



Emily Mohr

*Final Analysis*  
Legislative Service Commission

## **Sub. H.B. 289**

126th General Assembly  
(As Passed by the General Assembly)

**Reps. White, Beatty, Barrett, Brown, Smith, S., Martin, Mason, Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Hughes, Key, McGregor, J., Oelslager, Schlichter, Skindell, Stewart, D., Strahorn, Yuko**

**Sens. Niehaus, Padgett, Hagan, Zurz, Kearney, Dann, Stivers**

**Effective date: \***

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### **ACT SUMMARY**

- Establishes new duties for the Ohio Family and Children First Cabinet Council and county family and children first councils.
- Creates the Ohio Family and Children First Cabinet Council Advisory Board.
- Removes the county juvenile judge as a member of a county family and children first council and instead appoints the judge as a judicial advisor to the county council.
- Requires the administrative agent of a county council to send notice of certain county council members' absences at county council meetings to the entity that the absent member represents.

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### **CONTENT AND OPERATION**

#### ***Ohio Family and Children First Cabinet Council duties***

The Revised Code provides that the purpose of the Ohio Family and Children First Cabinet Council is to help families seeking government services by

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*\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

streamlining and coordinating services for families seeking assistance for their children.<sup>1</sup> The Cabinet Council must provide for all of the following (R.C. 121.37(A)):

- (1) Reviews of service and treatment plans for children when such reviews are requested;
- (2) Assistance to meet the needs of children referred by the county family and children first councils, as the Cabinet Council determines is necessary;
- (3) Monitoring and supervision of a system for infants and toddlers with developmental disabilities or delays and their families.

Under the act, the Cabinet Council must also develop and implement all of the following:

- (1) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being and update the indicators on an annual basis;<sup>2</sup>
- (2) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;
- (3) An annual plan that identifies state-level agency efforts taken to ensure progress toward increasing child well-being.

The act requires that the Cabinet Council submit an annual report on the status of efforts to increase child well-being to the Governor and the General Assembly. This report must be made available to any other person on request. (R.C. 121.37(A)(4).)

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<sup>1</sup> *The Council is composed of the Superintendent of Public Instruction and the Directors of Youth Services, Job and Family Services, Mental Health, Health, Alcohol and Drug Addiction Services, Mental Retardation and Developmental Disabilities, and Budget and Management.*

<sup>2</sup> *The indicators must 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.*

## County family and children first councils

### Duties

Continuing law requires each board of county commissioners to establish a county family and children first council. The county council must provide for all of the following (R.C. 121.37(B)(2)):

(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 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;

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

Under the act, in addition to meeting the requirements of continuing law,<sup>3</sup> county councils must develop and implement the following (R.C. 121.37(B)(3)):

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

(2) An interagency process to identify local priorities to increase child well-being;<sup>4</sup>

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<sup>3</sup> *Certain duties provided in the act may require the amendment of duties under continuing law. For example, continuing law requires the county council to maintain a system to monitor the county's progress in achieving results for families and children. The act requires the county council to develop a process to monitor the county's progress toward increasing child well-being, which may overlap or duplicate what continuing law requires.*

<sup>4</sup> *The local priorities must 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 must take into account the indicators established by the Cabinet Council.*

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

The county council also must submit an annual report on the status of efforts by the county to increase child well-being to the county's board of county commissioners and the Cabinet Council. This report must be made available to any other person on request. (R.C. 121.37(B)(3).)

### **Membership**

Several officials of county boards are required to serve on the county's family and children first council. Generally, these officials include, but are not limited to, the director of the board of alcohol, drug addiction, and mental health services; the health commissioner of the board of health of each city and general health district in the county, or a designee of the commissioner; the director of the county department of job and family services; the executive director of the public children services agency; the superintendent of the county board of mental retardation and developmental disabilities; the superintendent of the school district with the largest number of pupils residing in the county and a superintendent representing all other school districts with territory in the county; a representative of the municipal corporation with the largest population in the county; a representative of the regional office of the Department of Youth Services; a representative of the county's head start agencies; and a representative of the county's early intervention collaborative established pursuant to federal law.

The act requires the administrative agent of a county council to send notice of a member's absence if a member listed above has been absent from either three consecutive meetings or from one-quarter of the meetings of the county council or a county council subcommittee in a calendar year. The administrative agent must send the notice to the board of county commissioners that established the county council and whichever of the following is appropriate (R.C. 121.37(B)(5)(a)):

- To the entity's governing board if the member is (1) the director or a designee of the board of alcohol, drug addiction, and mental health services, (2) the health commissioner or designee of the board of health, (3) the executive director of the public children services agency, or (4) the representative of the county's head start agencies;
- To the county board of mental retardation and developmental disabilities that employs the superintendent if the member is the superintendent of the county board of mental retardation and developmental disabilities;



- To the school board that employs the superintendent if the member is a superintendent of a school district;
- To the mayor of the municipal corporation if the member is a representative of the municipal corporation;
- To the Director of Youth Services if the member is a representative of the regional office of the Department of Youth Services;
- To the member's board of trustees if the member is a representative of a local nonprofit entity.

### **Judicial advisors**

Prior law generally required the county's senior juvenile court judge (or another juvenile court judge designated by the administrative judge or the senior judge) to serve as a member of the county family and children first council. The act removes the judge as a member and instead establishes the judge as a judicial advisor to the council. The judge may advise the council on the court's utilization of resources, services, or programs provided by the entities represented by the members of the county council and how those resources, services, or programs assist the court in its administration of justice. The act specifies that service of a judge as a judicial advisor to a county council is a judicial function. (R.C. 121.37(B)(1).)

### **Ohio Family and Children First Cabinet Council Advisory Board**

The act creates the Ohio Family and Children First Cabinet Council Advisory Board to provide guidance to the Cabinet Council regarding efforts to meet Ohio's commitments to child well-being. Under the act, the membership of the Board is as follows:

- (1) One member from the Governor's office, to be appointed by the Governor;
- (2) Two members of the House of Representatives, each from a different political party, to be appointed by the Speaker of the House;
- (3) Two members of the Senate, each from a different political party, to be appointed by the President of the Senate;
- (4) Three members of the general public who are primary caregivers and who use or have used a service provided by an agency represented on a family and children first county council, one of whom is to be appointed by the Governor, one by the Speaker of the House, and one by the President of the Senate;

(5) Two members representing a foundation or nonprofit organization with expertise in issues related to children, families, or education, one of whom is to be appointed by the Speaker of the House and one by the President of the Senate;

(6) One member representing a faith-based organization, to be appointed by the Governor;

(7) One member from a county family and children first council in a rural county, to be appointed by the Governor; and

(8) One member from a county family and children first council in an urban county, to be appointed by the Governor.

Each member of the Board is required to serve until a replacement member is appointed, and vacancies are filled in the same manner as original appointments. Members of the Board are not to be compensated. (R.C. 121.374.)

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## HISTORY

ACTION	DATE
Introduced	06-02-05
Reported, H. Health	11-03-05
Passed House (89-3)	12-14-05
Reported, S. Health, Human Services & Aging	03-16-06
Passed Senate (32-1)	03-28-06
House concurred in Senate amendments (95-1)	03-29-06

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