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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 57**

124th General Assembly  
(As Introduced)

**Reps. Willamowski, Flowers, Core, Jolivette, Evans, Niehaus, Hollister,  
Hoops, DePiero**

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### **BILL SUMMARY**

- 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 existing law.
- Requires each county comprehensive joint service plan to designate service responsibilities among the various state and local agencies that provide services to children and families and to include a service coordination process that includes methods to divert from the juvenile court system a child who is alleged to be or who appears to be an unruly child.
- 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 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 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.
- Revises the definition of "unruly child."

- Permits a juvenile court and the Ohio Department of Job and Family 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 a disposition the court determines proper or who has been adjudicated a delinquent child for being a chronic truant or a repeat habitual truant.
- 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.

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## CONTENT AND OPERATION

### *Diversion of unruly children from the juvenile court system*

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

*Existing law.* Under existing 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, 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 or custodians are voluntarily seeking services (R.C. 121.37(C)(3)).

*Operation of the bill--mandatory elements.* The bill requires each county to also develop a comprehensive joint service plan. The plan must designate the service responsibilities described under "*Existing law*" and also must include a service coordination process for dealing with a child who is alleged to be an unruly child in a juvenile complaint or appears to be an unruly child 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. (R.C. 121.37(C)(3), (D), and (E)(2).)

The method to divert a child from the juvenile court system may include the following (R.C. 121.37(E)(2)):

(1) The preparation of a juvenile complaint alleging the child to be an unruly child 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 parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(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 to provide 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 (see *New duties of the Office of Criminal Justice Services,* below).

*Operation of the bill--permissive elements.* The bill also provides that the service coordination process may include the following (R.C. 121.37(E)(1)):

(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 described in the preceding paragraph and 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 the child's family;

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

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

*Holding juvenile complaints in abeyance for diversion*

The bill authorizes a juvenile court in which a complaint alleging a child to be an unruly child 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. (R.C. 2151.27(H) in Section 1 of the bill and R.C. 2151.27(F) in Section 3 of the bill.)

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

Currently the Revised Code contains two versions of R.C. 2151.354, the provision specifying the dispositions that a juvenile court may impose upon an unruly child. One version remains in effect until January 1, 2002, and another version will be used on and after January 1, 2002. The bill amends both versions of the section.

### **Existing law--in effect before January 1, 2002**

Under existing law, a juvenile court that adjudicates a child to be an unruly child generally may issue a dispositional order regarding the child that does one of the following (R.C. 2151.354(A)(1) to (4)):

- (1) Make any disposition that can be imposed for a child adjudicated to be an abused, neglected, or dependent child;<sup>1</sup>
- (2) Place the child on probation under any conditions that the court prescribes;
- (3) Suspend or revoke the child's driver's license or permit and suspend or revoke the registration of all motor vehicles registered in the child's name;
- (4) Commit the child to the temporary or permanent custody of the court.

If, after making any of the dispositions described under paragraphs (1), (2), or (3), above, the court finds on further hearing that the child is not amenable to treatment and rehabilitation under that disposition, existing law authorizes the court to make specified dispositions authorized for children adjudicated to be delinquent children, *except that the child may not be committed to or placed in a secure correctional facility, and commitment to or placement in a detention home may not exceed 24 hours unless authorized by the Juvenile Code* (R.C. 2151.354(A)(5)). Examples of these dispositions include imposition of a fine and costs and requiring the child to make restitution for any property damage (R.C. 2151.355(A)(1), (2), and (8) to (10)--not in the bill).

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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* (R.C. 2151.353).

**Operation of the bill--amending version in effect before January 1, 2002**

Under the bill, if a child is adjudicated to be an unruly child, the court may make any further disposition of the child the court finds proper and that is consistent with Ohio law governing where such a child may be held and consistent with the Interstate Compact on Juveniles enacted in Ohio (R.C. 2151.354(A)(5)).

In addition, the bill revises the possible delinquency dispositions that a court may make in regards to a child who has been adjudicated to be an unruly child, who has been subjected to a prior disposition described in (1) to (3) under "**Existing law--in effect before January 1, 2002,**" above, and whom the court finds upon further hearing to not be amenable to treatment and rehabilitation under that disposition. The bill removes the authority to impose a fine and costs and the authority to order restitution (R.C. 2151.354(A)(6)). The bill authorizes the court to make one or more of the following dispositions *that is consistent with Ohio Law governing where such a child may be held and with the Interstate Compact on Juveniles* (R.C. 2151.354(A)(6) and R.C. 2151.355(A)(10) to (20), (22), and (25)--not in the bill):

- (1) Suspend or revoke the child's license or permit;
- (2) Impose a period of electronically monitored house detention;
- (3) Impose a period of day reporting;
- (4) Impose a period of electronically monitored house arrest;
- (5) Impose a period of community service of up to 500 hours;
- (6) Impose a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;
- (7) Impose a period of intensive supervision, in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;
- (8) Impose a period of basic supervision, in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;
- (9) Impose a period of drug and alcohol use monitoring;
- (10) Impose a period in which the court orders the child to observe a curfew that may involve daytime or evening hours;

(11) Require the child to obtain a high school diploma, a certificate of high school equivalence, or employment;

(12) Commit the child to the temporary or permanent custody of the court;

(13) Make any further disposition that the court finds proper.

**Existing law--in effect on and after January 1, 2002**

Am. Sub. S.B. 179 of the 123rd General Assembly, which takes effect on and after January 1, 2002, revised the possible delinquency dispositions that a juvenile court may make regarding a child who has been adjudicated to be an unruly child, who has been subjected to a prior disposition described in (1) to (3) under "**Existing law--in effect before January 1, 2002,**" above, and whom the court finds upon further hearing to not be amenable to treatment and rehabilitation under that disposition (R.C. 2151.354(A)(5)). In such a situation, the court may make any of the following orders of disposition, *except that the child may not be committed to or placed in a secure correctional facility, and commitment to or placement in a detention facility may not exceed 24 hours unless authorized by Ohio law governing where such a child may be held or the Interstate Compact on Juveniles* (R.C. 2151.354(A)(5) by reference to R.C. 2152.19(A)(1), (3), (4), and (7)):

(1) Any order that is authorized for the care and protection of an abused, neglected, or dependent child;

(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes that includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required each day to report to and leave a center or another 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;

(d) A period of community service of up to 500 hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to 200 hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to 30 hours for an act that would be a minor misdemeanor if committed by an adult;

(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment;

(f) A period of drug and alcohol use monitoring;

(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court;

(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours;

(i) A requirement that the child serve monitored time;

(j) A period of house arrest with or without electronic monitoring;

(k) A period of electronic monitoring without house arrest or electronically monitored house arrest that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act;

(l) A suspension of the driver's license, probationary driver's license, or temporary instruction permit issued to the child or a suspension of the registration of all motor vehicles registered in the name of the child.

(3) Commit the child to the custody of the court;

(4) Make any further disposition that the court finds proper, except that the child may not be placed in a state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held or in a community corrections facility in specified circumstances.

**Operation of the bill--amending version in effect on and after January 1, 2002**

Under the bill, if a child is adjudicated to be an unruly child, the court may make any further disposition of the child the court finds proper and that is consistent with Ohio law governing where such a child may be held and consistent with the Interstate Compact on Juveniles enacted in Ohio (R.C. 2151.354(A)(5) in Section 3 of the bill).

The bill also revises the limitation that on the juvenile court in making the delinquency dispositions described in "**Existing law--in effect on and after January 1, 2002**," above, that generally prohibits the child from being committed to or placed in a secure correctional facility or committed to or placed in a detention facility for more than 24 hours. Under the bill, these delinquency commitments only must be *consistent with Ohio law governing where such a child may be held and with the Interstate Compact on Juveniles*. (R.C. 2151.354(A)(6) in Section 3 of the bill.)

**Definition of "unruly child"**

Currently the Revised Code contains two definitions of "unruly child" for use in the Juvenile Code, one to be used until January 1, 2002, and a version to be used on and after January 1, 2002. The bill amends both versions of the definition.

**Existing law--in effect before January 1, 2002**

Under the current version of the definition, for the purposes of the Juvenile Law, "unruly child" includes any of the following (R.C. 2151.022):

- (1) Any child who does not subject the child's self to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;
- (2) Any child who is persistently truant from home;
- (3) Any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant;
- (4) Any child who so departs the child's self as to injure or endanger the child's own health or morals or the health or morals of others;
- (5) Any child who attempts to enter the marriage relation in any state without the consent of the child's parents, custodian, or legal guardian or other legal authority;

(6) Any child 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;

(7) Any child who engages in an occupation prohibited by law or is in a situation dangerous to life or limb or injurious to the child's own health or morals or the health or morals of others;

(8) Any child who violates a law, other than underage purchase of a firearm, that is applicable only to a child.

**Existing law--in effect on and after January 1, 2002**

Am. Sub. S.B. 179 of the 123rd General Assembly, which takes effect on January 1, 2002, eliminates from the definition of "unruly child" paragraphs (2), (5), (6), and (7), above (R.C. 2151.022(B), (E), (F), and (G) in Section 1 of the bill) and modifies the provisions in paragraphs (1) and (4), above (R.C. 2151.022(A) and (D) in Section 1 of the bill) (R.C. 2151.022 in Section 3 of the bill).

**Operation of the bill**

The bill revises paragraph (1) under "**Existing law--in effect before January 1, 2002**," above, to include in the definition of "unruly child" any child who does not *submit* to the reasonable control of the child's parents, teachers *and other school authorities*, guardian, or custodian, by reason of the child being wayward or habitually disobedient (R.C. 2151.022(A) in both Sections 1 and 3 of the bill). The bill also eliminates from the current version of the definition of "unruly child" paragraphs (2), (5), (6), and (7), mirroring the changes that were made by Am. Sub. S.B. 179 of the 123rd General Assembly (R.C. 2151.022(B), (E), (F), and (G) in Section 1 of the bill). The bill also makes technical changes to the section.

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

Under existing law, a juvenile judge may enter into an agreement with the Ohio Department of Job and Family 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 (R.C. 2151.152).<sup>2</sup> The bill would permit the agreement to provide

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<sup>2</sup> *Title IV-E provides federal funds to states for adoption assistance for children with special needs, foster care, and transitional independent living programs.*

reimbursement not just for a child in the temporary or permanent custody of the court but also for children who is (R.C. 2151.152):

(1) Adjudicated to be an unruly child and subjected to a 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;

(2) Adjudicated to be a delinquent child and is subject to a disposition that the court finds proper;

(3) Adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being an habitual truant (see **COMMENT**).

### **Application of the dispute resolution process**

Under existing law, each county is required to have a local 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.<sup>3</sup> The bill includes, 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. (R.C. 121.37(C)(4).)

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<sup>3</sup> *Each board of county commissioners is required to establish a county family and children first council; the members of the council generally consist of local public and private agencies and groups that fund, advocate, or provide services to children and families. A county council must provide for the following: (1) referrals to the cabinet council of those children for whom the county council cannot provide adequate services, (2) 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, (3) 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, (4) maintenance of an accountability system to monitor the county council's progress in achieving results for families and children, and (5) establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. (R.C. 121.37(B).)*

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

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 (R.C. 181.52(B)(2)). The bill provides that this 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 (R.C. 181.52(C)):

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

(2) Information provided by communities regarding 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.

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### **COMMENT**

Under Juvenile Law, "habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or 12 or more school days in a school year. "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school month, or 15 or more school days in a school year. Generally, an habitual truant is an unruly child, but if the child has previously been adjudicated an unruly child for being an habitual truant, the child is a delinquent child. A chronic truant is a delinquent child. Juvenile complaints for alleging a child to be either an habitual truant or a chronic truant may be filed solely against the child or jointly against the child and the parent, guardian, or custodian of the child. Juvenile Law specifies the dispositions available to a child adjudicated an unruly or a delinquent child for being an habitual or chronic truant. (R.C. 2151.011(B)(9) and (18), 2151.02, 2151.022, 2151.35, 2151.354, and 2151.355.)

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## HISTORY

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Introduced	02-01-01	p. 113

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