

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1550

By: Cozort

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 601, as amended by Section 1, Chapter 299, O.S.L. 1992, 601.1 and 601.7, as amended by Sections 5 and 6, Chapter 299, O.S.L. 1992, Section 2, Chapter 299, O.S.L. 1992, 601.45, as last amended by Section 1, Chapter 373, O.S.L. 1992, 602, 603, 604, 607 and Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Sections 601, 601.1, 601.7, 601.13, 601.45 and 610), which relate to juvenile justice and delinquency; creating the Department of Juvenile Justice; transferring duties and authority for juvenile justice and care of delinquents from the Department of Human Services and the Office of Juvenile Justice to the Department of Juvenile Justice; modifying the membership of the Oklahoma Commission on Children and Youth and the Oklahoma Planning and Coordination Council; modifying the powers and duties of the Juvenile Justice Advisory and Oversight Committee; modifying membership of the Interagency Coordinating Council for Special Services to Children and Youth; providing for office location; providing for a director; providing duties and powers; authorizing the

Department of Juvenile Justice to establish certain units and divisions; requiring periodic review of certain programs; amending 10 O.S. 1991, Sections 1101, as amended by Section 14, Chapter 298, O.S.L. 1992, 1107.1, as amended by Section 21, Chapter 298, O.S.L. 1992, 1116, as amended by Section 27, Chapter 298, O.S.L. 1992, 1137, as amended by Section 35, Chapter 298, O.S.L. 1992, 1138, as last amended by Section 4, Chapter 373, O.S.L. 1992, 1140, 1160.2, 1160.4, 1160.5 and 1160.6, as amended by Sections 12, 13, 14 and 15, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Sections 1101, 1107.1, 1116, 1137, 1138, 1160.2, 1160.4, 1160.5 and 1160.6), which relate to dependent and delinquent children and to the Juvenile Justice System and the Serious and Habitual Juvenile Offender Program and Task Force; modifying membership, duties and responsibilities; modifying definitions; providing for consideration of certain testimony; providing for certain judicial determinations; providing for custody of children adjudicated to be delinquent and in need of supervision; amending 10 O.S. 1991, Sections 1401, as amended by Section 16, Chapter 299, O.S.L. 1992, 1404, as amended by Section 37, Chapter 298, O.S.L. 1992, 1404.1, as amended by Section 18, Chapter 299, O.S.L. 1992 and 1407, as amended by Section 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Sections 1401, 1404, 1404.1 and 1407), which relate to institutions for children and juvenile offender restitution; eliminating certain special appropriations; modifying placement authority of the Department of Human Services;

transferring responsibility for the Juvenile Offender Victim Restitution Work Program to the Department of Juvenile Justice; transferring certain juvenile centers and facilities; amending 28 O.S. 1991, Section 162, as amended by Section 29, Chapter 303, O.S.L. 1992 (28 O.S. Supp. 1992, Section 162), which relates to fees and costs in juvenile proceedings; providing for apportionment of certain funds; amending 74 O.S. 1991, Section 4243, which relates to prohibited activities for state agencies; modifying scope of certain Department of Human Services contracts; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 601, as amended by Section 1, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 601), is amended to read as follows:

Section 601. A. There is hereby created the Department of Juvenile Justice. The office of the Department shall be in Oklahoma City in space provided by the Department of Central Services.

B. The Department of ~~Human Services~~ Juvenile Justice is hereby designated as the state planning and coordinating agency for statewide juvenile justice and delinquency prevention services.

~~B.~~ C. Effective January 1, 1994, custody, care, and supervision of children adjudicated to be delinquent or in need of supervision 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 January 1, 1994, all powers, duties, records, property and funds of the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice. The Office of Juvenile Justice shall be abolished on January 1, 1994, after such transfer has been completed.

E. The chief administrative officer shall be the Director of Juvenile Justice, who shall be appointed by the Governor, with the advice and consent of the Senate, and who shall serve at the pleasure of the Governor.

F. The Director shall have the following duties and powers:

1. To promulgate rules and regulations necessary for the Department to perform its statutory duties;
2. To employ such personnel as may be necessary to discharge the duties imposed upon the Department;
3. To maintain permanent official records of the Department;
4. To enter into contracts on behalf of the Department;
5. To establish and maintain such institutions as are necessary for the operation of programs for the Department, if authorized by law.

~~There is hereby created within the Department of Human Services the Office of Juvenile Justice, which shall be the division of the Department designated to administer programs and services required pursuant to subsection A of this section and court intake, probation and parole services for delinquent children and children in need of supervision and services for 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 Office of Juvenile Justice.~~

~~C. The administrative officer for the Office of Juvenile Justice shall be the Administrator of Juvenile Justice, who shall be appointed by the Director of Human Services. All administrative duties and responsibilities for the Office of Juvenile Justice shall be discharged by the Administrator of Juvenile Justice, subject to the approval of the Director of Human Services.~~ F. The ~~Administrator~~ Director of Juvenile Justice shall be qualified for such position by character, personality, 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.

~~D. The following units within the Department shall be included in the Office of Juvenile Justice:~~

~~1. The Institutional Services Unit of the Division of Children, Youth and Family Services and the institutions and facilities operated by said Unit;~~

~~2. The Youth Services Unit of the Division of Children, Youth and Family Services;~~

~~3. The Juvenile Services Unit and facilities operated by said Unit for delinquent children and children in need of supervision;~~

~~4. All institutional staff for institutions provided for in paragraphs 1 and 3 of this subsection; and~~

~~5. All field staff for court-related juvenile services~~

G. The Department of Juvenile Justice may establish units and divisions within the Department as deemed necessary by the Director.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 601.1, as amended by Section 5, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 601.1), is amended to read as follows:

Section 601.1 There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of sixteen (16) members. The membership shall include:

1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, and the Chairman of the SJR 13 Oversight Committee, or their designees. A designee shall be a person knowledgeable regarding programs and services for children and youth provided by the agency the designee represents and shall have authority to act on the Commission for the designating officer;

2. The ~~Administrator~~ Director of the Department of Juvenile Justice or a designee. A designee shall be a person knowledgeable regarding programs and services for children and youth provided by the ~~Office~~ Department of Juvenile Justice ~~of the Department of Human Services~~ and shall have authority to act on the Commission for the ~~Administrator~~ Director of the Department of Juvenile Justice;

3. Five members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:

- a. a statewide association of children's institutions and agencies,
- b. a statewide association of youth services,
- c. the Oklahoma Bar Association,
- d. the Oklahoma District Attorney's Association, and

e. a statewide court-appointed Special Advocate Association;

4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;

5. One member from the public at large, appointed by the Governor;

6. One member, from the public at large, appointed by the Speaker of the House of Representatives;

7. One member, from the public at large, appointed by the President Pro Tempore of the Senate; and

8. One member elected by the Oklahoma Planning and Coordinating Council for Services to Children and Youth as provided by Section 601.8 of this title. Said elected member shall serve a two-year term and may be reelected.

The appointed members shall have had active experience in services to children and youth, shall serve for a term of two (2) years, and may be reappointed.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 601.7, as amended by Section 6, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 601.7), is amended to read as follows:

Section 601.7 A. There is hereby created the Oklahoma Planning and Coordinating Council for Services to Children and Youth which shall consist of a minimum of twenty-five (25) and a maximum of fifty (50) members, appointed by the Oklahoma Commission on Children and Youth. In appointing persons to serve as members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth, the Commission shall adhere to the following guidelines:

1. Persons holding the following positions or such persons' designee, shall be requested to serve as members of the Council:

a. the Directors of the Oklahoma Department of Corrections, the Oklahoma State Bureau of Investigation, the Department of Commerce, the

Employment Security Commission, and the Indian Affairs Commission;

- b. the Chiefs of Guidance Services, Maternal and Child Health Service and Women, Infants and Childrens Service of the State Department of Health;
- c. the Coordinators for Children and Youth Services and Substance Abuse Services of the Department of Mental Health and Substance Abuse Services;
- d. the Supervisors of Child Welfare and Community-Based Youth Services of the Division of Children and Youth Services of the Department of Human Services and Representatives of each of the following Divisions of the Department of Human Services: Medical Services; Family Support Services; Field Services; Rehabilitative Services; and Developmentally Disabled Services;
- e. the ~~Administrator~~ Director of the ~~Office~~ Department of Juvenile Justice ~~and the Supervisors of Institutional Services, Youth Services, and Juvenile Services of the Office of Juvenile Justice;~~
- f. the Administrators of the Special Education Services, Gifted and Talented Services, Guidance and Counseling Services and Research and Testing Services of the State Department of Education;
- g. the State Board of Regents for Higher Education and the State Board of Vocational and Technical Education;
- h. the President, Chairman, or Director, as appropriate, of professional and civic organizations related to children, youth and family services, including, but not limited to: the Oklahoma Education Association; the Oklahoma Association of Children's Institutions and Agencies; the Oklahoma Association of Youth

Services; the Oklahoma Health and Welfare Association; the Oklahoma Public Health Association; the Oklahoma Chapter of the National Association of Social Workers; the Oklahoma Sheriffs and Peace Officers Association; the Oklahoma Chamber of Commerce and the Academy for State Goals.

2. The elected representatives of each of the regional planning and coordinating boards for children and youth services.

3. There shall be additional members appointed from among the following groups: business; judiciary; labor; law enforcement; media; parents; volunteer service organizations; child care facilities; community-based services to children, youth and families; community mental health services; inpatient mental health services; common education, local entities; higher education; and vocational-technical education.

4. Additional members may be appointed at the discretion of the Commission.

B. Members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall serve for a term of two (2) years, and may be reappointed.

C. Members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall serve without compensation but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

D. Staff assistance for the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall be provided by the Oklahoma Commission on Children and Youth through interagency agreement or contract with the Department of Human Services and other state agencies as necessary.

SECTION 4. AMENDATORY Section 2, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 601.13), is amended to read as follows:

Section 601.13 A. In order to aid and assist the Department of ~~Human Services~~ Juvenile Justice in accomplishing its mission in regard to delinquent children and children in need of supervision there is hereby formed the Juvenile Justice Advisory and Oversight Committee to be composed of the following five (5) members:

1. One member who shall be a member of the public at large appointed by the Speaker of the House of Representatives;
2. One member who shall be a member of the public at large appointed by the President Pro Tempore of the Senate;
3. One member who shall be a member of the public at large appointed by the Governor;
4. One member who shall be a judge of the district court appointed by the Chief Justice of the Supreme Court; and
5. One member who shall be a district attorney appointed by the District Attorneys Council.

The member appointed by the Governor shall serve as the Chairman of the Committee.

B. The terms of office of the member appointed by the Speaker of the House of Representatives and the member appointed by the President Pro Tempore of the Senate shall expire on March 15, 1995, and each six (6) years thereafter; the term of the member appointed by the District Attorneys Council shall expire on March 15, 1997, and each six (6) years thereafter; and the terms of the member appointed by the Chief Justice of the Supreme Court and the member appointed by the Governor shall expire on March 15, 1999, and each six (6) years thereafter. Any member of the Committee may be removed from office in the manner provided by law for the removal of officers not subject to impeachment. Vacancies on the Committee shall be filled for the unexpired term by the original appointing authority.

C. The Committee shall have the following duties:

1. To review the policies and programs of the Department of ~~Human Services~~ Juvenile Justice concerning juveniles and make recommendations concerning those policies and programs to the ~~Commission for Human Services~~ Department;

2. To review services provided by the Office of Juvenile Justice and make recommendations thereon;

3. To review the funding of juvenile programs and make recommendations thereon;

4. To review any proposed settlement of lawsuits alleging negligent or other improper care and treatment of delinquent children or children in need of supervision while in Department custody and make recommendations thereon; and

5. To review statutory provisions relating to juveniles and make recommendations thereon.

The Committee may review and discuss information made confidential by Section 1125 et seq. of this title as may be necessary for the performance of the duties of the Committee, but shall maintain the confidentiality of such information as required by law. All discussions and any writings produced or created by the Committee in the course of its review of a proposed settlement of any lawsuit, including any recommendation by the Committee as the result of such review, shall be privileged and shall not be admissible as evidence in any proceeding.

D. The Committee shall meet at least four times a year on a quarterly basis and at such other times as it deems necessary for the purpose of considering the funding and reviewing the operational and capital needs of the ~~Office~~ Department of Juvenile Justice and to fulfill its other duties. The Committee shall formulate recommendations to be submitted to the ~~Administrator~~ Director of the Department of Juvenile Justice, ~~the Director of the Department of Human Services, the Commission for Human Services,~~ the Speaker of the House of Representatives, the President Pro Tempore of the

Senate, and the Governor. One quarterly meeting of the Committee shall be held ~~in conjunction with the regularly scheduled meeting of the Commission for Human Services~~ Director of the Department of Juvenile Justice at which the budget request for the agency for the next fiscal year is considered for submission to the Office of State Finance. The Committee also may meet with the ~~Commission for Human Services~~ Director at such other times as necessary. A majority of the members shall constitute a quorum for the purposes of conducting business. Members of the Committee shall serve without compensation but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

E. Administrative assistance for the Committee shall be provided by the ~~Office~~ Department of Juvenile Justice.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 601.45, as last amended by Section 1, Chapter 373, O.S.L. 1992 (10 O.S. Supp. 1992, Section 601.45), is amended to read as follows:

Section 601.45 A. The Governor shall appoint an Interagency Coordinating Council for Special Services to Children and Youth which shall be composed of nineteen (19) members as follows:

1. One superintendent of an independent school district;
2. One principal of alternative education programs;
3. One special education director employed by a public school;
4. One special education teacher employed by a public school;
5. Five parents of children who are or have been members of the eligible population or the special services population;
6. The chief executive officers or their designees of the:
 - a. Commission on Children and Youth,
 - b. State Department of Education,
 - c. State Department of Vocational and Technical Education,
 - d. Department of Human Services,

e. Department of Mental Health and Substance Abuse Services, and

f. State Department of Health;

7. The ~~Administrator~~ Director of the Department of Juvenile Justice ~~for the Office of Juvenile Justice of the Department of Human Services;~~

8. Two persons who represent organizations of private providers of services to the eligible or special services populations; and

9. The Governor or the Governor's designee, who shall chair the Coordinating Council. Legal assistance shall be provided by the Office of the Attorney General. Other staff support and assistance shall be provided by the Commission on Children and Youth.

B. The Coordinating Council shall:

1. On or before July 1, 1993, complete the State Plan pursuant to the provisions of Section 601.46 of this title;

2. Prior to completion of the State Plan and approval of it by the Committee, make progress reports to the Committee at least once each quarter regarding development of the State Plan; and

3. After approval of the State Plan, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1994, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 602, is amended to read as follows:

Section 602. The Department of Juvenile Justice shall enter with the State Supreme Court under the Interlocal Cooperation Act into an agreement 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 the district courts in every county in Oklahoma ~~except those counties with duly constituted juvenile bureaus;~~

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

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

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

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

SECTION 7. AMENDATORY 10 O.S. 1991, Section 603, is amended to read as follows:

Section 603. The Department of Juvenile Justice, in its role as planner and coordinator for juvenile justice and delinquency prevention services, is hereby 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.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 604, is amended to read as follows:

Section 604. 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, ~~juvenile treatment programs and child abuse and neglect prevention and treatment programs.~~

SECTION 9. AMENDATORY 10 O.S. 1991, Section 607, is amended to read as follows:

Section 607. A. The Department of Human Services and 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~~ Departments 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~~ Departments 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 and 604 of this title.

2. The ~~Department~~ Departments 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 or that the Department 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 10. AMENDATORY Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, 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, ~~the Oklahoma Commission for Human Services,~~ and the Juvenile Justice Advisory and Oversight Committee, 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 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 11. AMENDATORY 10 O.S. 1991, Section 1101, as amended by Section 14, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, 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 sixteen (16) or seventeen (17) years of age who is charged with any crime specified in subsection A of Section 1104.2 of this title, or who has been certified as an adult pursuant to Section 1112 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 of this title, or who is not convicted after certification as an adult pursuant to Section 1112 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, or any lawful order of the court made pursuant to the provisions of Sections 1101 through 1506 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 1506 of this title. 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.

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 when services are needed for a deprived child or a child in need of mental health treatment, and the Department of Juvenile Justice when services are needed for a delinquent child or a child in need of supervision.

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

9. "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. "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. "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. "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. "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. "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. "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. "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. "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. "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. "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. "Mental health facility" means a mental health facility as defined by the Inpatient Mental Health Treatment of Children Act.

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

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

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.

SECTION 12. AMENDATORY 10 O.S. 1991, Section 1107.1, as amended by Section 21, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1107.1), is amended to read as follows:

Section 1107.1 A. When a child is taken into custody pursuant to the provisions of Sections 1101 through 1506 of this title, the child shall be detained only if it is necessary to assure the appearance of the child in court or for the protection of the child or the public.

1. a. No pre-adjudicatory or predisposition detention or custody order shall remain in force and effect for more than thirty (30) days. The court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed sixty (60) days.
- b. Whenever the court orders a child to be held in a juvenile detention facility, as that term is defined by Section 1108 of this title, an order for secure detention shall remain in force and effect for not more than ten (10) days after such order. Upon an application of the district attorney and after a hearing on such application, the court, for good and sufficient cause shown, may extend the effective period of such an order for an additional period not to exceed ten (10) days after such hearing. The total period of pre-adjudicatory or predisposition shall not exceed the ninety-day limitation as specified in subparagraph a of this paragraph. The child shall be present at the hearing on the application for

extension unless, as authorized and approved by the court, the attorney for the child is present at the hearing and the child is available to participate in the hearing via telephone conference communication. For the purpose of this paragraph, "telephone conference communication" means use of a telephone device that allows all parties, including the child, to hear and be heard by the other parties at the hearing. After the hearing, the court may order continued detention in a juvenile detention center, may order the child detained in an alternative to secure detention or may order the release of the child from detention.

2. No child alleged or adjudicated to be deprived or in need of supervision or who is or appears to be a child in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act shall be confined in any jail, adult lockup, or adult detention facility. No child shall be transported or detained in association with criminal, vicious, or dissolute persons.

3. Except as otherwise authorized by this section a child who has been taken into custody as a deprived child, a child in need of supervision, or who appears to be a child in need of mental health treatment, may not be placed in any detention facility pending court proceedings, but must be placed in shelter care or foster care or, with regard to a child who appears to be a child in need of mental health treatment, a mental health facility in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, or released to the custody of his parents or some other responsible party. When a child is taken into custody as a child in need of supervision as a result of being a runaway, the court may order the child placed in a juvenile detention facility pending court

proceedings if it finds said detention to be essential for the safety of the child.

B. No child may be placed in secure detention unless:

1. The child is an escapee from a correctional facility or community correctional program or placement; or

2. The child is a fugitive from another jurisdiction with a warrant on a delinquency charge or confirmation of delinquency charges by the home jurisdiction; or

3. The child is seriously assaultive or destructive towards others or himself; or

4. The child is detained for the commission of a crime that would constitute a serious act as defined by Section ~~2~~ 1160.2 of this ~~act~~ title; or

5. The child is detained for the commission of a crime that would constitute a habitual criminal act as defined by Section ~~2~~ 1160.2 of this ~~act~~ title; or

6. The child is currently charged with a felony act as defined by Section ~~2~~ 1160.2 of this ~~act~~ title or misdemeanor and:

a. is on probation or parole on a prior delinquent offense,

b. is on pre-adjudicatory community supervision,

c. is currently on release status on a prior delinquent offense, or

d. has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings.

C. On and after July 1, 1992, a child shall be detained in secure detention only in accordance with the guidelines adopted pursuant to Section ~~3~~ 1160.3 of this ~~act~~ title.

D. 1. Except as otherwise provided in this section, no child ~~may~~ shall be placed in secure detention in a jail, adult lockup, or other adult detention facility unless:

- a. the child is detained for the commission of a crime that would constitute a felony if committed by an adult, and
- b. the child is awaiting an initial court appearance, and
- c. the child's initial court appearance is scheduled within twenty-four (24) hours after being taken into custody, excluding weekends and holidays, and
- d. the court of jurisdiction is outside of the Standard Metropolitan Statistical Area as defined by the Bureau of Census, and
- e. there is no existing acceptable alternative placement for the child, and
- f. the jail, adult lockup or adult detention facility meets the requirements for licensure of juvenile detention facilities, as adopted by the Commission for Human Services, is appropriately licensed, and provides sight and sound separation for juveniles, which includes:
 - (1) total separation between juveniles and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;
 - (2) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and
 - (3) separate juvenile and adult staff, specifically direct care staff such as recreation, education and counseling.

Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juvenile and adults can serve both.

2. Nothing in this section shall preclude a child who is detained for the commission of a crime that would constitute a felony if committed by an adult, or a child who is an escapee from a juvenile training school or from a Department of Human Services group home from being held in any jail certified by the State Department of Health, police station or similar law enforcement offices for up to six (6) hours for purposes of identification, processing or arranging for transfer to a secure detention or alternative to secure detention. Such holding shall be limited to the absolute minimum time necessary to complete these actions.

- a. The time limitations for holding a child in a jail for the purposes of identification, processing or arranging transfer established by this section shall not include the actual travel time required for transporting a child from a jail to a juvenile detention facility or alternative to secure detention.
- b. Whenever the time limitations established by this subsection are exceeded, this circumstance shall not constitute a defense in a subsequent delinquency or criminal proceeding.

3. Nothing in this section shall preclude detaining in a county jail or other adult detention facility an eighteen-year old charged in a juvenile petition for whom certification to stand trial as an adult is prayed.

E. Nothing contained in this section shall in any way reduce or eliminate a county's liability as otherwise provided by law for

injury or damages resulting from the placement of a child in a jail, adult lockup, or other adult detention facility.

F. Any juvenile detention facility shall be available for use by any eligible Indian child as that term is defined by the Oklahoma Indian Child Welfare Act providing that the use of the juvenile detention facility meets the requirements of this act. The Indian tribe may contract with any juvenile detention facility for the providing of detention services.

G. Each member of the staff of a juvenile detention facility shall satisfactorily complete a training program provided or approved by the Department of Human Services.

SECTION 13. AMENDATORY 10 O.S. 1991, Section 1116, as amended by Section 27, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1116), is amended to read as follows:

Section 1116. A. The following kinds of orders of disposition may be made in respect to wards of the court:

1. The court may place the child on probation or under supervision in his own home, or in the custody of a suitable person elsewhere, upon such conditions as the court shall determine. The court may require the parent or other person to give security by bond, with surety or sureties approved by the court, for compliance with such order.

If it is consistent with the welfare of the child, the child shall be placed with his parent or legal guardian, but if it appears to the court that the conduct of such parent, guardian, legal guardian, stepparent or other adult person living in the home has contributed to such delinquency, or need of supervision or deprivation, the court may issue a written order specifying conduct to be followed by such parent, guardian, legal custodian, stepparent or other adult person living in the home with respect to such child. The conduct specified shall be such as would reasonably prevent the child from becoming delinquent, in need of supervision or deprived,

as defined by Section 1101 of this title. Such order shall remain in effect for a period of not more than one (1) year to be specified by the court, and the order may be extended or renewed by the court.

- a. If it is consistent with the welfare of the child, in cases where the child has been adjudicated to be deprived or in need of supervision due to repeated absence from school, the court may order counseling and treatment for the child and the parents of the child to be provided by the local school district, the county, the Department or a private individual or entity. Prior to final disposition, the court shall require that it be shown by the appropriate school district that a child found to be truant has been evaluated for learning disabilities, mental retardation, and hearing and visual impairments and other impediments which could constitute an educational handicap. The results of such tests shall be made available to the court for use by the court in determining the disposition of the case.
- b. In issuing orders to a parent, guardian, legal guardian, stepparent or other adult person living in the home of a child adjudicated to be a delinquent child or in making other disposition of said delinquent child, the court may consider the testimony of said parent, guardian, legal guardian, stepparent or other adult person concerning the behavior of the juvenile and his ability to exercise parental control over the behavior of the juvenile.
- c. In any dispositional order involving a child age sixteen (16) or older, the court shall make a determination, where appropriate, of the services

needed to assist the child to make the transition from foster care to independent living.

No child who has been adjudicated in need of supervision or deprived upon the basis of truancy or noncompliance with the mandatory school attendance law alone may be placed in a public or private institutional facility or be removed from the custody of the lawful parent, guardian or custodian of the child. A deprived adjudication based upon repeated absence from school shall not constitute a ground for termination of parental rights.

2. The court may commit the child to the custody of a private institution or agency, including any institution established and operated by the county, authorized to care for children or to place them in family homes. In committing a child to a private institution or agency, the court shall select one that is licensed by the Department or any other state department supervising or licensing private institutions and agencies; or, if such institution or agency is in another state, by the analogous department of that state. Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution or agency shall give to the court such information concerning the child as the court may at any time require.

3. The court may order the child to receive counseling or other community-based services as necessary.

4. The court may commit the child to the custody of the Department; provided, any order adjudicating a child to be delinquent and committing the child to the Department of Juvenile Justice shall be for an indeterminate period of time.

5. If the child has been placed outside the home, and it appears to the court that the parent, guardian, legal custodian, or stepparent, or other adult person living in the home has contributed to the delinquency, need of supervision or treatment, or deprivation

of the child, the court may order that the parent, guardian, legal custodian, stepparent, or other adult living in the home be made subject to any treatment or placement plan prescribed by the Department or other person or agency receiving custody of the child.

6. With respect to a child adjudicated a delinquent child, the court may:

- a. for acts involving criminally injurious conduct as defined in Section 142.3 of Title 21 of the Oklahoma Statutes, order the child to pay a victim compensation assessment in an amount not to exceed that amount specified in Section 142.18 of Title 21 of the Oklahoma Statutes. The court shall forward a copy of the adjudication order to the Crime Victims Compensation Board for purposes of Section 142.11 of Title 21 of the Oklahoma Statutes. Except as otherwise provided by law, such adjudication order shall be kept confidential by the Board,
- b. order the child to engage in a term of community service without compensation. The state or any political subdivision shall not be liable if a loss or claim results from any acts or omission of a child ordered to engage in a term of community service pursuant to the provisions of this paragraph,
- c. if it is consistent with the welfare of the child, require community service or restitution or both community service and restitution for acts of delinquency. The immunities provided by Sections 227 and 228 of Title 57 of the Oklahoma Statutes shall apply to community services directed pursuant to this section,

- d. order the cancellation or denial of driving privileges as provided by Sections 6-107.1 and 6-107.2 of Title 47 of the Oklahoma Statutes,
- e. in accordance with the guidelines approved and adopted by the Oklahoma Supreme Court for the implementation of the Serious and Habitual Juvenile Offender Program, make the following orders: sanction detention in the residence of the child or facility designated by the Department of ~~Human Services~~ Juvenile Justice or the juvenile bureau for such purpose for up to five (5) days; weekend detention in a place other than a juvenile detention facility or shelter; tracking; or house arrest with electronic monitoring. On and after the adoption of guidelines by the Oklahoma Supreme Court for the Implementation of the Serious and Habitual Juvenile Offender Program, the provisions of subparagraphs a through d of this paragraph shall be subject to said guidelines,
- f. in accordance with the guidelines approved and adopted by the Oklahoma Supreme Court for the implementation of the Serious and Habitual Juvenile Offender Program, impose sanctions for the violation of pre-adjudicatory or postadjudicatory violations of probation.

7. The court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

8. In any dispositional order removing a child from the home of the child, the court shall make a determination that, in accordance with the best interests of the child, reasonable efforts have been made to provide for the return of the child to the child's own home, or that efforts to reunite the family are not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child.

B. The court shall not terminate the rights of a parent who has not been notified that the parental rights might be terminated. If the court terminates the rights of a parent and commits the child to an individual or agency, the court may invest in such individual or agency authority to consent to the adoption of the child. Provided, that where the court commits the child to the Department of Juvenile Justice, it shall vest the Department of Juvenile Justice with authority to place the child and, upon notice to the court that an adoption petition has been filed concerning said child, invest the Department of Juvenile Justice with authority to consent to the adoption of the child, and the jurisdiction of the committing court shall terminate.

C. No child who has been adjudicated in need of supervision or deprived may be placed in a state training school.

D. No child charged in a state or municipal court with a violation of state or municipal traffic laws or ordinances, or convicted therefor, may be incarcerated in jail for any said violation unless the charge for which the arrest was made would constitute a felony if the child were an adult; provided, that nothing contained in the above section prohibits the detention of a juvenile for traffic-related offenses prior to the filing of a petition in the district court alleging delinquency as a result of said acts.

E. The court may require any child found to be a juvenile delinquent or child in need of supervision, the parents of any child found to be a juvenile delinquent, a child in need of supervision, a deprived child or a child in need of mental health treatment, or both the child and the parents, to reimburse the court fund, in whole or in part, for any disbursements made from the court fund in conjunction with the case, including, but not limited to, court-appointed attorney's fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage. When any parent is

financially able but has willfully failed to pay court costs or to reimburse the court fund as ordered by the court or has willfully failed to pay court costs and to reimburse the court fund as ordered by the court, the parent may be held in contempt of court and, upon conviction, shall be punished pursuant to Section 566 of Title 21 of the Oklahoma Statutes. After a judicial determination that the child, the parent of the child, or both such child or parent, are able to pay the costs and to reimburse the court fund or pay the costs and to reimburse the court fund in the case in installments, the court may order the costs and such reimbursement of the court fund to be paid in installments and shall set the amount and due date of each installment. A parent may be found to be financially able to pay court costs or to reimburse the court fund or to pay court costs and to reimburse the court fund in installments even though the court has previously found the parent indigent.

SECTION 14. AMENDATORY 10 O.S. 1991, Section 1137, as amended by Section 35, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, 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.

SECTION 15. AMENDATORY 10 O.S. 1991, Section 1138, as last amended by Section 4, Chapter 373, O.S.L. 1992 (10 O.S. Supp. 1992, 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 who are adjudicated 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; or
- b. committed a serious felony constituting violent, aggressive and assaultive behavior; or
- c. habitually committed serious delinquent acts; or
- d. committed multiple serious delinquent acts;

to the extent that it is necessary for the protection of the public;
or

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; or

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

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; or

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

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

Section 1140. A. If a child who has been adjudicated ~~as a delinquent, a child in need of supervision, or~~ deprived, and who has been committed to the Department of Human Services becomes unmanageable and uncontrollable while in the legal custody of the Department of Human Services, 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 treatment, if such petition is warranted by the facts in the case.

B. If a child who has been adjudicated as delinquent or in need of supervision and who has been committed to the Department of Juvenile Justice becomes unmanageable and uncontrollable while in the legal custody of the Department of Juvenile Justice, 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 for involuntary commitment pursuant to the Mental Health Law, Title 43A of the Oklahoma Statutes.

SECTION 17. AMENDATORY 10 O.S. 1991, Section 1160.2, as amended by Section 12, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1160.2), is amended to read as follows:

Section 1160.2 As used in this title:

1. "Agencies and programs comprising the juvenile justice system" means:

- a. the courts, the District Attorney's Council and offices of the district attorneys, state and local law enforcement agencies, juvenile bureaus established pursuant to Section 1201 of Title 10 of the Oklahoma Statutes, the Department of ~~Human Services, the Office of Juvenile Justice of the Department of Human Services,~~ the Oklahoma Commission on Children and Youth, the Department of Corrections, the Criminal Justice Resource Center, any other state agency responsible for the care, custody or supervision of youth alleged or adjudicated to be delinquent, and
- b. to the extent that they are responsible for the provision of services to youth alleged or adjudicated to be delinquent, including but not limited to educational, treatment or residential services, local school districts and area vocational-technical schools and other public and private agencies not otherwise specifically included in subparagraph a of this paragraph, comprising the "children and youth service system" as defined by Section 600 of Title 10 of the Oklahoma Statutes;

2. "Felony act" or "felony offense" means any criminal offense that would constitute a felony crime if committed by an adult;

3. "Habitual criminal acts" means three separate delinquency adjudications for the commission of felony acts. The felony acts relied upon shall not have arisen out of the same transaction or occurrence or series of events related in time and location;

4. "Juvenile court personnel" means those persons responsible for juvenile court intake, probation and parole supervision and services to youth alleged or adjudicated to be delinquent;

5. "Juvenile Justice Information System" means the automated information system established by Section 1160.6 of this title;

6. "Juvenile offender" means a delinquent child as defined by Section 1101 of Title 10 of the Oklahoma Statutes;

7. "Sanction" means a consequence imposed upon a juvenile offender:

- a. as a result of a criminal act, and
- b. as a result of a violation of a condition of probation or parole;

8. "Serious act" means any crime specified by subsection A of Section 1104.2 of Title 10 of the Oklahoma Statutes;

9. "Serious and Habitual Juvenile Offender Program" means the program of information, information sharing, case tracking, case management, supervision and sanctions established by Section 1160.3 of this title;

10. "Serious and Habitual Juvenile Offender Program Implementation Task Force" means the Task Force created by Section 1160.5 of this title for the purpose of implementing the Serious and Habitual Juvenile Offender Program; and

11. "Serious juvenile offender" and "habitual juvenile offender" means persons under eighteen (18) years of age who have been adjudicated delinquent for the commission of serious acts or habitual criminal acts and are subject to the Serious and Habitual Juvenile Offender Program in accordance with the criteria established pursuant to Section 1160.3 of this title.

SECTION 18. AMENDATORY 10 O.S. 1991, Section 1160.4, as amended by Section 13, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1160.4), is amended to read as follows:

Section 1160.4 For the purpose of achieving full implementation of the Serious and Habitual Juvenile Offender Program on or before July 1, 1995:

1. The Oklahoma Commission on Children and Youth shall:
 - a. appoint the members of the Serious and Habitual Juvenile Offender Program Implementation Task Force

and facilitate and coordinate the work of the Serious and Habitual Juvenile Offender Program Implementation Task Force,

- b. facilitate and oversee the adoption of the contracts or interagency agreements necessary for:
 - (1) the delineation of the service responsibilities and the coordinated delivery of services to youth alleged or adjudicated to be delinquent by the agencies responsible for the implementation of the Serious and Habitual Juvenile Offender Program, and
 - (2) the delineation of the roles and responsibilities of the agencies for the implementation of the Juvenile Justice Information System, the information to be shared among them on a regular basis, and the procedures for processing case-profiles as cases move through agencies that come into contact with juvenile offenders, and
- c. oversee the implementation of the Serious and Habitual Juvenile Offender Program;

2. In accordance with the proposed guidelines recommended by the Serious and Habitual Juvenile Offender Program Implementation Task Force, the Department of ~~Human Services, the Office of~~ Juvenile Justice ~~of the Department of Human Services,~~ the juvenile bureaus established pursuant to Section 1201 of Title 10 of the Oklahoma Statutes, the District Attorney's Council, the Oklahoma State Supreme Court as authorized and directed by Section 602 of Title 10 of the Oklahoma Statutes and Section 23 of Title 20 of the Oklahoma Statutes, the Oklahoma Commission on Children and Youth, the Oklahoma State Bureau of Investigation, local law enforcement agencies, and other agencies comprising the juvenile justice system shall:

- a. develop and implement the Serious and Habitual Juvenile Offender Program,
- b. develop and implement the Juvenile Justice Information System,
- c. adopt rules, policies, procedures, standards, protocols and guidelines, as appropriate, for the development and implementation of the Serious and Habitual Juvenile Offender Program and the Juvenile Justice Information System, and
- d. enter into contracts or interagency agreements under the Interlocal Cooperation Act, as appropriate for the purpose of implementing the Serious and Habitual Juvenile Offender Program and the Juvenile Justice Information System.

SECTION 19. AMENDATORY 10 O.S. 1991, Section 1160.5, as amended by Section 14, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1160.5), is amended to read as follows:

Section 1160.5 A. There is hereby created within the Oklahoma Commission on Children and Youth until July 1, 1996, the Serious and Habitual Juvenile Offender Program Implementation Task Force.

B. The Serious and Habitual Juvenile Offender Program Implementation Task Force shall:

1. Serve as a forum for the development and adoption of contracts and interagency agreements necessary for:
 - a. the delineation of the service responsibilities and coordinated service delivery of services to delinquent youth by the agencies responsible for the implementation of the Serious and Habitual Juvenile Offender Program, and
 - b. the delineation of the roles and responsibilities of the agencies responsible for the implementation of the Juvenile Justice Information System, the information

to be shared by said agencies on a regular basis, and procedures for processing case-profiles as cases move through agencies that come into contact with juvenile offenders;

2. Be responsible for the development of recommended proposed guidelines, policies, procedures, protocols, and standards, as appropriate, for adoption by the agencies responsible for the implementation of the Serious and Habitual Juvenile Offender Program and the Juvenile Justice Information System;

3. Cooperate with and provide assistance to the task force established by Section 620.2 of this title in the preparation of the proposed guidelines for the disclosure of confidential information required by Section 620.6 of this title.

4. Monitor the implementation of the Serious and Habitual Juvenile Offender Program and the Juvenile Justice Information System and progress towards full implementation by July 1, 1995; and

5. Exercise incidental powers and engage in incidental activities as necessary, proper, and appropriate for the purpose of carrying out the duties and responsibilities assigned to the Serious and Habitual Juvenile Offender Program Implementation Task Force by the Serious and Habitual Juvenile Offender Act.

C. The Oklahoma Commission on Children and Youth shall appoint the members of the Serious and Habitual Juvenile Offender Program Implementation Task Force. The Task Force shall include:

1. Representatives of each of the following agencies and organizations appointed from a list of not less than three individuals recommended by the governing board of each such agency or organization:

- a. Department of Public Safety;
- b. Oklahoma Employment Security Commission;
- c. Oklahoma Criminal Justice Resource Center;
- d. Department of Human Services;

- e. State Department of Education;
- f. District Attorney's Council;
- g. Oklahoma Sheriffs and Peace Officers Association;
- h. Oklahoma Association of Chiefs of Police;
- i. Oklahoma State Bureau of Investigation;
- j. Oklahoma Department of Corrections;
- k. Private non-profit operators for Detention;
- l. Oklahoma Juvenile Detention Association;
- m. State and local common education agencies;
- n. Vocational-technical schools;
- o. Oklahoma State Department of Health;
- p. Department of Mental Health and Substance Abuse Services;
- q. Oklahoma Association of Youth Services;
- r. Oklahoma Association Childrens Institutions and Agencies;
- s. Statutorily constituted Juvenile Bureaus;
- t. ~~Office Department~~ of Juvenile Justice ~~of the Department of Human Services~~;

2. Representatives of the Oklahoma Supreme Court, who shall be district or associate district judges having juvenile docket responsibility designated by the Chief Justice of the Supreme Court; and

3. Others as necessary and appropriate to carry out the duties of the Serious and Habitual Juvenile Offender Program Implementation Task Force.

D. 1. The Task Force shall elect a chairman, a vice-chairman and a Steering Committee.

2. In order to assist the agencies responsible for the implementation of the Serious and Habitual Juvenile Offender Program to achieve full implementation by July 1, 1995, the Steering Committee shall:

- a. adopt a work plan and schedule for the completion of the tasks necessary to achieve full implementation,
- b. appoint subcommittees responsible for the completion of specific tasks, and
- c. coordinate and monitor the progress of agencies responsible for the supervision of and services to delinquent youth towards full implementation of the Serious and Habitual Juvenile Offender Program.

3. The members of the Task Force shall serve without compensation, but may be reimbursed in accordance with the State Travel Reimbursement Act.

E. On or before January 1 of each year following the effective date of the Serious and Habitual Juvenile Offender Act, the Task Force shall submit a progress report specifying the tasks completed by the Task Force and the agencies responsible for implementation of the Serious and Habitual Juvenile Offender Program and those that remain to be completed in order to achieve full implementation on or before July 1, 1995, along with a report of any barriers that may impede full implementation. The progress report shall be submitted to the Governor, the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives, the Chief Justice of the Oklahoma Supreme Court, the Oklahoma Commission on Children and Youth, and each agency affected by the progress report.

SECTION 20. AMENDATORY 10 O.S. 1991, Section 1160.6, as amended by Section 15, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1160.6), is amended to read as follows:

Section 1160.6 A. For the purpose of information sharing and management of the Serious and Habitual Juvenile Offender Program, there is hereby created the Juvenile Justice Information System. The information system shall be an automated, data-based, system for tracking juvenile offenders from arrest through final closure of the

case and shall include information provided by all of the components of the juvenile justice system in accordance with the provisions of the Serious and Habitual Juvenile Offender Act. The information system shall be fully integrated with other information systems related to services to children and youth and shall:

1. Be based upon the integration, utilization and modification, as necessary, of existing information systems;

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

3. Include case specific information, including client outcomes, and have the ability to monitor juveniles in the juvenile justice system; and

4. Be capable of providing management reports and information to the various components of the juvenile justice system, and of providing aggregate information necessary for planning, monitoring, evaluating and managing programs and services provided to youthful offenders as well as for system-wide analysis of the Serious and Habitual Juvenile Offender Program.

B. The Department of ~~Human Services, the Office of~~ Juvenile Justice ~~of the Department of Human Services,~~ the juvenile bureaus established pursuant to Section 1201 of Title 10 of the Oklahoma Statutes, the Criminal Justice Resource Center, the Office of the Court Administrator, and other agencies and programs comprising the juvenile justice system, including but not limited to law enforcement and district attorneys, in accordance with guidelines established by the Serious and Habitual Juvenile Offender Program Implementation Task Force, shall jointly:

1. Identify information to be shared by agencies on a regular basis;

2. Develop procedures for processing case-profiles as cases move through agencies that come in contact with juvenile offenders;

3. Establish training programs in the use of the system;

4. Conduct a pilot project to test the system; and

5. On or before January 1, 1992, submit a plan for full statewide implementation of the Juvenile Justice Information System to the Serious and Habitual Juvenile Offender Program Implementation Task Force and to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each agency affected by said plan.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 1401, as amended by Section 16, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, 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~~ Juvenile Justice on behalf of the Center 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 other 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~~ 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, 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 22. AMENDATORY 10 O.S. 1991, Section 1404, as amended by Section 37, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1404), is amended to read as follows:

Section 1404. A. In addition to the other powers and duties prescribed by law, the Department of Human Services 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 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 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; and

2. ~~Transfer from a children's institution to another facility under the jurisdiction of the Department, a child who has been adjudicated delinquent, if the Department believes it advisable to do so; transfer from a facility for children in need of supervision or facility for~~ deprived children to another such facility, a child who has been adjudicated ~~in need of supervision or~~ deprived, 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, in need of supervision, or~~ deprived children to a Department-operated treatment center 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; and

3. ~~Release on parole a child previously adjudicated to be delinquent, subject to terms and conditions specified by the Department, whenever the Department 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 Department for such revocation; and~~

4. Release any child from a children's institution 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, and

~~5. Provide parole services for children released on parole from children's institutions, and aftercare services for children discharged from children's institutions or facilities. Persons designated as Juvenile Parole Officers by the Department shall have the power to serve process and to apprehend and detain juveniles and make arrests in accordance with the laws of the state.~~

B. The transfer of a child from a nonsecure placement to a secure placement shall be subject to an administrative transfer hearing and ~~any revocation of parole~~ shall be subject to a parole revocation hearing.

1. In any administrative transfer ~~or parole revocation~~ proceeding the following minimum standards shall apply:

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

2. The situs of said 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 ~~or parole~~ revocation process of the Department by:

- a. ~~determining eligibility for and amount of bail; and~~
- ~~b.~~ deciding any intermediate custody or placement issue; and
- ~~e.~~ b. 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.

3. If legal counsel for the child has not otherwise been obtained, the appointment of legal counsel for the child, the fixing of the amount of compensation for such counsel, and the determination of whether or not the child is eligible for free legal services shall be provided for 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 legal services shall be provided by the county indigent defender as provided by law. 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.

C. The Department may participate in federal programs relating to ~~delinquent children, children in need of supervision, or~~ deprived children or institutions and services for such children; and apply for, receive, use and administer federal funds for such purposes.

D. Receive interest earnings on the investment by the State Treasurer of monies, to be credited to an agency special account, for the benefit of and held in trust for persons placed in the

custody of the Department or in residence at institutions maintained by the Department.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1404a 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 a Department-operated treatment

center 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. Release on parole 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 Department of Juvenile Justice for such revocation;

4. Release any child from a children's institution 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 of Juvenile Justice; and

5. Provide parole services for children released on parole from children's institutions, and aftercare services for children discharged from children's institutions or facilities. Persons designated as Juvenile Parole Officers by the Department of Juvenile Justice shall have the power to serve process and to apprehend and detain juveniles and make arrests in accordance with the laws of the state.

B. The transfer of a child from a nonsecure placement to a secure placement shall be subject to an administrative transfer hearing and any revocation of parole shall be subject to a parole revocation hearing.

1. In any administrative transfer or parole revocation proceeding the following minimum standards shall apply:

- a. the child shall have the right to notice of the proposed transfer or parole revocation hearing and the alleged violation of administrative or parole rules on which the proposed transfer or parole revocation 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 of Juvenile Justice-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.

2. The situs of said 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 or parole revocation process of the Department of Juvenile Justice 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.

3. If legal counsel for the child has not otherwise been obtained, the appointment of legal counsel for the child, the fixing of the amount of compensation for such counsel, and the determination of whether or not the child is eligible for free legal services shall be provided for 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 legal services shall be provided by the county indigent defender as provided by law. 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.

C. The Department of Juvenile Justice may participate in federal programs relating to delinquent children or children in need of supervision, or institutions and services for such children, and apply for, receive, use and administer federal funds for such purposes.

D. Receive interest earnings on the investment by the State Treasurer of monies, to be credited to an agency special account, for the benefit of and held in trust for persons placed in the custody of the Department of Juvenile Justice or in residence at institutions maintained by the Department of Juvenile Justice.

SECTION 24. AMENDATORY 10 O.S. 1991, Section 1404.1, as amended by Section 18, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1404.1), is amended to read as follows:

Section 1404.1 There is hereby created a program of juvenile crime victim restitution to be administered by the ~~Office of Juvenile Justice of the Department of Human Services~~ Juvenile Justice. The program shall be known as the "Juvenile Offender Victim Restitution Work Program".

A. The ~~Commission for Human Services~~ Department of Juvenile Justice shall promulgate rules and regulations necessary for the implementation of the provisions of this section.

B. The programs developed under the provisions of this act shall provide restitution to a victim by requiring the child to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. The supervised work or service program shall not deprive the child of schooling which is appropriate to his age, need, and specific rehabilitative goals. Provided, such program shall not prohibit the child from fulfilling his restitution obligation through jobs he has found, by performing volunteer services for the community, or by doing work for the victim.

C. Agreements for participation in the programs under this section may include restitution not in excess of actual damages caused by the child which shall be paid from the net earnings of the child received through participation in a constructive program of service or education acceptable to the child, the victim, the Department of ~~Human Services~~ Juvenile Justice, the district attorney and/or the district court. During the course of such service, the child shall be paid no less than the federal minimum wage. In considering such agreement, the Department of ~~Human Services~~ Juvenile Justice, the district attorney and/or the district court shall take into account the child's age, physical and mental capacity. The service shall be designed to relate to the child a sense of responsibility for the injuries caused to the person or property of another. If a petition has not been filed, the district attorney shall approve the nature of the work, the number of hours to be spent performing the assigned tasks and shall further specify that as part of a plan of treatment and rehabilitation, that fifty percent (50%) or more of the child's net earnings be used for restitution in order to provide positive reinforcement for the work performed. If a petition has been filed, the district court may approve the nature of the work, the number of hours to be spent performing the assigned tasks and may further specify that as part

of a plan of treatment and rehabilitation, that fifty percent (50%) or more of the child's net earnings be used for restitution.

D. The Department of ~~Human Services~~ Juvenile Justice may subsidize the employment of a child for the purposes of participation in a work program as provided by this section.

E. Any person, entity or political subdivision who is an employer of children or recipient of services either of which are under an agreement with the Juvenile Offender Victim Restitution Work Program shall not be liable for ordinary negligence for:

1. Damage to the property of the child or injury to the child except as to the liability established by the Workers' Compensation Act if the child is covered thereunder; or

2. Damage to any property or injury to any person; which results from the services of the child pursuant to this act.

SECTION 25. AMENDATORY 10 O.S. 1991, Section 1407, as amended by Section 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1992, 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~~ Juvenile Justice on behalf of the Center shall be administered by the ~~Office~~ Department of Juvenile Justice.

SECTION 26. AMENDATORY 28 O.S. 1991, Section 162, as amended by Section 29, Chapter 303, O.S.L. 1992 (28 O.S. Supp. 1992, Section 162), is amended to read as follows:

Section 162. A. The clerks of the courts shall collect as costs in every juvenile delinquency, child in need of supervision,

child in need of treatment, or deprived case in which the juvenile is adjudicated, irrespective of whether or not the sentence is deferred, or in every such case in which a petition is filed at the demand of the parents of a juvenile and said petition is subsequently dismissed prior to adjudication at said parents' request, the following flat charge and no more, except for the charges provided for in this section, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants and orders, and other services to date of judgment:

For each case where one or more juveniles are adjudicated
deprived \$50.00

For each juvenile who is certified to stand trial as an adult
\$75.00

In each juvenile case wherein parental rights are terminated
\$50.00

For each juvenile adjudicated in need of supervision or in need
of treatment \$50.00

For each juvenile adjudicated for an offense which would be a
misdemeanor if committed by an adult, including violation of
any traffic law, whether charged individually or conjointly
with others \$50.00

For each juvenile adjudicated for an offense which would be a
felony if committed by an adult, whether charged individually
or conjointly with others \$75.00

For the services of a court reporter at each trial held in the
case \$20.00

When a jury is requested \$30.00

A sheriff's fee for serving or endeavoring to serve all writs,
warrants, orders, process, commands, or notices or pursuing
any fugitive from justice \$20.00

or mileage as
established by

Oklahoma Statutes,
whichever is

greater.

B. Such costs shall be levied against the juvenile, the parent, or both, but shall not be levied against the legal guardian or any state or private agency having custody of any juvenile subject to such proceedings.

C. Prior to adjudication, parties in juvenile delinquency, child in need of supervision, child in need of treatment, and deprived cases shall not be required to pay, advance, or post security for the issuance or service of process to obtain compulsory attendance of witnesses. These fees shall be deposited into the court fund, except the sheriff's fee, when collected, shall be transferred to the general fund of the county in which service is made or attempted to be made.

D. The clerk of the district court shall charge the sum of Thirty Dollars (\$30.00) for preparing, assembling, indexing, and transmitting the record for appellate review. This fee shall be paid by the party taking the appeal and shall be entered as costs in the action. If more than one party to the action shall prosecute an appeal from the same judgment or order, the fee shall be paid by the party whose petition in error is determined by the district court or by the appellate court to commence the principal appeal. The fees collected hereunder shall be paid into the court fund.

E. Fees and costs collected in juvenile cases may be withdrawn from the court fund and used for operations of the juvenile bureaus, in counties wherein a statutory juvenile bureau is in operation, upon approval by the Chief Justice of the Oklahoma Supreme Court.

F. In those seventy-four counties in which court services are provided by contract between the Oklahoma Supreme Court and the Department of Human Services or the Department of Juvenile Justice, funds received from court costs in juvenile cases may be withdrawn

from the court fund and paid to the Department of Human Services or the Department of Juvenile Justice upon approval by the Chief Justice of the Oklahoma Supreme Court. Said funds are to be expended by the Department of Human Services or the Department of Juvenile Justice to supplement community-based programs, such as juvenile offender victim restitution work programs, youth services programs, day treatment programs, group home services, and detention services. Specific annual training of Department workers in community-based services providing the above court-related services is also to be included for expenditure of funds received from court costs in juvenile cases by the Department of Human Services or the Department of Juvenile Justice.

SECTION 27. AMENDATORY 74 O.S. 1991, Section 4243, is amended to read as follows:

Section 4243. A. No state agency shall:

1. Enter into any contract with an employee of the agency, or with a business in which an employee holds a substantial financial interest, unless the contract is made after public notice by the agency and compliance with competitive bidding procedures. This paragraph shall not apply to a contract of employment with the state;

2. Enter into a contract with or make any ruling or take any action in favor of any person or business which is represented before such agency by a former state employee who, while a state employee, participated substantially in the particular matter before the agency; or

3. Purchase any real property from any employee of said state agency or from any person who within eighteen (18) months prior to such purchase held such position with the state government, unless the property is acquired either by condemnation proceedings or the price to be paid for such property is approved in writing by the

appointing authority of the agency acquiring such property and by the Governor.

B. 1. The Department of Human Services is authorized to contract with qualified former state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing direct care or treatment services to clients of the Department who are mentally retarded or have other developmental disabilities or are ~~delinquent, children in need of supervision, or~~ in need of mental health treatment, or deprived. Provided, however, that rates of payment and other terms and conditions of contracts entered into pursuant to this section shall be established by the Commission for Human Services and shall be no more favorable than contracts for such services with persons who were not employed by the Department of Human Services nor related to an individual employed by the Department of Human Services.

2. A state employee terminating state employment to provide direct care or treatment services to clients of the Department who are mentally retarded or have developmental disabilities, are ~~delinquent, children in need of supervision, or~~ in need of treatment, or deprived may not return to state employment for a period of one hundred eighty (180) days after date of termination from contracts with the Department of Human Services for direct care or treatment services to clients of the Department who are mentally retarded or have developmental disabilities or are ~~delinquent, children in need of supervision, or~~ in need of treatment, or deprived.

C. Notwithstanding provisions to the contrary, the Department of Human Services is authorized to employ or contract with personnel of the University of Oklahoma Health Sciences Center, directly or indirectly, to obtain professional services for the Oklahoma Medical Center or clients of other programs administered by the Department of Human Services.

D. Notwithstanding provisions to the contrary, the Department of Human Services is authorized to contract with qualified state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing foster care, respite care, and attendant services to children in the custody of the Department.

SECTION 28. This act shall become effective September 1, 1993.

44-1-6019A MCD