

SHORT TITLE: Juveniles; creating the Oklahoma Juvenile Justice Department; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1163

By: Leftwich of the Senate

and

Paulk of the House

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 602, 603.1, 603.2, 604, 607, Section 4, Chapter 299, O.S.L. 1992, 1101, as last amended by Section 1, Chapter 342, O.S.L. 1993, 1136 and 1137, as amended by Sections 34 and 35, Chapter 298, O.S.L. 1992, 1138 and 1139, as last amended by Sections 8 and 9, Chapter 342, O.S.L. 1993, 1140, 1141, 1142, 1149 and 1401 and 1407, as amended by Sections 16 and 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1993, Sections 610, 1101, 1136, 1137, 1138, 1139, 1401 and 1407), which relate to Department of Human Services agreement with the State Supreme Court, management information system for programs and services of the Department of Human Services, a planning process for the Department of Human Services, financial agreements between the Department of Human Services and other entities, contracts for community based services and community residential care, review of program by the Office of Juvenile Justice, definitions, the responsibility of the Department of Human Services to care for deprived children, the disposition of children adjudicated in need of supervision, the intent of the Legislature regarding delinquent children, discharge of children adjudicated

delinquent, cooperative agreements for education and training of children, aggravated assault upon an employee of a state facility for delinquent children, supervision, management under the control of the Central Oklahoma Juvenile Center, and the Lloyd E. Rader Children's Disposition and Education Center; modifying purposes for contracts between the Department of Human Services and the State Supreme Court; allowing certain division of the Department of Human Services to develop certain planning process; modifying role of Department of Human Services as planner and coordinator for certain programs and services; modifying statutory reference; modifying goal of certain community services and residential care; renaming Office of Juvenile Justice and combining and renaming the Oklahoma Commission for Human Services and the Juvenile Justice Advisory and Oversight Committee; requiring appointment and funding of transition coordinator; providing for selection of assistants; providing for duties of transition coordinator; providing for contents of certain written report; prohibiting unnecessary increase in state employees and resources; requiring transfer of certain resources and full-time-equivalent employees; requiring identification of projected increase in costs, personnel or needs of agencies; requiring cooperation of Department of Human Services with transition coordinator; requiring certain final authority reside with Oklahoma Legislature; requiring transfer of certain program or divisions from the Department of Human Services to the

Department of Juvenile Justice; providing for general jurisdictional area and parameters of responsibility of state agencies responsible for services to children and youth; establishing the Juvenile Sentencing Committee; providing for appointment of members, notification of membership to leadership of Legislature, filling of vacancies, election of officers, meeting times and reimbursement of members; complying with Open Meeting Act; quorum and minutes and voting records; requiring written progress report; providing for staff assistance; stating purposes and duties of Juvenile Sentencing Committee; authorizing agreements to establish and maintain certain programs; authorizing expenditure of certain funds for certain purposes; providing for certain subsidy; creating State Board of Juvenile Justice; stating membership, terms of office, appointments, vacancies, reappointments, eligibility for appointment, composition of Board, removal, meetings, election of chair and vice-chair, special meetings, quorum and travel reimbursement; providing for duties of Board; charging Board with rulemaking duties and providing procedures thereto; creating the Juvenile Justice Rule Advisory Council; providing for membership, terms, filling of vacancies, election of chair and vice-chair, meetings, qualifications and appointment of members, rulemaking, travel reimbursement and powers and duties of Council; requiring Board of Juvenile Justice to promulgate certain rules, policies and procedures and providing procedures

thereto; requiring appointment of Executive Director of the Department of Juvenile Justice; providing for qualifications and powers and duties of Executive Director; providing for delegation of powers and duties of Executive Director during temporary absence; creating Department of Juvenile Justice and providing for duties during certain transition period and afterwards; requiring transition coordinator serve as Executive Director for certain period of time; requiring establishment of minimum number of beds for delinquents and youthful offenders; creating certain offices, divisions, programs and board within the Department of Juvenile Justice; requiring establishment of grievance resolution system; requiring establishment of Office of Advocate Defender and employment of personnel; providing personnel shall be dismissed only for cause; providing for Advocate General; stating qualifications, minimum compensation and duties and responsibilities; providing that position be unclassified; stating duties of Office of Citizen Assistance; requiring employment of Administrative Law Judges and providing for qualifications; requiring compliance with Administrative Procedures Act; creating fund; stating purpose for monies appropriated to fund; requiring local resources participation for receipt of funds by counties; requiring establishment of system of rates for certain reimbursement and providing procedures thereto; providing for expenditures from funds; providing formulas for provisions of operating cost for secure detention;

limiting approval of application for certain funds;  
requiring reimbursement of certain travel funds;  
prohibiting certain application for funds;  
requiring transfer of certain funds; stating  
legislative intent; requiring review and assessment  
of each committed child and providing procedure  
thereto; requiring Department of Juvenile Justice  
enter into certain agreements and stating contents  
thereto; requiring establishment of certain  
planning process and development of certain plan;  
requiring agency budget recommendations be based  
upon certain criteria; requiring examination of  
certain program and services; authorizing certain  
agreements; requiring Department of Juvenile  
Justice to take certain actions, provide certain  
services and care and establish certain procedures;  
authorizing cooperative agreements for certain  
purposes; requiring conditions for receipt of  
certain grants or contracts; authorizing the  
Department of Juvenile Justice to enter into  
certain agreements and financial arrangements and  
financial agreements; requiring implementation of  
agency-wide management information system and  
stating requirements thereto; requiring  
availability of certain funds through grants or  
contracts to certain organizations and providing  
criteria thereto; designating certain youth service  
agencies and organizations to provide certain  
community-based youth services programs; allowing  
termination of designation of certain organizations  
under certain circumstances; allowing  
administrative hearing; requiring establishment of

administrative hearing and appeal process;  
requiring definition of certain program according  
to certain criteria; setting parameters for certain  
planning; requiring incorporation of evaluation  
component into certain programs and services;  
stating parameters of design; targeting and  
implementation of programs and services; stating  
parameters for proposed requests; requiring  
adoption of certain guidelines; encouraging out-of-  
state providers to respond to proposals under  
certain circumstances; requiring establishment of  
methods of administration and promulgation of  
rules; requiring employment of superintendent and  
other personnel and written minimum qualifications  
for certain personnel; stating superintendent shall  
be guardian of each child in institution; stating  
additional powers and duties of the Department of  
Juvenile Justice; providing for minimum standards  
in administrative transfer proceeding; stating  
situs of certain hearing; requiring judges provide  
certain aid in administrative transfer process;  
requiring provisions of free legal services under  
certain conditions; stating conditions under which  
use of physical force is permitted; requiring  
written guidelines on the use of physical force;  
stating consequences of unauthorized use of  
physical force; prohibiting use of mechanical  
restraints and providing exceptions; requiring  
certain agreements require compliance with certain  
provisions of laws; requiring report of criminal  
offense by employees against children in custody;  
requiring report be forwarded to Attorney General;

requiring two-phased regimental juvenile training program; stating eligibility for program; defining Phase I and Phase II; requiring certain participation by juveniles; allowing reassignment of juvenile for failure to progress through or complete initial phase of program; requiring establishment and enforcement of standards for program; providing for supportive services for program; requiring report and specifying contents thereof; adding, deleting and modifying definitions; changing agency responsible for certain functions; modifying grounds for placement of child in facility for delinquent children; requiring delinquent child remain in custody for certain period and not be discharged earlier except under certain circumstances; construing provisions of subsection of law; allowing district attorney to authorize retention of custody of child until certain age; authorizing court to sustain certain motion; allowing request to file a petition alleging child in need of mental health treatment; stating authority of Department of Juvenile Justice; modifying list of persons to whom results of substance abuse assessment may be given; modifying implementation of certain actions; allowing Department of Juvenile Justice to enter into certain cooperative agreement; providing for penalty for certain action; placing certain facilities under control of Department of Juvenile Justice; requiring all contracts, leases or other agreements entered into prior to transfer of facilities be administered by Department of



Juvenile Justice; requiring certain report be filed with Executive Director of Juvenile Justice; modifying authorization to establish certain placement alternatives; deleting obsolete language; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 602, is amended to read as follows:

Section 602. The Department of Human Services shall enter with the State Supreme Court under the Interlocal Cooperation Act into an agreement for children in the custody of the Department that is acceptable to that Court in its capacity as the constitutional manager of the state court system:

~~(1)~~ 1. To provide intake services, ~~probation services and parole services~~ for deprived children for the district courts in every county in Oklahoma ~~except those counties with duly constituted juvenile bureaus;~~

~~(2)~~ ~~To maintain a Uniform Juvenile Statewide Court Reporting System;~~

~~(3)~~ 2. To establish such standards and procedures for intake services as may be required by state or federal law;

~~(4)~~ 3. To employ and/or assign necessary staff sufficient to carry out provisions of this ~~resolution~~ article; and

~~(5)~~ 4. To contract with private nonprofit or public agencies now in existence or hereafter created.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 603.1, is amended to read as follows:

Section 603.1 A. On or before July 1, 1994, the Department of Human Services shall implement an agency-wide management information system for all programs and services of the Department related to children, youth and families. Development and implementation of said system shall be initiated immediately upon the effective date of this resolution.

B. The management information system shall:

1. To the maximum extent possible, be based upon the integration, utilization and modification, as necessary, of existing information systems within the Department;

2. Provide for the security of and limited access to the information;

3. Include case specific information, including outcomes, and have the ability to monitor the status of children and youth receiving services through the Department;

4. Be capable of providing management reports and information regarding the various children and youth programs of the Department, and of providing aggregate information necessary for planning, monitoring and evaluation of said programs and services; and

5. Be designed so that management and analytical reports can be readily generated for those who require them.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 603.2, is amended to read as follows:

Section 603.2 A. The Department of Human Services shall establish a planning process for the Department that provides for collaborative ongoing planning for the development of divisional and agency goals and priorities for services to children and youth. Said planning process of the Department shall be developed with the assistance of the Policy Analysis Division or equivalent division within the Department and the division directors and shall provide for identification and assessment of needs, establishment of goals and priorities, and program implementation and monitoring, in a

manner that actively involves all divisions and units within divisions.

1. The Department shall develop a three- to five-year plan for children and youth services provided by the agency. The plan should be regularly reviewed and modified as necessary.

2. The Director of the Department shall hold each division director accountable for the performance of the division in engaging collaboratively in the agency and in interagency planning for programs and services for children and youth.

3. The administrator of each division of the Department shall actively participate and require the collaborative participation of division workers in interagency planning and coordination for children and youth services.

4. The administrator for each division shall hold the administrator of each unit within the division responsible for the collaborative development and implementation of agency and division goals and priorities related to children and youth.

B. The unit, division and agency budget recommendations of the Department for services to children and youth shall be based upon documented needs, and the development of budget recommendations and priorities shall be closely integrated with agency and interagency program planning and management.

C. As a part of the Department's program planning and monitoring processes, the Department shall examine its programs and services to children and youth to ensure that the practices within them do not operate to the detriment of minority children and youth.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 604, is amended to read as follows:

Section 604. The Department of Human Services, in its role as planner and coordinator for ~~juvenile justice and delinquency prevention~~ children's programs and services under its jurisdiction, is hereby authorized to enter into financial agreements with

federal, state and local agencies or entities of government, or with any private, nonprofit agency, for ~~juvenile delinquency prevention programs, juvenile treatment~~ services for children under the supervision or in the custody of the Department and programs and child abuse and neglect prevention and treatment programs.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 607, is amended to read as follows:

Section 607. A. The Department of Human Services is authorized to enter into agreements to establish or maintain community-based youth service programs and shelters out of local, state and federal monies.

B. The Department shall take all necessary steps to develop and implement a diversity of community services and community residential care as needed to provide for adequate and appropriate community-based care, treatment and rehabilitation of children in the custody of the Department. Such community services and residential care shall be consistent with the treatment needs of the child ~~and the protection of the public.~~

1. The Department shall, to the extent reasonable and practicable, provide community services and community residential care to children in the custody of the Department through financial agreements, as authorized in Sections ~~603~~ 1100-3-105 and ~~604~~ 1100-3-106 of this ~~title~~ Code.

2. The Department shall establish procedures for the letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based services and community residential care. A copy of such procedures shall be made available to any member of the general public upon request.

3. As authorized and allowed by Title XIX of the federal Social Security Act and rules and regulations promulgated pursuant to said Act, the Department of Human Services shall:

- a. include in the Medicaid State Plan a service plan or plans for the reimbursement of all available home and community-based optional services for mental health and drug and alcohol treatment services for children and youth,
- b. apply for all available home and community-based Medicaid waivers which will assist in the development of community-based services for mental health and drug and alcohol treatment for children and youth, and
- c. establish procedures to assure that Title XIX reimbursements are the payments of last resort, after payments by the parents or other third party payors, for the medical care, including mental health services, provided to children in the custody of the Department of Human Services or that the Department of Human Services is otherwise reimbursed, in accordance with a court order and the financial ability of the parent, for such services provided to the child.

Nothing in this paragraph shall serve to limit the authority of the Department of Human Services to establish limitations on the length of time for which a health care facility is eligible for reimbursement for inpatient services provided to children and youth through the state Medicaid program.

C. After July 1, 1984, any state agency letting grants or contracts for the establishment of community residential care or treatment facilities for children shall require, as a condition for receipt of such grants or contracts, documented assurance from the agency or organization establishing such facility that appropriate arrangements have been made for providing the educational services to which residents of the facility are entitled pursuant to state and federal law.

SECTION 6. AMENDATORY Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1993, Section 610), is amended to read as follows:

Section 610. The ~~Office~~ Department of Juvenile Justice shall from time to time, but not less often than annually, review its programs and services and submit a report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Supreme Court of the State of Oklahoma, and the ~~Oklahoma Commission for Human Services, and the Juvenile Justice Advisory and Oversight Committee~~ Board of Juvenile Justice, analyzing and evaluating the effectiveness of the programs and services being carried out by the ~~Office~~ Department of Juvenile Justice. Such report shall include, but not be limited to:

1. An analysis and evaluation of programs and services continued, established and discontinued during the period covered by the report;
2. A description of programs and services which should be implemented;
3. Relevant information concerning the number of children comprising the population of any facility ~~of the Department of Human Services~~ operated by the ~~Office~~ Department of Juvenile Justice during the period covered by the report; and
4. Such other information as will enable a user of the report to ascertain the effectiveness of the programs, services and facilities.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-2-201 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On or before December 1, 1994, the Governor shall appoint or designate a transition coordinator, who shall serve in that capacity until July 1, 1995, or until the Executive Director of the Department of Juvenile Justice is appointed. The position of

transition coordinator shall be a position funded by the Office of the Governor from funds available to that office, unless the transition coordinator is a cabinet secretary or agency head whose position is funded by another office or agency. Four (4) employees of the Department of Human Services shall be assigned to assist the transition coordinator, as necessary, in fulfilling his responsibility pursuant to this section. The employees shall be selected as follows:

The Director of the Department of Human Services shall submit to the transition coordinator the names of at least ten (10) employees of the Department of Human Services available for assignment and transfer to the Department of Juvenile Justice. From the list submitted the transition coordinator shall select four (4) employees. Beginning July 1, 1995, such employees shall be transferred to the Department of Juvenile Justice. Until July 1, 1995, such employees shall remain employees of the Department of Human Services.

The transition coordinator shall:

1. Insofar as authorized and provided by this act in conjunction with the Department of Central Services, Office of State Finance and Office of Personnel Management, oversee and administer the orderly transfer of responsibility, liabilities, property, records, personnel and any outstanding financial obligations or encumbrances to the Department of Juvenile Justice from the Department of Human Services;

2. During the transition planning period, investigate and review programs currently assigned or managed by the Department of Human Services insofar as such programs relate to the areas and responsibilities transferred between the Department of Human Services and the Department of Juvenile Justice to determine if such program is effective and necessary, whether the program is duplicative of or overlapping other programs and whether such

program should be abolished, or combined or coordinated with other programs;

3. During the transition planning period, devise a plan for the transfer of personnel, programs and responsibility from the juvenile bureaus to the Department of Juvenile Justice;

4. Whenever the transition coordinator deems appropriate, confer with the Attorney General or his assistants in connection with all legal matters and questions; and

5. Take such other actions as may be reasonably necessary and appropriate to effectuate the orderly transition of programs and functions as provided by this act.

B. The transition coordinator shall submit a budget request with the Office of State Finance for fiscal year 1995 for the Department of Juvenile Justice pursuant to Section 41.29 of Title 62 of the Oklahoma Statutes.

C. By July 1, 1995, the transition coordinator shall submit a final written report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The written report shall consist of:

1. The organizational framework of the Department of Juvenile Justice;

2. A listing of positions to be transferred to the Department of Juvenile Justice from the Department of Human Services and job qualifications for those positions;

3. A plan for abolishing the juvenile bureaus and for assuming the programs and responsibilities of the juvenile bureaus;

4. Fiscal analysis and impact to the budget of the Department of Human Services;

5. Transfer and implementation costs for the Department of Juvenile Justice;



6. Implementation schedule for orderly transfer of specified functions, programs and resources to the Department of Juvenile Justice;

7. In conjunction and with the cooperation of the Department of Human Services, as applicable, implementation schedule, costs, agency framework and personnel or positions to be transferred; and

8. Such other information as may be deemed necessary by the transition coordinator.

D. The separation of certain functions and programs into the Department of Juvenile Justice shall occur without any unnecessary increase in the number of state employees or resources due to the merger and transfer of such programs and functions. Resources and full-time-equivalent employees currently dedicated to support services, including, but not limited to, personnel, data processing, accounting, financial and administrative duties shall be transferred to the Department of Juvenile Justice from the Department of Human Services in proportion to the programs and functions transferred, as provided for in the appropriation process of the Legislature. Any projected increase in costs or personnel as a result of the merger and transfer of programs and functions pursuant to this act shall be clearly identified as such. Any projected increase in costs or personnel as a result of assuming the programs and responsibilities of the juvenile bureaus shall be clearly identified as such. Any projected increases in the needs of the agencies due to the growth or expansion of existing functions and programs or necessary to meet federal mandates or to obtain delegation or primacy of federal programs as authorized by law shall be clearly identified and segregated from the costs of the separation.

E. The Department of Human Services shall cooperate with the transition coordinator in providing information and such other assistance as may be requested by the transition coordinator in the

orderly transition and transfers required by the provisions of this act.

F. The Legislature shall review the report developed by the transition coordinator, during the 1st Session of the 45th Oklahoma Legislature. Final authority relating to the transfer or receipt of duties, responsibilities, programs, resources and personnel pursuant to this act shall reside with the Legislature.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-2-202 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On July 1, 1995, the following programs or divisions shall be transferred, along with funding allocations, from the Department of Human Services to the Department of Juvenile Justice:

1. The Residential Services Unit of the Office of Juvenile Justice;

2. The Speech/Hearing Unit of the Division of Children, Youth and Family Services;

3. One-half (1/2) of the Monitor/Review Unit of the Division of Children, Youth and Family Services;

4. The Youth Services Unit of the Division of Children, Youth and Family Services;

5. One-half (1/2) of the Psychological Unit;

6. The Juvenile Services Unit;

7. All institutional staff for institutions transferred from the Department of Human Services to the Department of Juvenile Justice; and

8. All field staff for court-related, juvenile services.

B. Personnel transferred pursuant to the provisions of this act shall not be required to accept a lesser grade or salary than presently received. No entrance exam shall be required for persons so transferred. All such persons shall retain leave, sick and annual time earned and any retirement benefits which have accrued

during their tenure with the agency from which transferred. The transfer of personnel among the state agencies shall be coordinated with the Office of Personnel Management.

C. Effective July 1, 1995, custody, care and supervision of children adjudicated to be delinquent or in need of supervision and any monies and funds related to these children are hereby transferred from the Department of Human Services to the Department of Juvenile Justice. Records of delinquent children and children in need of supervision in the custody of the Department of Human Services on the transfer date shall be transferred to the Department of Juvenile Justice.

D. Effective July 1, 1995, all powers, duties, records, property, monies and funds of the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice. Any additional administrative support or costs incurred by the Department of Juvenile Justice as a result of the transfer required by this section shall be borne by the Department of Juvenile Justice.

E. Effective July 1, 1995, the powers, duties and responsibilities of the duly constituted juvenile bureaus shall be transferred to the Department of Juvenile Justice. Any additional administrative support or costs incurred by the Department of Juvenile Justice as a result of the transfer required by this section shall be borne by the Department of Juvenile Justice. Provided, the counties having juvenile bureaus prior to July 1, 1995, shall retain responsibility for preadjudicatory detention in juvenile detention centers as otherwise provided by law for other counties.

F. The Office of Juvenile Justice shall be abolished by the Commission for Human Services after such transfer has been completed.

G. The Director of State Finance is hereby directed to coordinate the transfer of funds, allotments, purchase orders, outstanding financial obligations or encumbrances provided for in this section. The Department of Central Services is hereby directed to coordinate the transfer of property and records provided for in this section.

H. Any rules promulgated or policies adopted by the Commission for Human Services related to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision shall be and remain in effect until amended or new rules are promulgated by the Board of Juvenile Justice. Any rules promulgated by the Commission for Human Services related to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision and subject to review by the Legislature during the 1994 regular session of the Legislature may be finally adopted and promulgated by the Board of Juvenile Justice pursuant to the Administrative Procedures Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-2-203 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 1995, the provisions of this section provide the general jurisdictional areas of responsibility for each state agency responsible for services to children and youth. The jurisdictional areas of responsibility provided in this section shall be in addition to, and not a limitation of, those otherwise provided by law and assigned to the specific state agency responsible for services to children and youth; provided that any rule, interagency agreement or executive order enacted or entered into prior to the effective date of this section which conflicts with the assignment of jurisdictional responsibilities specified by this section is hereby superseded. The provisions of this subsection shall not nullify any financial agreement or executive

order entered into prior to July 1, 1994, nor nullify any financial obligations or agreements with private persons or parties entered into with any state agency responsible for services to children and youth prior to July 1, 1995.

B. The Department of Human Services shall have the following jurisdictional areas of responsibility:

1. Child protection services, including but not limited to:

- a. child abuse and neglect investigations,
- b. care and treatment of children found by a court to be deprived and placed in the custody of the Department of Human Services,
- c. as directed by the court, supervision of cases of children alleged or found to be deprived, and
- d. the provision, whether directly or by contract or referral, of counseling, treatment, residential and other appropriate services to children alleged or found to be deprived and placed under the custody or supervision of the Department of Human Services and the parents or guardians of such children;

2. Adoption services, including but not limited to adoption home studies, the placement of children eligible for adoption into adoptive homes, and the care and treatment of children relinquished to the custody of the Department of Human Services for the purpose of adoption, and the licensure and regulation of child adoption and child-placing agencies;

3. The care and treatment of children relinquished to the custody of the Department of Human Services on a temporary basis or on a permanent basis for purposes of adoption;

4. Operation of the facilities for alleged or adjudicated deprived children under the administration of the Department of Human Services;

5. Administration of the Office of Child Support Enforcement;

6. Administration of the Office of Child Care and the licensure, inspection and regulation of child care facilities;

7. Administration of the Aid to Families with Dependent Children Program; and

8. Administration of the Crippled Children's program.

C. The Department of Juvenile Justice shall have the following jurisdictional areas of responsibility:

1. Court intake of youth alleged to be delinquent or in need of supervision;

2. Probation supervision of youth alleged to be delinquent or in need of supervision pursuant to a deferred prosecution or deferred adjudication agreement;

3. Supervision of youth found by a court to be delinquent and placed under the supervision of the Department of Juvenile Justice;

4. The provision, whether directly or by contract or referral, of counseling, treatment, residential and other appropriate services to children alleged or found to be delinquent or in need of supervision and placed under the custody or supervision of the Department of Juvenile Justice and the parents or guardians of such children;

5. The provision, whether directly or by contract or referral, of counseling, treatment and other appropriate services to children at risk of becoming delinquent or in need of supervision and for the purpose of diverting youth from the juvenile justice system;

6. Care and treatment of youth adjudicated delinquent and placed in the custody of the Department of Juvenile Justice;

7. Operation of the facilities placed under the administration of the Department of Juvenile Justice; and

8. Planning for the state system of juvenile detention centers and services and administration of the contracts related to such centers and services.

D. The Oklahoma Commission for Children and Youth shall have the following jurisdictional areas of responsibility:

1. Oversight of the children and youth service system and administration of the Office of Juvenile System Oversight;

2. Planning and coordination of services to children and youth as follows:

a. administration of the Office of Planning and Coordination for Services to Children and Youth,

b. administrative support for the State Planning and Coordination Council for Services to Children and Youth, and

c. designation of state planning and coordination regions and districts and information and assistance to regional and district planning and coordination boards for services to children and youth; and

3. Administrative support to the:

a. Board of Child Abuse Examination,

b. Interagency Coordinating Council for Special Services to Children and Youth,

c. State Post-adjudicatory Review Board and local post-adjudicatory review boards,

d. Serious and Habitual Offender Program Implementation Task Force, and

e. the Child Death Review Board.

E. The State Department of Health shall have the following jurisdictional areas of responsibility:

1. Administration of maternal and child health services;

2. Administration of child guidance services; and

3. Administration of the Office of Child Abuse Prevention and administrative support for the Interagency Council for Child Abuse Prevention.

F. The Department of Mental Health and Substance Abuse Services shall have the following jurisdictional areas of responsibility:

1. Provision of mental health and substance abuse services to children and youth directly and through contracts with community mental health centers and substance abuse treatment agencies; and
2. Operation of the Oklahoma Youth Center.

G. The Oklahoma Cerebral Palsy Commission shall have the following jurisdictional areas of responsibility:

1. Operation and maintenance of the J.D. McCarty Center for Children with Developmental Disabilities; and
2. Furnishing care and maintenance, training, treatment, equipment, education and rehabilitation of clients within the J.D. McCarty Center for Children with Developmental Disabilities.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-2-301 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Legislature hereby establishes the Juvenile Sentencing Committee and directs said Committee to undertake a full, good faith and thorough study, analysis and evaluation of the sentencing policies for juveniles within this state and the nature for use by the district courts in determining uniform sentence sanctions and appropriate adjudication of juveniles who have committed felony and misdemeanor crimes.

B. The Juvenile Sentencing Committee shall consist of twenty-one (21) members appointed as follows:

1. One member shall be a presiding judge of a court having criminal jurisdiction, to be appointed by the Assembly of Presiding Judges;
2. One member shall be a district attorney or assistant district attorney, to be appointed by the District Attorneys Association;



3. One member shall be a practicing attorney having substantial experience representing juvenile defendants, to be appointed by the Oklahoma Association of Criminal Defense Lawyers and the Oklahoma Trial Lawyers Association;

4. One member shall be an active law enforcement officer, to be appointed by the Sheriffs and Peace Officers Association;

5. One member shall be an attorney from the Public Defender's Office, to be appointed by the members of the Oklahoma Public Defender Systems Board;

6. Two members shall be appointed by the President Pro Tempore of the Senate;

7. Two members shall be appointed by the Speaker of the House of Representatives;

8. Two members shall be appointed by the Governor;

9. One member shall be the Director of the Victim's Compensation Board or his designee;

10. One member shall be a judge of the Oklahoma Court of Criminal Appeals, to be appointed by the judges of the Oklahoma Court of Criminal Appeals;

11. One member shall be the Administrative Director of the Courts or his designee;

12. One member shall be a professor of law from the Oklahoma City University School of Law, to be appointed by the Dean of the School of Law;

13. One member shall be a professor of law from the University of Oklahoma Law Center, to be appointed by the Director of the Law Center;

14. One member shall be a professor of law from the University of Tulsa College of Law, to be appointed by the Dean of the College of Law;

15. One member shall be a member of the Commission on Children and Youth, to be appointed by the members of the Commission;

16. One member shall be the Executive Director of the Department of Juvenile Justice;

17. One member shall be an attorney who is an active member of the Criminal Law Committee of the Oklahoma Bar Association, to be appointed by the Oklahoma Bar Association; and

18. One member shall be the Chairman of the Pardon and Parole Board or his designee.

C. Each member of the Juvenile Sentencing Committee initially appointed shall make his appointment known to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by August 1, 1994. Appointed members shall serve at the pleasure of the appointing authority.

D. No member of the Juvenile Sentencing Committee shall serve the Committee simultaneously with the Juvenile Parole Board. The Juvenile Sentencing Committee may divide into subcommittees in furtherance of its purposes.

E. Any vacancies in the appointive membership of the Juvenile Sentencing Committee shall be filled for the unexpired term in the same manner as the original appointment.

F. Within fifteen (15) days from the initial appointment of membership for the Juvenile Sentencing Committee, the Chair and co-chair of each Committee shall be elected by the membership of the Committee from the membership of the Committee.

G. Other officers may be elected to serve the Committee for terms of office as may be designated by the Committee members. The Chair of the Committee or his designee shall preside at meetings.

H. The Committee shall meet at least one time per month and at such other times as may be set by the Chairman of the Committee.

I. Members of the Committee shall receive no salary; however, all members of the Committee shall be reimbursed for their actual and necessary travel expenses as follows:

1. Committee members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act; and

2. Any other Committee member shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Department of Juvenile Justice.

J. 1. The purposes of the Juvenile Sentencing Committee shall be to consider and recommend sentencing policies and procedures for juveniles who have committed misdemeanor and felony crimes to assure the maximum protection of the people of the State of Oklahoma and the appropriate punishment for juvenile offenders. The duties of the Committee in preparing recommendations shall be as follows:

- a. to recommend policies that assure the protection of the public from juveniles committing felony and misdemeanor crimes,
- b. to recommend policies that assure the fair, consistent and appropriate punishment of the juvenile in relation to the seriousness of his offense,
- c. to coordinate sentence policies,
- d. to review current sentence practices for juveniles in relation to correctional resources, including but not limited to the capacity of local and state secure and nonsecure facilities,
- e. to recommend policies that assure appropriate sanctions for juvenile offenders for whom imprisonment is not appropriate, including but not limited to:  
Community service programs, restitution, probation, payment of fines, rehabilitation, preparole conditional supervision, rehabilitation and special treatment programs,
- f. to systematically collect and analyze the data obtained from studies, research and the empirical

- experience of public and private agencies concerning juvenile sentencing processes, parole and others,
- g. to systematically collect and analyze information concerning juvenile sentences actually imposed,
  - h. to systematically collect and analyze information regarding effectiveness of juvenile sentences actually imposed,
  - i. to consider a presumptive or fixed sentence for juvenile offenders where commitment to a secure facility or incarceration is proper, based on appropriate combination of reasonable offense and offender characteristics,
  - j. to create fiscal projections for implementation of proposed changes to sentence policies,
  - k. to consider present fiscal limitations within the juvenile justice system in the State of Oklahoma,
  - l. to consider public policy relating to sentence policy,
  - m. to consider factors relevant to appropriate juvenile sentencing, including but not limited to: Severity of offense, criminal history of the juvenile offender, aggravating and mitigating circumstances of the offense, performance under probationary supervision, deterrence, reformation, prevention of recidivism, effective capacity of state and local secure and nonsecure facilities and other sentence sanctions available, and
  - n. to perform any other act necessary to complete the specific purposes of the Committee.

2. The Juvenile Sentencing Committee shall:

- a. create a report on the Committee findings concerning Oklahoma juvenile sentence policies,

- b. draft recommended juvenile sentence policies and submit the recommended draft to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than January 7, 1995, and
- c. submit a summary of every recommended change to existing juvenile sentence policy and project the impact of those changes on correctional resources and public policy. The summary shall be submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives with the recommended draft of sentence policy changes.

K. Meetings of the Juvenile Sentencing Committee shall comply with the provisions of the Open Meeting Act.

L. A majority of the members appointed to a Committee shall constitute a quorum and a majority present may act for the Committee.

M. The Committee shall keep minutes of meetings and voting records of each appointed member on file pursuant to the Open Records Act.

N. The Juvenile Sentencing Committee shall provide a written progress report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before May 1, 1995.

O. The Department of Juvenile Justice may provide staff assistance to the Committee as necessary to assist the Committee in the performance of its duties.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-3-105 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services is hereby authorized to, and shall, enter into agreements for the establishment and maintenance of community-based programs for children in the custody of the Department of Human Services. The programs may include, but

not be limited to: emergency shelter, diagnosis, crisis intervention, counseling, group work, case supervision, job placement, recruitment and training of volunteers, consultation, brokerage of services and agency coordination.

B. The Department of Human Services is hereby authorized to expend a sum not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00) from monies appropriated for that purpose from the Human Services Fund during each fiscal year thereafter, for the purpose of providing subsidy payments to licensed nonprofit child care institutions within the State of Oklahoma to furnish food, clothing, shelter and upkeep for Oklahoma children and to assist the agency in developing a more comprehensive program to meet the needs of each child in the program including, but not limited to, social services, recreational activities and individual and family counseling with the goal of returning the child to his family. Such subsidy shall be made on a per capita basis not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per year and shall be expended in twelve (12) monthly payments beginning July 1 of the fiscal year. Nothing in this section shall preclude an individual from receiving federal matching funds for which he would otherwise be eligible.

C. The Department of Human Services is hereby authorized to, and shall, enter into cooperative agreements with the Department of Juvenile Justice for the use by both Departments of existing community-based programs, management and client tracking systems, and other shared resources as deemed necessary or appropriate by both Departments.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-101 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, effective January 1, 1995, the State Board of Juvenile Justice which shall consist of seven (7)

members who shall be appointed by the Governor, with the advice and consent of the Senate.

B. One member shall be appointed from each of the six congressional districts as defined and in existence on January 1, 1995, and the seventh member shall be appointed from the state at large. The terms of office of two members shall expire on March 15, 1997, and each six (6) years thereafter; the terms of three members shall expire on March 15, 1999, and each six (6) years thereafter; the terms of two members shall expire on March 15, 2000, and each six (6) years thereafter.

C. 1. The Governor shall appoint the first Board by January 1, 1995.

2. Thereafter an appointment shall be made by the Governor within ninety (90) days after a vacancy has occurred due to resignation, death, or any cause resulting in an unexpired term. In the event of a vacancy on the Board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within ninety (90) days following such vacancy, the Board may appoint a provisional member to serve in the interim until the Governor acts.

3. A member may be reappointed to succeed himself for one additional term.

D. To be eligible for appointment to the Board a person shall:

1. Be a citizen of of the United States;

2. Be a resident of this state;

3. Be a qualified elector of this state; and

4. Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States.

E. The Board shall be composed of:

1. One member who shall have training or experience in social work;

2. One member who shall have training or experience in juvenile or criminal justice or related behavior sciences;

3. One member who shall be an attorney licensed by this state who shall be selected from a list submitted by an office of public defenders in this state;

4. One member who shall be a law enforcement officer in this state;

5. One member who shall be a district attorney in this state;

6. One member who shall be a provider of child care services;  
and

7. One member who shall be from the public at large.

F. Any member of the Board may be removed from office in the manner provided by law for the removal of officers not subject to impeachment.

G. 1. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall select, at its first meeting, one of its members to serve as chair and another of its members to serve as vice-chair. At the first meeting in each calendar year thereafter, the chair and vice-chair for the ensuing year shall be elected. Special meetings may be called by the chair or by five members of the Board by delivery of written notice to each member of the Board. A majority of the Board present at the meeting shall constitute a quorum of the Board.

2. Members of the Board shall receive necessary travel expenses according to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, but shall receive no other compensation.

3. The initial meeting of the Board shall be called by the transition coordinator by February 1, 1995.

H. The Board shall:

1. Adopt and promulgate rules for its government and may adopt an official seal for the Department;



2. Appoint and fix the compensation of the Executive Director of the Department of Juvenile Justice;

3. Be the rulemaking body for the Department of Juvenile Justice;

4. Review and approve the budget request of the Department to the Governor;

5. Assist the Department in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the Department; and

6. Provide a public forum for receiving comments and disseminating information to the public and the regulated community regarding goals, objectives, priorities, and policies of the Department at least quarterly. The Board shall have the authority to adopt nonbinding resolutions requesting action by the Department in response to comments received or upon the Board's own initiative.

I. As the rulemaking body of the Department of Juvenile Justice, the Board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the Department pursuant to this Code. Except as provided in this subsection, rules within the jurisdiction of the Juvenile Justice Rule Advisory Council shall be promulgated with the advice of such Council. Proposed permanent rules within the jurisdiction of the Council shall not be considered by the Board for promulgation until receipt of the Council's recommendation on such promulgation; however, the Board may promulgate emergency rules without the advice of the Council when the time constraints of the emergency, as determined by the Board, do not permit the timely development of recommendations by the Council. All actions of the Council with regard to rulemaking shall be deemed actions of the Board for the purposes of complying with the Administrative Procedures Act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-102 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Effective January 1, 1995, there is hereby created the Juvenile Justice Rule Advisory Council. The Council shall consist of nine (9) members. Three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the President Pro Tempore of the Senate.

B. 1. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through three (3) years so that only one term expires each calendar year; subsequent appointments shall be for three-year terms. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Five members shall constitute a quorum.

2. The Council shall elect a chair and a vice-chair from among its members. The Council shall meet as required for rule development, review, and recommendation and for such other purposes specified by law. Special meetings may be called by the chair or by the concurrence of any three (3) members.

C. 1. All members of the Juvenile Justice Rule Advisory Council shall be knowledgeable of juvenile justice and prevention of juvenile delinquency. The Council shall be composed as follows:

- a. the Governor shall appoint three members as follows:
  - (1) one member shall be a county sheriff,
  - (2) one member shall be knowledgeable and experienced in the rehabilitation of delinquent youths, and
  - (3) one member representing the general public,
- b. the President Pro Tempore of the Senate shall appoint three members as follows:

- (1) one member representing an area of the state which has high incidence of crime,
- (2) one member representing a municipal police department, and
- (3) one member representing the field of juvenile justice, and

c. the Speaker of the House of Representatives shall appoint three members as follows:

- (1) one member representing a political subdivision of the state who shall be a member of the local governmental body of a city or town,
- (2) one member shall be an attorney licensed in this state, and
- (3) one member representing a community-based delinquency program.

D. In addition to other powers and duties assigned to the Council pursuant to this Code, the Council shall:

1. Have authority to recommend to the Board rules on behalf of the Department of Juvenile Justice. The Department shall not have standing to recommend to the Board of Juvenile Justice permanent rules or changes to such rules which have not previously been submitted to the Council for action;

2. Before recommending any permanent rules to the Board, give public notice, offer opportunity for public comment and conduct a public rulemaking hearing when required by the Administrative Procedures Act;

3. Have the authority to make written recommendations to the Board which have been concurred upon by at least a majority of the membership of the Council;

4. Have the authority to provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

- a. pass nonbinding resolutions expressing the sense of the Council, and
- b. make recommendations to the Board or Department concerning the need and the desirability of conducting meetings, workshops, and seminars; and

5. Cooperate with the public, the Board, and the Executive Director to achieve maximum efficiency and effectiveness in furthering the objectives of the Department.

E. The Council shall not recommend rules for promulgation by the Board unless all applicable requirements of the Administrative Procedures Act have been followed, including but not limited to notice, rule impact statement, and rulemaking hearings.

F. Members of the Council shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act. The Council is authorized to utilize the conference rooms of the Department of Juvenile Justice and obtain administrative assistance from the Department, as required.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-103 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Board of Juvenile Justice shall promulgate written rules, outline policies and procedures governing the operation of those institutions and other facilities operated by the Department of Juvenile Justice wherein juveniles may be housed. Said policies and procedures shall include, but not be limited to, standards of cleanliness, temperature and lighting, availability of medical and dental care, provision of food, furnishings, clothing and toilet articles, supervision, appropriate and permissible use of restriction and confinement, procedures for enforcing rules of conduct consistent with due process of law and visitation privileges.

B. The policies prescribed shall, at a minimum, ensure that:

1. A child shall not be punished by physical force, deprivation of nutritious meals, deprivation of family visits, or solitary confinement;

2. A child shall have the opportunity to participate in physical exercise each day;

3. A child shall be allowed daily access to showers and his own clothing or individualized clothing which is clean;

4. A child shall have constant access to writing materials and may send mail without limitation, censorship or prior reading, and may receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband;

5. A child shall have reasonable opportunity to communicate and to visit with his family on a regular basis, and to communicate with persons in the community;

6. A child shall have immediate access to medical care as needed, and shall receive necessary psychological and psychiatric services;

7. A child in the custody or care of the Department shall be provided access to education including teaching, educational materials and books, provided, that such policies shall provide emphasis upon basic literacy skills, including but not limited to curricula requirements stressing reading, writing, mathematics, science, vocational-technical education, and other courses of instruction designed to assure that such children will be capable of being assimilated into society as productive adults capable of self-support and full participation;

8. A child shall have reasonable access to an attorney upon request;

9. A child shall be afforded a grievance procedure, including an appeal procedure; and

10. A child's mental health needs and mental well-being will be met, protected and served through provision of guidance, counseling and treatment programs, staffed by competent, professionally qualified persons, serving under the supervision of licensed psychologists, psychiatrists, or licensed clinical social workers as defined by the regulations of the State Board of Licensed Social Workers.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-201 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On or before May 1, 1995, the Board of Juvenile Justice shall appoint the Executive Director of the Department of Juvenile Justice. The Executive Director shall serve at the pleasure of the Board.

B. The Director of the Department of Juvenile Justice shall be qualified for such position by character, ability, education, training, and successful administrative experience in the corrections or juvenile justice field; shall have earned a master's degree from an accredited college or university with a major field of study in at least one of the following: Corrections, juvenile justice, juvenile delinquency, criminal justice, police science, criminology, psychology, sociology, administration, education, or a related social science, and three (3) years' work experience in corrections or juvenile justice, or a bachelor's degree in the degree areas above specified and four (4) years' progressively responsible work experience in corrections or juvenile justice, or shall have earned a Juris Doctorate Degree from an accredited law school, be licensed to practice law in this state, and have three (3) years' work experience in juvenile justice.

C. Effective July 1, 1995, the Executive Director shall provide for the administration of the Department and shall:

1. Be the executive officer and supervise the activities of the Department of Juvenile Justice;

2. Employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, law enforcement officers, probation officers, psychologists, social workers, medical professionals, administrative, clerical and technical, investigators, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in his judgment and discretion shall be deemed necessary, expedient, convenient, or appropriate to the performance or carrying out of any of the purposes, objectives, responsibilities, or statutory provisions relating to the Department of Juvenile Justice, or to assist the Executive Director in the performance of his official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Department; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Department pursuant to this Code.

D. In the event of the Executive Director's temporary absence, the Executive Director may delegate the exercise of such powers and duties to a designee during the Executive Director's absence. In the event of a vacancy in the position of Executive Director, the Board may designate an interim or acting Executive Director who is authorized to exercise such powers and duties until a permanent Executive Director is employed.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-301 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Effective January 1, 1995, there is hereby created the Department of Juvenile Justice. Until July 1, 1995, the Department of Juvenile Justice shall:

- a. assist the transition coordinator in the performance of his duties pursuant to the provisions of Section 1100-2-201 of Title 10 of the Oklahoma Statutes relating to transitional authority,
- b. assist the Board, as necessary, in the promulgation of rules necessary to implement the programs and functions within the jurisdiction of the Department of Juvenile Justice,
- c. initiate search for appropriate and adequate office space needed for purposes of implementing its jurisdictional duties provided by this Code to be leased at such time as provided by the Legislature. Until such time as specified by the Legislature, space shall be provided to the Department of Juvenile Justice to the extent necessary to implement its jurisdictional duties provided by this Code in the state building in which the Department of Human Services is located, Sequoyah Building, Oklahoma Capitol Complex, Oklahoma City, Oklahoma, and
- d. perform such other duties designated to it by the Governor.

2. For the purposes of this section, the transition coordinator shall serve as the Executive Director of the Department until July 1, 1995, or until an Executive Director has been appointed by the Board.

B. Effective July 1, 1995, the Department of Juvenile Justice shall be the agency designated to administer programs and services for:

1. Statewide planning and coordination of juvenile justice and delinquency prevention;

2. Court intake, probation and parole for delinquent children;  
and



3. Children in need of supervision and children at risk of becoming delinquent or in need of supervision. Care and supervision of children in the custody of the Department who are adjudicated to be delinquent or in need of supervision shall be the responsibilities of the Department of Juvenile Justice.

C. Within its jurisdictional areas of responsibility, the Department, acting through the Executive Director, or persons authorized by law, rule or designated by the Executive Director to perform such acts, shall have the power and duty to:

1. Be the state planning and coordinating agency for statewide juvenile justice and delinquency prevention services;

2. Advise, consult, cooperate and enter into agreements with agencies of the state, municipalities and counties, other states and the federal government, and other persons;

3. Enter into agreements for, accept, administer and use, disburse and administer grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program relating to juvenile justice or delinquency prevention;

4. Require the establishment and maintenance of records and reports, and the provision of such information to the Department upon request;

5. Establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of law and rules;

6. Enforce the provisions of this article and rules promulgated thereunder and orders issued pursuant thereto;

7. Charge and receive fees pursuant to fee schedules promulgated by the Board;

8. Conduct studies, research and planning of programs and functions, pursuant to the authority granted by this Code;

9. Collect and disseminate information and engage in juvenile justice or delinquency prevention activities relating to the provisions of this Code;

10. Enter into interagency agreements;

11. Sell films, educational materials and other items produced by the Department and sell, exchange, or otherwise dispose of obsolete personal property belonging to the Department unless otherwise required by terms of federal grants;

12. Provide administrative and support services to the Board and the Council as necessary to assist them in the performance of their duties;

13. Establish and maintain such facilities and institutions as are necessary or convenient for the operation of programs for the education, training, vocational education and rehabilitation of children under the jurisdiction of the Department;

14. Lease, from time to time, without restriction as to terms, any property which the Executive Director shall determine advisable to more fully carry into effect the operation of the Department of Juvenile Justice in accordance with applicable state statutes;

15. Acquire, construct, extend, and operate any and all facilities of all kinds which in the judgment of the Executive Director and the approval of the Legislature shall be necessary or convenient to carry out the duties of the Department of Juvenile Justice, as authorized by law; and

16. Exercise all incidental powers which are necessary and proper to implement and administer the purposes of this Code.

D. For the purposes of implementing the provisions of this Code, the Department of Juvenile Justice shall establish, either directly or by contract, a minimum of three hundred fifty (350) beds for delinquents and youthful offenders in addition to the number of beds available to the Department on July 1, 1995. The additional bed capacity shall be added as follows:

1. Preadjudicatory secure juvenile detention ..... 111 beds
2. Regimented juvenile training programs ..... 56 beds
3. Training schools ..... 128 beds
4. Staff secure community residential placements ... 55 beds

The Department of Juvenile Justice shall establish additional bed capacity and facilities as required by this subsection on a geographic basis throughout the state in accordance with Sections 1100-4-509 and 1100-7-201 of this Code.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-302 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Within the Department of Juvenile Justice there is created:

1. The Office of Advocate Defender;
2. The Juvenile Justice Parole Board;
3. The Office of Administrative Hearings which shall have

primary responsibility for conducting individual proceedings including, but not limited to, maintenance of records, giving required notices, docketing and scheduling, and for conducting, upon request, administrative rulemaking hearings. The Office of Administrative Hearings shall be maintained separate and apart from any legal division or office of General Counsel of the Department;

4. The Office of Citizen Assistance; and
5. Such other offices or divisions prescribed by the Executive Director or by law.

B. The following programs are established within the Department of Juvenile Justice:

1. A program of juvenile crime restitution;
2. A state program for children who are potentially delinquent and/or who are adjudicated delinquent;
3. The Serious and Habitual Juvenile Offender Program;
4. Regimented Juvenile Training Program; and

5. Such other programs prescribed by the Executive Director or by law.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-303 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice shall establish and maintain a fair, simple and expeditious system for resolution of grievances of all persons committed to the Department regarding the substance or application of any written or unwritten policy, rule or regulation of the Board or of an agent or contractor of the Department or any decision, behavior or action by an employee, agent or contractor or by any other person committed to the Department.

B. The Department of Juvenile Justice shall establish the Office of Advocate Defender within the Department and shall employ such personnel as may be necessary to carry out the purposes of this subsection. Such personnel may be dismissed only for cause.

C. The chief administrative officer of the Office of Advocate Defender shall be the Advocate General, who shall be an attorney selected from a list of three names submitted by the Oklahoma Commission on Children and Youth. The Advocate General shall be a member of the Oklahoma Bar Association and shall have a minimum of three (3) years' experience as an attorney. The compensation of the Advocate General shall be no less than that of the classification of Attorney III as established in the Merit System of Personnel Administration classification and compensation plan, but shall be an unclassified position.

D. The duties and responsibilities of the Advocate General are as follows:

1. Supervise personnel assigned to children's institutions and facilities as student defender/representatives;

2. Monitor and review grievance procedures and hearings;

3. Investigate grievances of juveniles and staff grievances related to juveniles which are not resolved at the facility level;

4. Report allegations of abuse or neglect of juveniles in Department-operated facilities or juveniles who are in the custody of the Department and placed in a private facility to the Department of Human Services in accordance with the provisions of Section 842 of Title 21 of the Oklahoma Statutes;

5. Coordinate any hearings or meetings of administrative review committees conducted as a result of unresolved grievances or as a result of investigations;

6. Make recommendations to the Director, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Director, the Office of Juvenile System Oversight and other appropriate persons as necessary;

7. Forward to the Office of Juvenile Systems Oversight, for the information of the Director of that office, a copy of the final report of a complaint which is not resolved, through the system for resolution of grievances established by the Department of Juvenile Justice, in the favor of the complainant; and

8. Perform such other duties as required by the Director.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-304 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Office of Citizen Assistance, in addition to responsibilities assigned to such office by the Executive Director, shall:

1. Establish and maintain an information and referral system to assist the public in understanding juvenile justice and juvenile delinquency. The system shall provide a telephone information service and disseminate printed materials;

2. Identify the public information procedures currently associated with each program;

3. Provide for the posting of the telephone number of the Office of Citizen Assistance at offices of the county commissioners, municipal offices, and other public information centers; and

4. Maintain copies of all current rules of the Department of Juvenile Justice.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-305 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice shall employ one or more Administrative Law Judges within the Office of Administrative Hearings to conduct individual proceedings, preside over rulemaking hearings on behalf of the Board or Council, upon request, and perform such other duties as are assigned to them by the Executive Director which are not inconsistent with their statutory duties.

B. Each Administrative Law Judge shall:

1. Have a general knowledge of the area of juvenile justice and juvenile delinquency and other materials within the jurisdiction of the Oklahoma Juvenile Code;

2. Have a working knowledge of the laws and rules under this Code; and

3. Be currently licensed to practice law by the Supreme Court of this state.

C. Individual proceedings, except for proceedings pertaining to children, shall be conducted in compliance with Article II of the Administrative Procedures Act, this Code and rules promulgated thereunder.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-401 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Department of Juvenile Justice to be designated the "Juvenile Detention Facility Improvement Revolving Fund". The fund

shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the Juvenile Detention Facility Improvement Revolving Fund and monies which may otherwise be available to the Department of Juvenile Justice for use as provided for in this section.

B. All monies appropriated to the fund shall be budgeted and expended by the Department of Juvenile Justice for the purpose of providing funds to counties to renovate existing juvenile detention facilities, to construct new juvenile detention facilities, to operate juvenile detention facilities and otherwise provide for secure juvenile detention services and alternatives to secure detention as necessary and appropriate, in accordance with state-approved juvenile detention standards and the State Plan for the Establishment of Juvenile Detention Services. The participation of local resources shall be a requirement for the receipt by counties of such funds and the Department of Juvenile Justice shall establish a system of rates for the reimbursement of secure detention costs to counties. The methodology for the establishment of said rates may include, but not be limited to, consideration of detention costs, the size of the facility, services provided and geographic location. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

1. a. For counties having a population of less than four hundred fifty thousand (450,000) as shown by the last preceding Federal Decennial Census, the Department of Juvenile Justice shall provide eighty-five percent (85%) of the approved operational cost for secure detention.

b. For those counties having a population of four hundred fifty thousand (450,000) or more, the sharing cost for

the provision of secure juvenile detention facilities shall be seventy-five percent (75%) for the Department of Juvenile Justice and twenty-five percent (25%) for the county.

c. The Department of Juvenile Justice shall reimburse operating per diem costs for said services, as approved, at the rate of eighty-five percent (85%) to those counties having a population of four hundred fifty thousand (450,000) or more which:

- (1) provide secure detention services for juveniles who have been adjudicated delinquent, placed in the custody of the Department of Juvenile Justice and who are awaiting placement by the Department of Juvenile Justice, for each day that said county continues to provide such services beyond five (5) days after a dispositional order placing a juvenile in Department custody is issued, or
- (2) provide detention services to other counties.

2. The Department of Juvenile Justice shall approve only those applications for funds to renovate an existing juvenile detention facility or any other existing facility or to construct a new juvenile detention facility which contain proposed plans that are in compliance with state-approved juvenile detention standards.

3. The Department of Juvenile Justice shall approve only those applications or contracts for funds to operate juvenile detention facilities or otherwise provide for secure juvenile detention services and alternatives to secure detention which are in compliance with or which are designed to achieve compliance with the State Plan for the Establishment of Juvenile Detention Services.

4. The Department of Juvenile Justice shall, from appropriated state monies or from available federal grants, reimburse travel costs for counties utilizing the juvenile detention facilities



identified in the "State Plan for the Establishment of Juvenile Detention Services" in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

5. No application for funds available pursuant to the provisions of this section may be filed when the construction of new facilities or the renovation of existing facilities was begun prior to July 20, 1982.

C. Effective 1, 1995, any nonencumbered funds in the Juvenile Detention Facility Improvement Revolving Fund established pursuant to Section 200.6 of Title 56 of the Oklahoma Statutes shall be transferred and become part of the Juvenile Detention Facility Improvement Revolving Fund subject to the Department of Juvenile Justice.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-501 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature of this state that the placement of each child adjudicated to be a ward of the court and placed in the custody of the Department of Juvenile Justice will assure such care and guidance of the child, preferably in his home, as will serve the spiritual, emotional, mental and physical welfare of the child and will preserve and strengthen the family ties of the child whenever possible, with recognition of the fundamental rights of parenthood and with recognition of the responsibility of the state to assist the family in providing necessary education and training and to reduce the rate of juvenile delinquency and to provide a system for the rehabilitation and reintegration of juvenile delinquents and the protection of the welfare of the general public. In pursuit of these goals it is the intention of the Legislature to provide for removing the child from the custody of parents only when the welfare of the child or the safety and

protection of the public cannot be adequately safeguarded without removal; and when the child has to be removed from his family, to secure for the child custody, care and discipline consistent with the best interests and the treatment needs of the child.

B. The Department shall review and assess each child committed to it to determine the type of placement consistent with the treatment needs of the child in the nearest geographic proximity to the home of the child and, in the case of delinquent children, the protection of the public. Such review and assessment shall include an investigation of the personal and family history of the child, and his environment, and any physical or mental examinations considered necessary.

C. In making such review, the Department may use any facilities, public or private, which offer aid to it in the determination of the correct placement of the child.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-502 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice shall enter with the State Supreme Court under the Interlocal Cooperation Act into an agreement for children adjudicated to be delinquent or in need of supervision that is acceptable to that Court in its capacity as the constitutional manager of the state court system:

1. To provide intake services, probation services and parole services for children within the jurisdiction of the Department for the district courts in every county in Oklahoma;

2. To establish such standards and procedures as may be required by state or federal law; and

3. To contract with private nonprofit or public agencies now in existence or hereafter created.

B. The Department of Juvenile Justice shall enter with the Department of Human Services and the Oklahoma Supreme Court under

the Interlocal Cooperation Act into an agreement acceptable to the Oklahoma Supreme Court, in its capacity as the constitutional manager of the state court system, to maintain a Uniform Juvenile Statewide Court Reporting System.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-503 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice shall establish a planning process for the Department that provides for collaborative ongoing planning for the development of divisional and agency goals and priorities for services to delinquent children and youth and children in need of supervision. The Department shall develop a three- to five-year plan for services provided by the agency for children and youth adjudicated delinquent or in need of supervision. The plan should be regularly reviewed and modified as necessary.

B. The agency budget recommendations of the Department for services to children and youth adjudicated delinquent or in need of supervision shall be based upon documented needs, and the development of budget recommendations and priorities shall be closely integrated with agency and interagency program planning and management.

C. As a part of the Department's program planning and monitoring processes, the Department shall examine its programs and services to children and youth adjudicated delinquent or in need of supervision to ensure that the practices within them do not operate to the detriment of minority children and youth.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-504 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice is authorized to enter into agreements to establish or maintain community-based youth

service programs and shelters out of local, state and federal monies.

B. The Department shall take all necessary steps to develop and implement a diversity of community services and community residential care as needed to provide for adequate and appropriate community-based care, treatment and rehabilitation of children in the custody of the Department. Such community services and residential care shall be consistent with the treatment needs of the child and the protection of the public.

1. The Department shall, to the extent reasonable and practicable, provide community services and community residential care to children in the custody of the Department through financial agreements, as authorized in Sections 1100-4-505 and 1100-4-506 of this Code.

2. The Department shall establish procedures for the letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based services and community residential care. A copy of such procedures shall be made available to any member of the general public upon request.

C. The Department of Juvenile Justice is hereby authorized to and shall enter into cooperative agreements with the Department of Human Services for:

1. The use of existing community-based programs by both Departments; and

2. Medicaid and foster care reimbursement to the Department of Juvenile Justice for services for children in the custody of the Department of Juvenile Justice who qualify for Title XIX or Title XX reimbursements.

D. Any state agency letting grants or contracts for the establishment of community residential care or treatment facilities for children shall require, as a condition for receipt of such grants or contracts, documented assurance from the agency or

organization establishing such facility that appropriate arrangements have been made for providing the educational services to which residents of the facility are entitled pursuant to state and federal law.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-505 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Juvenile Justice, in its role as planner and coordinator for juvenile justice and delinquency prevention services, is:

1. Authorized to and shall enter into agreements for the establishment and maintenance of community-based prevention and diversionary youth services programs which may include, but not be limited to: Emergency shelter, diagnosis, crisis intervention, counseling, group work, case supervision, job placement, recruitment and training of volunteers, consultation, brokerage of services and agency coordination with emphasis on keeping youth with a high potential for delinquency out of the traditional juvenile justice process and strengthening the family unit through parental education, family preservation and family counseling; and

2. Authorized to enter into financial agreements with federal, state and local agencies or entities of government, or with any private, nonprofit agency, for juvenile delinquency prevention programs and juvenile treatment programs.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-506 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Juvenile Justice, in its role as planner and coordinator for juvenile justice and delinquency prevention services, is hereby authorized to enter into financial agreements with federal, state and local agencies or entities of government, or

with any private, nonprofit agency, for juvenile delinquency prevention programs and juvenile treatment programs.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-507 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On or before July 1, 1996, the Department of Juvenile Justice shall implement an agency-wide management information system for all programs and services of the Department related to children, youth and families. Development and implementation of said system shall be initiated immediately upon the effective date of this resolution.

B. The management information system shall:

1. To the maximum extent possible, be based upon the integration, utilization and modification, as necessary, of existing information systems within the Department;

2. Provide for the security of and limited access to the information;

3. Include case specific information, including outcomes, and have the ability to monitor the status of children and youth receiving services through the Department;

4. Be capable of providing management reports and information regarding the various children and youth programs of the Department, and of providing aggregate information necessary for planning, monitoring and evaluation of said programs and services; and

5. Be designed so that management and analytical reports can be readily generated for those who require them.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-508 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Funds appropriated to the Department of Juvenile Justice for community-based youth service programs shall be made available through grants or contracts to organizations designated by said

Department. Such designations shall be granted in accordance with criteria approved by the State Board of Juvenile Justice after full consideration of any recommendations of the Oklahoma Association of Youth Services. The criteria for designation of organizations to provide community-based youth services programs for the Department of Juvenile Justice shall be established by the Board of Juvenile Justice and shall include but shall not be limited to:

1. Capability to deliver all or part of the compensable services enumerated in Section 1100-4-509 of this Code;
2. Adequate and qualified staff;
3. Financial viability; and
4. A documented need for the local services to be offered.

B. The criteria for designation of organizations to provide community-based youth services programs for the Department of Juvenile Justice also may include:

1. Successful completion of peer review processes by the Oklahoma Association of Youth Services; and
2. Such other criteria as the Board of Juvenile Justice determines appropriate.

C. Each youth service agency receiving, by grant or contract from the Department of Human Services on June 30, 1987, state funds specifically appropriated for community-based youth service programs for children adjudicated to be delinquent or in need of supervision, is hereby automatically designated as an organization to provide community-based youth services programs for the Department of Juvenile Justice.

D. The Department of Juvenile Justice, after the opportunity for an administrative hearing, may terminate the designation of an organization that:

1. Is seriously deficient in the administration of its program;
2. Loses financial viability; or

3. Fails to successfully complete the peer review process by the Oklahoma Association of Youth Services provided for in subsection A of this section, if required by the Department of Juvenile Justice.

Any applicant organization denied designation pursuant to this section may request an administrative hearing from the Department of Juvenile Justice. The Department of Juvenile Justice shall establish an administrative hearing and appeal process.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-509 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Juvenile Justice shall carefully define the children and youth programs of the Department as to their purpose, the population served and performance expectations. Planning for new programs and services and major modifications to existing ones shall include evaluation of their effect on other programs and services and communication and coordination with other public and private children and youth service providers in order to assure successful and cost-effective implementation of the program. An evaluation component that includes monitoring and evaluation of client outcomes shall be incorporated into all of the Department's programs and services to children and youth, whether provided directly by the agency or through a contract.

1. All programs and services shall be designed to ensure the accessibility of the program to the persons served. Provision for transportation, child care and similar services necessary in order to assist persons to access the services shall be made. If the service is provided in an office setting, the service shall be available during the evening.

2. Programs and services shall be targeted to the areas of the state having the greatest need for them. The programs and services shall be designed to meet the needs of the area in which they are



located. Programs and services intended for statewide implementation shall be implemented first in those areas that have the greatest need for them.

3. Requests for proposals developed by the Department shall be based upon documented client and service needs and identified priorities. The request for proposals shall clearly identify the program or service requirements, the population to be served, and performance expectations. The agency shall adopt clear, written guidelines to ensure uniformity in the management, monitoring and enforcement of contracts for services. If in-state private providers are unable or unwilling to respond to the proposal, then out-of-state providers should be encouraged to respond.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-701 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Juvenile Justice shall establish and maintain such methods of administration, and the Board of Juvenile Justice shall promulgate such rules as it deems necessary for the efficient and effective operation of the children's institutions and facilities operated by the Department.

B. The Director of the Department of Juvenile Justice shall employ and fix the duties and compensation of a superintendent, and such other personnel as he deems necessary, for each of the institutions and facilities operated by the Department; provided that the Department shall promulgate, and in its hiring and employment practices, the Department shall adhere to, written minimum qualifications by position for personnel working with or around children in said institutions. Such minimum qualifications shall be designed to assure that such personnel possess sufficient education, training, experience and background to provide adequate and safe professional care and services to said children; and that the children will not be exposed to abuse, deprivation, criminal

conduct, or other unwholesome conditions attributable to employee incompetence or misconduct.

C. The superintendent of a children's institution shall be the guardian of the person of each child in the institution.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-705 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In addition to the other powers and duties prescribed by law, the Department of Juvenile Justice shall have the following duties and powers with regard to children placed in Department-operated institutions and facilities:

1. Provide for the care, education, training, treatment and rehabilitation of children who are placed in the institutions. The Department of Juvenile Justice may give assistance to local school districts in providing an education to such children, may supplement such education, and may provide facilities for such purposes. It shall be the duty of the Department of Juvenile Justice to assure that children in the aforesaid institutions receive educational services which will stress basic literacy skills, including but not limited to curricula requirements stressing reading, writing, mathematics, science and vocational-technical education;

2. Transfer from a children's institution to another facility under the jurisdiction of the Department of Juvenile Justice, a child who has been adjudicated delinquent, if the Department of Juvenile Justice believes it advisable to do so; transfer from a facility for children in need of supervision to another such facility, a child who has been adjudicated in need of supervision, provided that such transfer is consistent with the treatment needs of the child and will further the goal of returning the child to his own home; transfer from a children's institution to a state school for the mentally retarded, any child eligible for admission thereto, if the child appears to be in need of the care and treatment

provided at such school; transfer from a facility for delinquent or in need of supervision children to an appropriate facility, or the Department of Mental Health and Substance Abuse Services, any child found by the court to be a child in need of mental health treatment pursuant to the Inpatient Mental Health Treatment of Children Act and committed to inpatient mental health treatment as provided by the Inpatient Mental Health Treatment of Children Act;

3. Upon approval by the Juvenile Justice Parole Board, release on parole, after a fifteen-day notice to the district attorney, the judge and local law enforcement agencies, a child previously adjudicated to be delinquent, subject to terms and conditions specified by the Department of Juvenile Justice, whenever the Department of Juvenile Justice determines that such release will not be detrimental to society and that the child is probably ready to be returned to his community and revoke said parole for violation of the specified terms or conditions of parole pursuant to the provisions of this section and the rules, regulations and procedures established by the Board of Juvenile Justice for such revocation; and

4. Release a child from an institution under the jurisdiction of the Department of Juvenile Justice for placement in a foster home, group home, transitional living program, independent living program or other community-based facility or program subject to terms and conditions specified by the Department.

B. In any administrative transfer proceeding the following minimum standards shall apply:

- a. the child shall have the right to notice of the proposed transfer hearing and the alleged violation of administrative rules on which the proposed transfer is based,
- b. the child shall have the right to representation by an attorney,

- c. the child shall have the right to present evidence in his own behalf, and
- d. the child shall have a right to bail, except that said right to bail shall not be construed to require that a child who is in residence in a Department-operated institution or other facility at the time of an alleged violation leading to an administrative transfer proceeding be released from such institution or facility.

C. The situs of such hearings shall be the county in which the alleged violation of administrative or parole rules occurs. The judge having juvenile docket jurisdiction in said county shall aid the administrative transfer process of the Department by:

- a. determining eligibility for and amount of bail,
- b. deciding any intermediate custody or placement issue, and
- c. if legal counsel for the child has not otherwise been obtained, appointing legal counsel for the child and fixing the amount of his compensation. Said judge shall also determine if the child is eligible for free legal services. If the child is not eligible for free legal services, the court shall order the parents or legal guardian of the child to pay for such services.

D. If the child is eligible for free legal services, the services shall be provided pursuant to the Indigent Defense Act; provided however, in those counties subject to the provisions of Section 138.1 of Title 19 of the Oklahoma Statutes, the services shall be provided by the county indigent defender.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-707 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Use of physical force in institutions and other facilities operated by the Department of Juvenile Justice wherein children are housed shall be permitted only under the following circumstances:

1. For self-protection;
2. To separate juveniles who are fighting;
3. To restrain juveniles in danger of inflicting harm to themselves or others; or

4. To restrain juveniles who have escaped or who are in the process of escaping.

B. When use of physical force is authorized, the least force necessary under the circumstances shall be employed.

C. Staff members of residential and nonresidential programs who are assigned to work with juveniles shall receive written guidelines on the use of physical force, and, in accordance with staff disciplinary procedures, loss of employment may result if unauthorized use of physical force is proven.

D. Use of mechanical restraints in institutions and other facilities operated by the Department of Juvenile Justice or the Department of Mental Health and Substance Abuse Services wherein children are housed shall be minimal and shall be prohibited except as specifically provided for in the regulations of each of the Departments.

E. Any contract or agreement between the Department of Juvenile Justice and the Department of Mental Health and Substance Abuse Services for the care and treatment of children in the custody of the Department of Juvenile Justice shall provide that the Department of Mental Health and Substance Abuse Services shall comply with the provisions of this section.

F. The Department shall promptly and immediately report to the appropriate district attorney having jurisdiction any act or omission by persons employed by the Department, perpetrated, committed or suffered or allowed to be perpetrated or committed by

such person or persons upon any child in the custody of the Department, wherever housed, when such act or omission, upon conviction, would constitute an offense against the criminal laws of this state. Copies of all such reports shall be forwarded to the Attorney General.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1100-4-708 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The program established pursuant to this section shall provide a two-phase regimented juvenile training program under which certain adjudicated juveniles are subject to a controlled and regimented environment that affirms dignity of self and respect for others; promotes the value of education, work, and self-discipline; and develops useful skills and abilities that can be applied when the juvenile is reintegrated into the community.

B. 1. The Department of Juvenile Justice shall establish, maintain, and operate a regimented juvenile training program. Juveniles eligible for participation in the program shall be assessed and deemed appropriate for the program by the Department. The juveniles eligible for the program shall include only juveniles placed in the custody of the Department of Juvenile Justice.

2. A juvenile may be eliminated from the program upon a determination by the Department that a physical or mental condition will prevent full participation in the program by such offender.

C. The regimented juvenile training program shall consist of two phases, which shall be administered as follows:

1. Phase I: An intensive physical training and discipline phase in a secure facility, consisting of not more than thirty-two (32) beds, or a nonsecure facility, for a period of not more than ninety (90) days and administered by the Department of Juvenile Justice. The Department may operate Phase I at Department

facilities or contract with a nongovernmental entity to provide such services;

2. Phase II: A community reintegration phase for juveniles who have completed Phase I of the program, which is administered by the Department, as follows:

- a. if appropriate juvenile diversion services are available, the Department shall contract with any governmental unit or nongovernmental agency providing services under such contract to provide diversion services similar to those provided under the contract, and
- b. if diversion services are not available, the juvenile shall be subject to a period of supervision under the Department;

3. A juvenile in the regimented juvenile training program shall be required to participate in the reintegration phase for a period to be determined by the Department;

4. In addition to the requirements set forth in this subsection, juveniles shall be required to participate in a job training and educational component, as deemed appropriate by the Department. The educational component shall include classroom work comprised of basic academic and/or vocational instruction.

D. If a juvenile fails to progress through or complete the initial phase of the regimented juvenile training program, the Department may reassign the juvenile to another appropriate facility. In addition, if a juvenile fails to progress through or complete the second phase of the program, the Department may return the juvenile to Phase I of the program for completion of all or part of the earlier phase; except that a juvenile shall not be returned for participation in the initial phase more than once.

E. The Department of Juvenile Justice shall establish and enforce standards for the regimented juvenile training program and

each of the phases thereof described in this section. Supportive services deemed necessary by the Department shall be made available under the phases of the regimented juvenile training program, as deemed appropriate by the Department.

F. 1. On or before December 1, 1998, the Department shall submit a report evaluating the regimented juvenile training program to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriations committees of both houses of the Legislature.

2. The report shall include the following determinations:

- a. whether juveniles placed in a regimented juvenile training program have a recidivism rate which is equal to or less than that of similar adjudicated juveniles who were not placed in such program but were otherwise committed to the Department of Juvenile Justice, and
- b. whether bed savings to the Department are a result of the regimented juvenile training program.

SECTION 35. AMENDATORY 10 O.S. 1991, Section 1101, as last amended by Section 1, Chapter 342, O.S.L. 1993 (10 O.S. Supp. 1993, Section 1101), is amended to read as follows:

Section 1101. When used in this title, unless the context otherwise requires:

1. "Child" means any person under eighteen (18) years of age, except for any person fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with any crime specified in subsection A of Section ~~1104.2~~ 1100-8-301 of this title, or who has been certified as an adult pursuant to Section ~~1112~~ 1100-8-302 of this title; provided that any person under eighteen (18) years of age who is not convicted after being charged with a crime pursuant to Section ~~1104.2~~ 1100-8-301 of this title, or who is not convicted after certification as an adult pursuant to Section ~~1112~~ 1100-8-302



of this title, shall continue to be subject to the jurisdiction of the juvenile court;

2. "Delinquent child" means a child who:

- a. has violated any federal or state law or municipal ordinance, except a traffic statute or traffic ordinance, any provision of the Oklahoma Wildlife Conservation Code, ~~Section 1-101 et seq. of Title 29 of the Oklahoma Statutes,~~ or any lawful order of the court made pursuant to the provisions of ~~Sections 1101 through 1505~~ of this title, or
- b. has habitually violated traffic laws or traffic ordinances;

3. "Child in need of supervision" means a child who:

- a. has repeatedly disobeyed reasonable and lawful commands or directives of his parent, legal guardian, or other custodian, or
- b. is willfully and voluntarily absent from his home without the consent of his parent, legal guardian, or other custodian for a substantial length of time or without intent to return, or
- c. is willfully and voluntarily absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards, if said child is subject to compulsory school attendance;

4. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned, or
- b. who does not have the proper parental care or guardianship or whose home is an unfit place for the child by reason of neglect, cruelty, or depravity on

- the part of his parents, legal guardian, or other person in whose care the child may be, or
- c. who is a child in need of special care and treatment because of his physical or mental condition including a child born in a condition of dependence on a controlled dangerous substance, and his parents, legal guardian, or other custodian is unable or willfully fails to provide said special care and treatment, or
  - d. who is a handicapped child deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of said child if such nutrition or medical treatment is generally provided to similarly situated nonhandicapped or handicapped children, provided that no medical treatment is necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child, or
  - e. who is, due to improper parental care and guardianship, absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards if said child is subject to compulsory school attendance, or
  - f. whose parent or legal custodian for good cause desires to be relieved of his custody.

No child who, in good faith, is being provided with treatment and care by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof shall be considered, for that reason

alone, to be a deprived child pursuant to any provision of ~~Sections 1101 through 1505~~ of this ~~title~~ Code. The phrase dependent and neglected shall be deemed to mean deprived;

5. "Child in need of mental health treatment" means a child in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act, Section 5-501 et seq. of Title 43A of the Oklahoma Statutes;

6. "Handicapped child" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child or who is regarded as having such an impairment by a competent medical professional;

~~7. "Department" means the Department of Human Services;~~

~~8.~~ "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Section ~~1103~~ 1100-8-201 of this title are supported by the evidence and whether a child should be adjudged to be a ward of the court;

~~9.~~ 8. "Dispositional hearing" means a hearing to determine the order of disposition which should be made with respect to a child adjudged to be a ward of the court;

~~10.~~ 9. "Preliminary inquiry" or "intake" means a mandatory, preadjudicatory interview of the child and, if available, his parents, legal guardian, or other custodian, which is performed by a duly authorized individual to determine whether a child comes within the purview of this chapter, whether other nonadjudicatory alternatives are available and appropriate, and if the filing of a petition is necessary;

~~11.~~ 10. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned or operated by a public or private agency;

~~12.~~ 11. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents;

~~13.~~ 12. "Community-based" means a facility, program or service, or open group home or other suitable place located near the home or family of the child, and programs of community supervision and service which maintain community participation in their planning, operation, and evaluation. These programs may include but are not limited to medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, transitional living, independent living and other rehabilitative services;

~~14.~~ 13. "Day treatment" means a program which provides intensive services to children who reside in their own home, the home of a relative, or a foster home. Day treatment programs include educational services and may be operated as a part of a residential facility;

~~15.~~ 14. "Group home" means a residential facility housing no more than twelve children with a program which emphasizes family-style living in a homelike environment. Said group home may also offer a program within the community to meet the specialized treatment needs of its residents;

~~16.~~ 15. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. Said program may include but shall not be limited to reduced staff supervision, vocational training, educational services, employment and employment

training, and other appropriate independent living skills training as a part of the transitional living program;

~~17.~~ 16. "Independent living program" means a program designed to assist a child to enhance skills and abilities necessary for successful adult living and may include but shall not be limited to minimal direct staff supervision and supportive services in making the arrangements necessary for an appropriate place of residence, completing an education, vocational training, obtaining employment or other similar services;

~~18.~~ 17. "Community residential center" means a residential facility for no more than twenty children which offers a range of services including personal and social services, and emphasizes normal group living, school attendance, securing employment, and general participation in the community;

~~19.~~ 18. "Institution" means a residential facility offering care and treatment for more than twenty residents. Said institution may:

- a. have a program which includes community participation and community-based services, or
- b. be a secure facility with a program exclusively designed for a particular category of resident;

~~20.~~ 19. "Mental health facility" means a mental health facility as defined by the Inpatient Mental Health Treatment of Children Act;

~~21.~~ 20. "Training school" means an institution maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of delinquent children;

~~22.~~ 21. "Rehabilitative facility" means a facility maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of children in need of supervision;  
and

~~23.~~ ~~"Treatment center" means a facility maintained by the state for the care, education, training, treatment, and rehabilitation of~~

~~children who are in the custody of the Department and who have been found by the court to be in need of treatment~~

22. "Code" means the Oklahoma Juvenile Code;

23. "Detention" means the temporary care of children who require secure custody in physically restricting facilities:

a. pending court disposition or transfer to another jurisdiction, or

b. while under the continuing jurisdiction of the court; and

24. "Probation" means a legal status created by court order whereby a delinquent child is permitted to remain outside a Juvenile Justice Department facility directly or by contract under prescribed conditions and under supervision by the Juvenile Justice Parole Board, subject to return to the court for violation of any of the conditions prescribed.

SECTION 36. AMENDATORY 10 O.S. 1991, Section 1136, as amended by Section 34, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1993, Section 1136), is amended to read as follows:

Section 1136. It shall be the responsibility of the Department of Human Services to provide care for deprived children who are committed to the care of the Department for custody or guardianship. The Department may provide for the care of such children in the home of the child, the home of a relative of the child, in a foster home, group home, transitional living program, independent living program or in any other community-based facility under the jurisdiction or licensure of the Department established for the care of deprived children, except that a deprived child may not be placed in an institution operated by the Department after October 1, 1982. Any deprived children in Department-operated institutions on October 1, 1982, shall be removed from such institutions no later than June 30, 1983. A deprived child found by a court to be a child in need of mental health treatment shall be placed as provided by ~~Section~~

~~1135.1 of this title~~ the Inpatient Mental Health Treatment of Children Act.

SECTION 37. AMENDATORY 10 O.S. 1991, Section 1137, as amended by Section 35, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1993, Section 1137), is amended to read as follows:

Section 1137. A. Whenever a child who has been adjudicated by the court as a child in need of supervision has been committed to the Department of Juvenile Justice, the Department may place the child in the home of the child, the home of a relative of the child, foster home, group home, transitional living program, independent living program, community-based setting, rehabilitative facility or child care facility under the operation of or licensure of the state, or in a state school for the mentally retarded if eligible for admission thereto. No child in need of supervision shall be placed in a Department-operated institution, other than a rehabilitative facility, ~~after October 1, 1982. Any children in need of supervision in Department-operated institutions on October 1, 1982, shall be removed from such institutions no later than June 30, 1983.~~

B. The Department of Juvenile Justice may establish and maintain one or more rehabilitative facilities to be used exclusively for the custody of children in need of supervision. Each such facility shall be, primarily, a nonsecure facility having as its primary purpose the rehabilitation of children adjudicated to be in need of supervision. Such facility shall have a bed capacity for no more than twenty children, and shall minimize the institutional atmosphere and prepare the child for reintegration into the community. Provided however, that such facility may be designed and operated as a secure facility used exclusively for children in need of supervision whom the court has specifically found to be so unmanageable, ungovernable and antisocial that no other reasonable alternative exists for treatment or restraint other

than placement in such a secure facility. Such facility shall not rely on locked rooms, fences, or physical restraints.

C. A child in need of supervision who has been found by a court to be a child in need of mental health treatment shall be placed as provided by ~~Section 1135.1 of this title~~ the Inpatient Mental Health Treatment of Children Act.

SECTION 38. AMENDATORY 10 O.S. 1991, Section 1138, as last amended by Section 8, Chapter 342, O.S.L. 1993 (10 O.S. Supp. 1993, Section 1138), is amended to read as follows:

Section 1138. A. It is the intent of the Legislature of this state to provide for the creation of all reasonable means and methods that can be established by a state for:

1. The prevention of delinquency;
2. The care and rehabilitation of delinquent children; and
3. The protection of the public.

It is further the intent of the Legislature that this state, through the Department of ~~Human Services~~ Juvenile Justice, establish, maintain and continuously refine and develop a balanced and comprehensive state program for children who are potentially delinquent or are delinquent.

B. Whenever a child who has been adjudicated by the court as a delinquent child has been committed to the Department of Juvenile Justice, the Department shall provide for placement pursuant to any option authorized by paragraphs 1 through 7 of this subsection; provided, nothing in this subsection shall be construed to establish a priority in regard to the selection of an option or to mandate the exclusive use of one particular option:

1. Place the child in ~~a state training school or other~~ an institution or facility maintained by the state for delinquent children if the child has:

- a. exhibited seriously violent, aggressive or assaultive behavior,



- b. committed a serious felony constituting violent, aggressive and assaultive behavior,
- c. habitually committed ~~serious~~ delinquent acts if such acts would constitute a felony if committed by an adult,
- d. committed multiple serious delinquent acts, or
- e. violated any condition of probation or parole,

to the extent that it is necessary for the protection of the public. For purposes of placement, all deferred prosecutions for serious, habitual, violent, aggressive or assaultive crimes shall count toward placement decisions;

2. Place the child in a facility maintained by the state for children, or in a foster home, group home, transitional living program or community residential center;

3. Allow the child his liberty, under supervision, in an independent living program;

4. Allow the child his liberty, under supervision, either immediately or after a period in one of the facilities referred to in paragraphs 1 and 2 of this subsection;

5. Place the child in a state school for mentally retarded, if the child is eligible for admission thereto;

6. Place the child in any licensed private facility deemed by the Department of Juvenile Justice to be in the best interest of the child; or

7. Place the child as provided by Section 1135.1 of this title if the delinquent child has been found by a court to be in need of mental health treatment.

C. The Department shall place priority on the placement of delinquent youth held in secure juvenile detention facilities.

SECTION 39. AMENDATORY 10 O.S. 1991, Section 1139, as last amended by Section 9, Chapter 342, O.S.L. 1993 (10 O.S. Supp. 1993, Section 1139), is amended to read as follows:

Section 1139. A. All children adjudicated delinquent and committed to the Department of ~~Human Services~~ Juvenile Justice shall remain in the custody of the Department for a period of time determined by the court and shall not be discharged at such time as the Department from custody at an earlier time unless the court determines there is a reasonable probability that it is no longer necessary, either for the rehabilitation and treatment of the child, or for the protection of the public, that the Department retain legal custody. Following a hearing, the court may also order that a child adjudged delinquent and committed to the Department shall be discharged by the Department provided the child is on parole status and the court deems the discharge in the best interest of the child and public. The Department shall give a fifteen-day notice to the court and the district attorney before discharging from legal custody any child committed and confined in a secure facility The provisions of this subsection shall not be a limitation on the authority of the Juvenile Justice Parole Board to place the child on parole status.

B. All children adjudged delinquent and committed to the Department and not discharged under subsection A of this section shall be discharged when the child becomes eighteen (18) years of age, unless the Department is authorized by the court to retain custody of the child until nineteen (19) years of age. Upon the court's own motion or motion of the Department or the district attorney, the court, after notice to the delinquent child and to the parents and attorney of said child, may authorize the Department to retain custody of the child until he reaches nineteen (19) years of age. If the court sustains ~~the a motion of the Department~~ to retain custody, the delinquent child during the extended period shall be considered as a child for purposes of receiving services from the Department. If a criminal offense is committed by the individual during the extended period, said offense shall be considered as

having been committed by an adult. Except to the extent necessary to effectuate the purposes of this section, an individual after age eighteen (18) years is considered an adult for purposes of other applicable law.

C. The Department shall not place a child under ten (10) years of age in an institution maintained for delinquent children.

D. The court may retain jurisdiction over a child adjudged delinquent beyond the age of seventeen (17) years to the extent necessary for the child to complete payment of restitution or court costs.

SECTION 40. AMENDATORY 10 O.S. 1991, Section 1140, is amended to read as follows:

Section 1140. If a child who has been adjudicated as a delinquent, or a child in need of supervision, or deprived, and who has been committed to the Department of Juvenile Justice becomes unmanageable and uncontrollable while in the legal custody of the Department, the Department may return the child to the court having original jurisdiction for further disposition or may provide information to the district attorney and request the filing of a petition alleging the child to be delinquent or in need of mental health treatment, if such petition is warranted by the facts in the case.

SECTION 41. AMENDATORY 10 O.S. 1991, Section 1141, is amended to read as follows:

Section 1141. A. The Department of Juvenile Justice shall provide intake, ~~probation and parole services~~ for juveniles pursuant to the provisions of Section ~~602 of this title and may enter into agreements to supplement probationary services to juveniles in any county.~~ The Department may participate in federal programs for juvenile probation officers, and may apply for, receive, use and administer federal funds for such purpose 1100-4-502 of this Code.

B. A pre-adjudicatory substance abuse assessment of a child may be conducted in conjunction with a court intake or preliminary inquiry pursuant to an alleged delinquent act or upon admission to a juvenile detention facility through the use of diagnostic tools including but not limited to urinalysis, structured interviews or substance abuse projective testing instruments.

1. Information gained from the substance abuse assessment pursuant to this subsection shall be used only for substance abuse treatment and for no other purpose. The results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding or as the sole basis for the revocation of a community-based placement or participation in a community-based program.

2. The results of the substance abuse assessment may be given to the child's intake, ~~probation or parole~~ counselor, the parent or guardian of the child or to his attorney. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section ~~14~~ 1100-6-309 of this ~~act~~ Code, the counselor may also provide the results of the substance abuse assessment with medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

C. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Program, the Department ~~of~~ Human Services and the ~~juvenile bureaus established by Section 1201 of this title~~ shall implement:

1. Court intake risk-assessment for children alleged or adjudicated to be delinquent;

2. ~~The imposition of administrative sanctions for the violation of a condition of probation or parole;~~

~~3.~~ A case management system for ensuring appropriate:

- a. diversion of youth from the juvenile justice system,
- b. services for and supervision of all youth ~~on pre-~~ adjudicatory or postadjudicatory probation or on

~~parole and for juvenile offenders~~ in the custody of the Department ~~of Human Services~~, and

- c. intensive supervision of serious and habitual offenders and communication between law enforcement and juvenile court personnel and others regarding said offenders;

~~4.~~ 3. Guidelines for juvenile court personnel recommendations to district attorneys regarding the disposition of individual cases by district attorneys.

D. The Department ~~of Human Services~~ shall establish directly and by contract, the services necessary to implement the Serious and Habitual Juvenile Offender Program, including but not limited to: misdemeanor and non-serious first-time offender programs, tracking and mentor services, weekend detention, five-day out-of-home sanction placements, short-term thirty-day intensive, highly structured placements, transitional programs, substance abuse treatment and diagnostic and evaluation programs and day treatment programs. In implementing these services, the Department shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

SECTION 42. AMENDATORY 10 O.S. 1991, Section 1142, is amended to read as follows:

Section 1142. The Department of Juvenile Justice may enter into a cooperative agreement with the board of education of any school district and the State Board for Vocational Education for the operation of a residential facility for the education and training of children having special needs in basic and vocational education who have been or whose custody has been committed to the Department. The facility may be located outside the boundaries of the school district; and other children having such special needs may, regardless of school district residence, be admitted to the facility and provided education and training. The cost of establishing,

maintaining and operating the facility shall be paid by the board of education, the Department and the State Board for Vocational Education in such proportions as may be stipulated in the cooperative agreement. The parties to the cooperative agreement, or their designee or designees, may enter into other agreements with Federal agencies, and may apply for, receive and administer Federal funds, for the facility or the operation thereof.

SECTION 43. AMENDATORY 10 O.S. 1991, Section 1149, is amended to read as follows:

Section 1149. A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of an employee of a state facility maintained by the Department of Juvenile Justice primarily for delinquent children, while the employee is in the performance of his duties, shall upon conviction thereof be guilty of a felony.

B. This act shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 44. AMENDATORY 10 O.S. 1991, Section 1401, as amended by Section 16, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1993, Section 1401), is amended to read as follows:

Section 1401. A. The ~~Office~~ Department of Juvenile Justice shall have the supervision, management, operation and control of the children's institution located at Tecumseh, formerly known and designated as Girls' Town and now known as Central Oklahoma Juvenile Center, and the youth camp located at Lake Tenkiller, and all property, equipment and supplies related thereto. All contracts, leases, or other agreements entered into by the Department of Human Services on behalf of the Center, prior to the transfer of the facilities to the Department of Juvenile Justice, shall be administered by the ~~Office~~ Department of Juvenile Justice.

B. The Central Oklahoma Juvenile Center shall maintain the following facilities for delinquent children:

1. A medium security training school with a bed-space capacity for a maximum of thirty-two ~~(32)~~ children;
2. A nonsecure transitional cottage with a bed-space capacity for a maximum of six ~~(6)~~ children;
3. A nonsecure drug and alcohol treatment facility, with a bed-space capacity for a maximum of sixteen ~~(16)~~ children;
4. A nonsecure facility for a property offender program, with a bed-space capacity for a maximum of twenty-four ~~(24)~~ children; and
5. Facilities and bed-space capacity for programs that are consistent with providing statewide juvenile justice and delinquency prevention services.

C. It shall be the duty of the State Fire Marshal and the Commissioner of Public Health, to cause regular, periodic, not less than quarterly, unannounced inspections of said institution, utilizing adequately trained and qualified inspection personnel, to determine and evaluate conditions and programs being maintained and carried on at said institution in their respective areas of agency jurisdiction. Such inspections shall include, but not be limited to, the following: Compliance with minimum fire and life safety standards; compliance with minimum standards governing general sanitation of the institution, with particular emphasis upon food storage, preparation, serving and transportation, respectively. Reports of such inspections will be made in writing, itemizing and identifying any deficiencies and recommending corrective measures, and shall be filed with the ~~Commission for Human Services, the Director of the Department of Human Services, the Administrator~~ Executive Director of Juvenile Justice, the Governor, the Attorney General, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Office of Juvenile System Oversight. The Department shall file copies of the reports of the inspections and recommendations of the accrediting agencies listed

in subsection B of this section with the Office of Juvenile System Oversight.

D. The Department of Juvenile Justice is authorized and directed to establish, subject to the limits of funds available therefor, a diversity of placement alternatives for children committed to the custody of the Department including, but not limited to, foster family homes, foster family group homes, and group homes ~~and mental health treatment centers~~. All child care services and facilities operated by the Department shall be accredited by the American Correctional Association, the Joint Commission on Accreditation of Hospitals or the Child Welfare League of America, as appropriate for the service or facility.

~~E. The Department of Human Services is hereby authorized to expend a sum not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00) from monies appropriated for that purpose from the Human Services Fund during the fiscal year ending July 1, 1983, and each fiscal year thereafter, for the purpose of providing subsidy payments to licensed nonprofit child care institutions within the State of Oklahoma to furnish food, clothing, shelter and upkeep for Oklahoma children and to assist the agency in developing a more comprehensive program to meet the needs of each child in the program including, but not limited to, social services, recreational activities and individual and family counseling with the goal of returning the child to his family. Such subsidy shall be made on a per capita basis not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per year and shall be expended in twelve (12) monthly payments beginning July 1 of the fiscal year. Nothing in this section shall preclude an individual from receiving federal matching funds for which he would otherwise be eligible.~~

SECTION 45. AMENDATORY 10 O.S. 1991, Section 1407, as amended by Section 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1993, Section 1407), is amended to read as follows:



Section 1407. The official name and designation of the center for children situated at Sand Springs, Oklahoma, shall be Lloyd E. Rader Children's Center. The supervision, management, operation and control of the Center and all property, records, equipment and supplies related thereto shall be the responsibility of the ~~Office~~ Department of Juvenile Justice.

All contracts, leases, or other agreements entered into by the Department of Human Services on behalf of the Center, prior to the transfer of the facility to the Department of Juvenile Justice, shall be administered by the ~~Office~~ Department of Juvenile Justice.

SECTION 46. This act shall become effective July 1, 1994.

SECTION 47. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1403

CJ