custodians are voluntarily 396  
seeking services. The local dispute resolution process shall 397  
comply with ~~section~~ sections 121.38, 121.381, and 121.382 of the 398  
Revised Code. The local dispute resolution process shall be used 399  
to resolve disputes between a child's parents or custodians and 400  
the county council regarding service coordination. The county 401  
council shall inform the parents or custodians of their right to 402  
use the dispute resolution process. Parents or custodians shall 403  
use existing local agency grievance procedures to address disputes 404  
not involving service coordination. The dispute resolution process 405  
is in addition to and does not replace other rights or procedures 406  
that parents or custodians may have under other sections of the 407  
Revised Code. 408

The cabinet council shall adopt rules in accordance with 409  
Chapter 119. of the Revised Code establishing an administrative 410  
review process to address problems that arise concerning the 411  
operation of a local dispute resolution process. 412

Nothing in division (C)(4) of this section shall be 413  
interpreted as overriding or affecting decisions of a juvenile 414  
court regarding an out-of-home placement, long-term placement, or 415  
emergency out-of-home placement. 416

(D) Each county shall develop a ~~comprehensive~~ family service coordination plan that does all of the following: 417  
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(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services; 419  
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(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; 425  
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(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. 429  
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(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; 435  
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(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals; 438  
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(6) Includes a plan for dealing with short-term crisis situations and safety concerns. 441  
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(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following: 443  
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(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in 445  
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division (C)(7) of this section and designation of the instrument 447  
or instruments to be used to conduct the assessment; 448

(b) An emphasis on the personal responsibilities of the child 449  
and the parental responsibilities of the parents, guardian, or 450  
custodian of the child; 451

(c) Involvement of local law enforcement agencies and 452  
officials. 453

(2) The method to divert a child from the juvenile court 454  
system that must be included in the service coordination process 455  
may include, but is not limited to, the following: 456

(a) The preparation of a complaint under section 2151.27 of 457  
the Revised Code alleging that the child is an unruly child and 458  
notifying the child and the parents, guardian, or custodian that 459  
the complaint has been prepared to encourage the child and the 460  
parents, guardian, or custodian to comply with other methods to 461  
divert the child from the juvenile court system; 462

(b) Conducting a meeting with the child, the parents, 463  
guardian, or custodian, and other interested parties to determine 464  
the appropriate methods to divert the child from the juvenile 465  
court system; 466

(c) A method to provide to the child and the child's family a 467  
short-term respite from a short-term crisis situation involving a 468  
confrontation between the child and the parents, guardian, or 469  
custodian; 470

(d) A program to provide a mentor to the child or the 471  
parents, guardian, or custodian; 472

(e) A program to provide parenting education to the parents, 473  
guardian, or custodian; 474

(f) An alternative school program for children who are truant 475  
from school, repeatedly disruptive in school, or suspended or 476



expelled from school;

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(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.

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(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.

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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.

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Each member shall serve until a replacement member is 508  
appointed. Vacancies shall be filled in the same manner as 509  
original appointments. Members of the advisory board shall serve 510  
without compensation. 511

The advisory board shall consult with the cabinet council 512  
regarding the council's activities and initiatives, evaluating 513  
existing efforts, and help guide the direction of new efforts. The 514  
advisory board shall provide guidance regarding efforts to seek 515  
local input about the council's activities, initiatives, and 516  
achievements of the indicators adopted under section 121.37 of the 517  
Revised Code. 518

**Section 2.** That existing section 121.37 of the Revised Code 519  
is hereby repealed. 520