



*Ralph D. Clark*

***Bill Analysis***  
*Legislative Service Commission*

## **H.B. 536**

123rd General Assembly  
(As Introduced)

**Reps. Willamowski, Terwilleger, Aslanides, Van Vyven, Evans, Clancy, Taylor, Netzley, Vesper, DePiero, Jolivette, Metzger, Harris, Winkler, Mead, O'Brien, Hollister, Pringle, Hoops, Smith**

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### **BILL SUMMARY**

- Requires each county comprehensive joint service plan for services to children and families to include a service coordination process that includes methods to divert from the juvenile court a child who is alleged or appears to be an unruly child.
- Requires each county to specifically develop a comprehensive joint service plan instead of just establishing procedures for the development of such a plan as required under current law.
- Permits the service coordination process established under the bill to provide for assessing the risk a child poses to the community, the needs and strengths of the child and the child's family, and the services needed; designate the person or agency to conduct the assessments and the instruments used to make the assessments; designate the agency to provide case management services; emphasize the child's personal responsibilities and the parental responsibilities; and involve local law enforcement agencies and officials.
- Permits a juvenile court to hold a complaint alleging a child to be unruly in abeyance for future consideration or dismissal pending the child's successful completion of actions that constitute a method to divert the child from the juvenile court.
- Makes changes and additions to the dispositions a court may order for a child adjudicated to be an unruly child.

- Requires the county dispute resolution process governing disputes over the provision of services to certain children to be applied to disputes concerning services to children who are alleged unruly or who appear to be unruly but are not under the jurisdiction of the juvenile court as alleged or adjudicated unruly children.
- Permits the Office of Criminal Justice Services to collect, analyze, and correlate information and data concerning alleged or adjudicated unruly children and children at risk of being alleged or adjudicated unruly children.
- Makes changes to the definition of "unruly child."
- Permits a juvenile court and the Ohio Department of Human Services to enter into an agreement to reimburse the court for foster care maintenance costs and associated administrative and training costs incurred for a Title IV-E eligible child who is subjected to electronically monitored house arrest or any other disposition the court determines proper.

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## **CONTENT AND OPERATION**

### **Addition to county comprehensive joint service plan**

(sec. 121.37)

Under current law, each county is required to have procedures for development of a comprehensive joint service plan that designates service responsibilities among the various state and local agencies that provide services to children and their families. The bill provides that, instead of just having a procedure to develop a plan, each county must also develop a plan. The plan must include a service coordination process for dealing with a child who is alleged in a juvenile complaint to be unruly or appears to be unruly but is not under the jurisdiction of the juvenile court as an alleged or adjudicated unruly child. The process must include methods to divert the child from the juvenile court system.

Methods to divert a child may include the following:

(1) The preparation of a juvenile complaint alleging the child to be unruly and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage them to comply with other methods to divert the child from the juvenile court system;

(2) Conducting a meeting with the child, the parent, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child;

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

(4) A method to provide 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;

(5) Programs to provide a mentor to the child or the parents, guardian, or custodian, and parenting education to the parents, guardian, or custodian;

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

(7) Other appropriate measures, including any alternative methods to divert a child from the juvenile court system that are identified by the Office of Criminal Justice Services.

The bill also provides that the service coordination process may include the following:

(1) An assessment of the risk the child poses to the community, the needs and strengths of the child and the child's family, and the services the child and child's family need;

(2) Designation of the person or agency to conduct the assessment of the child and the child's family and the designation of the instrument or instruments used to conduct the assessment;

(3) Designation of the agency to provide case management services to the child and family;

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

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

**Holding juvenile complaints in abeyance for diversion**

(sec. 2151.27)

The bill permits a juvenile court in which a complaint alleging a child to be unruly is filed to hold the complaint in abeyance pending the child's successful completion of actions that constitute a method described in the bill to divert the child from the juvenile court system or another method the court considers satisfactory. If the child completes the actions to the court's satisfaction, the court may dismiss the complaint. If the child fails to complete the actions to the court's satisfaction, the court may consider the complaint.

**Changes and additions to dispositions for children adjudicated unruly**

(sec. 2151.354)

Under current law, a juvenile court that adjudicates a child to be an unruly child may issue any of a number of dispositional orders regarding the child. Examples of dispositions that may be imposed include (1) making any disposition that can be imposed for a child adjudicated to be an abused, neglected, or dependent child, (2) placing the child on probation under any conditions that the court prescribes, (3) suspending or revoking the child's driver's license, and (4) suspending or revoking the registration of all motor vehicles registered in the child's name.<sup>1</sup> Current law also permits a court, after making any of those dispositions, to make a further disposition of the child if the court finds on further hearing that the child is not amenable to treatment and rehabilitation under any of the dispositions. Examples of further dispositions that may be imposed include imposition of a fine and costs; requiring the child to make restitution for any property damage; or imposition of a period of day reporting.<sup>2</sup>

The bill would do the following:

- If a child is adjudicated to be an unruly child and no prior disposition is made based on the adjudication, the court may make any further disposition of the child the court finds proper and that is consistent with Ohio law governing where

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<sup>1</sup> *Examples of these dispositions include placing the child in protective supervision; committing the child to the temporary custody of a public children services agency, private child placing agency, private noncustodial agency, either parent, relative, or a probation officer for placement in a certified foster home or other home approved by the court; or committing the child to the permanent custody of a public children services agency or a private child placing agency. Revised Code § 2151.353.*

<sup>2</sup> *"Day reporting" requires a child to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. R.C. § 2151.355.*

such a child may be held and consistent with the Interstate Compact on Juveniles enacted in Ohio;

- If a child is adjudicated to be an unruly child, subjected to a prior disposition described in (1) to (4) above, and the court later finds that the child is not amenable to treatment and rehabilitation under any of those dispositions, in addition to the further dispositions currently permitted under law, the court may impose a period of electronically monitored house arrest on the child in accordance with Ohio's Juvenile Code.

**Application of the dispute resolution process**

(sec. 121.37)

Under current law, each county is required to have a dispute resolution process as part of its county service coordination mechanism. The process must be used first to resolve disputes among the agencies represented on the county children and families first council concerning the provision of services to children, including abused, neglected, dependent, unruly, or delinquent children under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The bill would include, as children about whom service disputes may be resolved by the dispute resolution process, alleged unruly children and children who appear to be unruly but are not under the jurisdiction of the juvenile court as alleged or adjudicated unruly children.

**New duties of the Office of Criminal Justice Services**

(sec. 181.52)

The Office of Criminal Justice Services is required by law to collect, analyze, and correlate information and data concerning the criminal and juvenile justice systems in the state. The bill provides that the information and data may include the following information concerning alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children:

(1) Identification of funding sources for services provided to those children, including regulations governing access to and use of the services;

(2) Information provided by communities about successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of such programs;

(3) Identification and dissemination of publications regarding such children or regarding programs serving such children;

(4) Maintenance of an inventory of individuals approved by the Office to act as strategic planning facilitators for use by government or nonprofit entities that serve the children.

**Definition of "unruly child"**

(sec. 2151.022)

Current law defines "unruly child" to include any child:

(1) Who does not subject himself or herself to the reasonable control of his or her parents, teachers, guardian, or custodian, by reason of the child being wayward or habitually disobedient;

(2) Who is an habitual truant from home or school;

(3) Who so departs himself or herself as to injure or endanger his or her health or morals or the health or morals of others;

(4) Who attempts to marry without parental consent or the consent of the child's custodian, or legal guardian or other legal authority;

(5) Who is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons;

(6) Who engages in an occupation prohibited by law or is in a situation dangerous to life or limb or injurious to his or her health or morals or the health or morals of others.

The bill eliminates from the definition (4), (5), and (6), above. It includes in (1), children who do not submit to the reasonable control of "school authorities," as well as teachers. The bill also makes technical changes to the definition.

**Title IV-E reimbursement to juvenile court**

(sec. 2151.152)

Under current law, a juvenile judge may enter into an agreement with the Ohio Department of Human Services for the purpose of reimbursement of the court for foster care maintenance costs and associated administrative and training

costs incurred on behalf of a child in the temporary or permanent custody of the court and eligible for payments under Title IV-E of the federal Social Security Act.<sup>3</sup> The bill would permit the agreement to provide reimbursement not just for children in the temporary or permanent custody of the court but also for children who are:

- Adjudicated unruly and subjected to a further disposition that the court finds proper and is consistent with Ohio law governing where such a child may be held and consistent with the Interstate Compact on Juveniles enacted in Ohio;
- Adjudicated unruly or delinquent and subjected to a period of electronically monitored house arrest in accordance with Ohio's Juvenile Code.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-11-00	p. 1493-1494

H0536-I.123/jc

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<sup>3</sup> *Title IV-E provides federal funds to states for adoption assistance for children with special needs, foster care, and transitional independent living programs.*