ENROLLED HOUSE
BILL NO. 1978

By: Benson, Bonny, Cozort, Boyd (Laura), Glover, Johnson, Voskuhl, Hastings and Settle of the House

and

Fisher and Williams (Penny) of the Senate

An Act relating to children; creating the Oklahoma Children's Code; amending 10 O.S. 1991, Section 1129, as last amended by Section 2, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1129), 10 O.S. 1991, Section 1101, as last amended by Section 3, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1101), 10 O.S. 1991, Section 1102.1, 10 O.S. 1991, Section 1136, as last amended by Section 1, Chapter 320, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1136), 10 O.S. 1991, Section 1145, 10 O.S. 1991, Section 1405, 10 O.S. 1991, Section 1107, as last amended by Section 3 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, 10 O.S. 1991, Section 1103, as last amended by Section 31, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1103), 10 O.S. 1991, Section 1104.1, as last amended by Section 2 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, 10 O.S. 1991, Section 1103.1, 10 O.S. 1991, Section 1104, as amended by Section 3, Chapter 342, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1104), 10 O.S. 1991, Section 1105, as amended by Section 19, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1105), 10 O.S. 1991, Section 1106, 10 O.S. 1991, Section 1109, as last amended by Section 37, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1109), 10 O.S. 1991, Section 1110, as amended by Section 23, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1110), 10 O.S. 1991, Section 1111, as last amended by Section 38, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1111), 10 O.S. 1991, Section 1147, 10 O.S. 1991, Section 1148, 10 O.S. 1991, Section 1113, 10 O.S. 1991, Section 1114, as last amended by Section 40, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1114), 10 O.S. 1991, Section 1115, 10 O.S. 1991, Section 1115.1, as amended by Section 26, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1115.1), 10 O.S. 1991, Section 1115.2, 10 O.S. 1991, Section 1116, as last amended by Section 41, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1116), 10 O.S. 1991, Section 1116.1, as last amended by Section 42, Chapter 290, O.S.L.

1994 (10 O.S. Supp. 1994, Section 1116.1), 10 O.S. 1991, Section 1120, as amended by Section 30, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1120), 10 O.S. 1991, Section 1118, 10 O.S. 1991, Section 1123, 10 O.S. 1991, Section 1123.1, 10 O.S. 1991, Section 1123.2, 10 O.S. 1991, Section 1119, 10 O.S. 1991, Section 1124, 10 O.S. 1991, Section 1122, 10 O.S.

1991, Section 1126, 10 O.S. 1991, Section 1121, as amended by Section 43, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1121), 10 O.S. 1991, Section 1117, as last amended by Section 2, Chapter 15, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1117), 10 O.S. 1991, Section 1140, 10 O.S. 1991, Section 1404, as amended by Section 37, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1404), 10 O.S. 1991, Section 603.1, as amended by Section 4, Chapter 280, O.S.L. 1994 (10 O.S. Supp. 1994, Section 603.1), 10 O.S. 1991, Section 603.3, 10 O.S. 1991, Section 1135.2, as amended by Section 33, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1135.2), 10 O.S. 1991, Section 1403, 10 O.S. 1991, Section 1403.1, 10 O.S. 1991, Section 1403.2, 10 O.S. 1991, Section 1403.3, 10 O.S. 1991, Section 607.1, 10 O.S. 1991, Section 1125, 10 O.S. 1991, Section 1125.1, as amended by Section 1, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.1), 10 O.S. 1991, Section 1125.2, as last amended by Section 2, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2), Section 3, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2A), Section 2, Chapter 78, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2B), 10 O.S. 1991, Section 1130, as last amended by Section 1, Chapter 309, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1130), 10 O.S. 1991, Section 1131, 10 O.S. 1991, Section 1132, as amended by Section 10, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1132), 10 O.S. 1991, Section 1133 and 10 O.S. 1991, Section 1134, which relate to deprived children; providing short title; making act apply to certain codified statutes; making certain headings part of Code; clarifying language; removing certain nonapplicable verbage; modifying and adding to definitions; modifying and providing for jurisdiction of court; modifying and adding to court proceeding relating to deprived children; providing for investigations and reports; providing for transfer of certain cases; providing for jurisdiction of the Department of Human Services and law enforcement officials; providing for and clarifying custody and court proceedings; providing for preliminary inquiries, investigations, and determinations by Department of Human Services and law enforcement agencies; providing for action; requiring notification; providing for clarification, procedures and action for protective custody; authorizing certain verbal notice; providing for certain notification; specifying procedures and authorization; authorizing certain standing orders or rules; providing for contents; providing for procedures for duties and responsibilities to children taken into protective custody; providing for emergency medical treatment; requiring emergency ex parte orders; requiring notice and hearings; authorizing certain action upon certain conditions; requiring notice to certain persons; providing adjudication of

children; providing for certain petitions, contents, and time limitations; providing for determination of custody; providing for nonrelinquishment of child; providing reasons; providing for procedures; providing for service; requiring appearance; providing for adjudicative hearings; providing for hearing requirements; providing for certain statements and testimony; providing for certain orders; providing for dispositional hearings and orders; requiring certain hearings; requiring certain individual treatment and service plans; providing for contents; providing for out-of-home placement and care; requiring certain information to accompany the child; authorizing certain screening examinations or tests; providing for consent; providing for permission; providing for certain counseling and treatment for child; providing for truancy; prohibiting certain grounds for termination of parental rights; providing for placement of certain children; authorizing certain movements; making certain movements not placements; requiring best interests of the child; providing for modification and appeals; designating district attorney to prepare and prosecute any case or proceeding within Code; requiring payment of costs and expenses; requiring reimbursements; providing for placements; providing for powers and duties of the Department of Human Services relating to certain children; requiring integration of certain child welfare management information system; requiring certain plans, reports, and monitoring; providing for certain contracts; providing for funding and subsidies; providing for children's shelters; providing for management and operation of Pauline Mayer and Laura Dester Children's Shelters; providing for other placement alternatives; providing for inspections by certain entities and reports; providing for promulgation of rules; providing for contents; providing for children's records; adding to persons eligible to receive certain records without court order; prohibiting release of certain records and information; requiring process; requiring certain compliance with federal law and rules; requiring confidentiality; requiring maintenance of records; providing for termination of parental rights; modifying certain consent requirements; creating the Oklahoma Juvenile Code; amending Section 6, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.3), Section 7, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.4), Section 8, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.5), 10 O.S. 1991, Section 602, Section 9, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.6), Section 10, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.7), 10 O.S. 1991, Section 603, 10 O.S. 1991, Section 604, 10 O.S. 1991, Section 607, 10 O.S. 1991, Section 609, as amended by Section 3, Chapter 299, O.S.L. 1992

(10 O.S. Supp. 1994, Section 609), 10 O.S. 1991, Section 603.2, Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 610), 56 O.S. 1991, Section 200.6, as amended by Section 61, Chapter 290, O.S.L. 1994 (56 O.S. Supp. 1994, Section 200.6), 10 O.S. 1991, Section 1141, 10 O.S. 1991, Section 1137, as amended by Section 35, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1137), 10 O.S. 1991, Section 1138, as last amended by Section 44, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1138), 10 O.S. 1991, Section 1139, as last amended by Section 45, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1139), 10 O.S. 1991, Section 1146, 10 O.S. 1991, Section 1401, as last amended by Section 48, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1401), 10 O.S. 1991, Section 1407, as amended by Section 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1407), Section 11, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.8), Section 12, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.9), Section 13, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.10), Section 14, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.11), Section 15, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.12), Section 16, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.13), Section 17, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.14), 10 O.S. 1991, Section 1404.1, as amended by Section 18, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1404.1), 10 O.S. 1991, Section 1160.1, 10 O.S. 1991, Section 1160.2, as amended by Section 12, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1160.2), 10 O.S. 1991, Section 1160.3, 10 O.S. 1991, Section 1160.4, as amended by Section 13, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1160.4), 10 O.S. 1991, Section 1160.5, as amended by Section 14, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1160.5), 10 O.S. 1991, Section 1160.6, as amended by Section 15, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1160.6), 10 O.S. 1991, Section 1102, as last amended by Section 1 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, 10 O.S. 1991, Section 1112, as last amended by Section 39, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1112), Section 5, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1112.1), 10 O.S. 1991, Section 1135.1, as amended by Section 32, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1135.1), 10 O.S. 1143, as amended by Section 3, Chapter 320, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1143), 10 O.S. 1991, Section 1107.1, as last amended by Section 35, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1107.1), Section 1, Chapter 205, O.S.L. 1993, as amended by Section 33, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1104.3), 10 O.S. 1991, Section 1108, as last amended by Section 36,

Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1108), 10 O.S. 1991, Section 1108.1, 10 O.S. 1991, Section 1201, 10 O.S. 1991, Section 1202, 10 O.S. 1991, Section 1203, as amended by Section 46, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1203), 10 O.S. 1991, Section 1204, 10 O.S. 1991, Section 1205, 10 O.S. 1991, Section 1206, 10 O.S. 1991, Section 1207, 10 O.S. 1991, Section 1208, 10 O.S. 1991, Section 1209, 10 O.S. 1991, Section 1210, 10 O.S. 1991, Section 1104.2, as last amended by Section 32, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1104.2), Section 18, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.15), Section 19, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.16), Section 20, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.17), Section 21, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.18), Section 22, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.19), Section 23, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.20), Section 24, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.21), Section 25, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.22), Section 26, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.23), Section 27, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.24), Section 28, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.25), Section 29, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.26), 10 O.S. 1991, Section 1125.3 and 10 O.S. 1991, Section 1125.4, as amended by Section 1, Chapter 178, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.4), which relate to delinquency and children in need of supervision; making act apply to certain codified statutes; making certain headings part of Code; stating purpose; defining terms; eliminating references to transition functions; changing name of agency responsible for certain functions to reflect transfer of authority from the Commission for Human Services and the Department of Human Services to the Board of Juvenile Affairs, the Office of Juvenile Affairs and the Department of Juvenile Justice; modifying duties of the Board of Juvenile Affairs; modifying authority to employ certain personnel; authorizing employment of a general counsel; providing duties and limitations of authority of the general counsel; providing for filling of vacancy in office of Executive Director; providing for office space; providing for grievance procedure; changing agency responsible for certain contracts; modifying list of programs, divisions and personnel transferred from the Department of Human Services to the Office of Juvenile Affairs; authorizing interagency transfer; modifying requirements pertaining to transfer of employees; providing that Division of Advocate Defender shall be separate from office of general counsel; modifying scope and requirements for certain community-based programs; modifying procedure for

contracts with Youth Services Agencies; providing for agency-wide management information system; providing for planning for programs and services; requiring certain reports; transferring certain fund from the Department of Human Services to the Department of Juvenile Justice; transferring supervision and placement duties; providing requirement for placement; providing duties and powers pertaining to facilities and training programs; providing for personnel of facilities; providing for policies and procedures for facilities; providing scope of permissible use of force in facilities; providing for certain notification; transferring Central Oklahoma Juvenile Center to the Office of Juvenile Affairs; eliminating reference to certain appropriation to the Department of Human Services; transferring the Lloyd E. Rader Center to the Office of Juvenile Affairs; transferring authority for expansion of certain detention beds for the Office of Juvenile Affairs; changing location of certain beds; transferring authority for certain regimented juvenile training program and new regional juvenile facility to the Office of Juvenile Affairs; transferring authority for regimented juvenile training programs to the Office of Juvenile Affairs; transferring authority for the Delinquency and Youth Gang Intervention Program from the Department of Human Services to the Office of Juvenile Affairs and Department of Juvenile Justice; authorizing continued use of certain rules; honoring certain contracts; transferring Juvenile Offender Victim Restitution Program to the Office of Juvenile Affairs and Department of Juvenile Justice; authorizing continued use of certain rules; transferring the Serious and Habitual Juvenile Offender Act to the Oklahoma Juvenile Code; modifying agencies comprising the juvenile justice system; placing certain limitation on purpose of Program; extending date for implementation of the Serious and Habitual Juvenile Offender Program; modifying task force membership; providing procedures for taking child into custody; providing for court jurisdiction over certain children; modifying scope of municipal detention and municipal detention agreements; authorizing municipalities to enact certain ordinances; transferring certification duties to the Office of Juvenile Affairs; providing for preliminary inquiries; providing for contents and procedures for petitions; authorizing deferral of filing of petition; requiring petition and summons to be filed within certain time; prohibiting orders removing child from home of the child absent certain determination; providing procedures and requirement after petition is filed; providing for issuance of warrants; providing for issuance and service of summons; providing for custodial interrogation; providing procedures and requirements for adjudicatory and certification

hearings; providing judicial authority pertaining to adjudication and deferrals of adjudication; providing for dispositional hearings; providing requirements prior to issuance of dispositional orders; providing requirements for dispositional orders; requiring individualized treatment and service plans within certain time; stating contents of plan; providing for amendment of plan; providing permissible types of dispositional orders; limiting placement of adjudicated child; providing for revocation or modification of dispositional order or redisposition; requiring periodic review of dispositional orders and periodic review hearings; requiring certain report for review hearings; providing for review orders; providing procedures for modification and appeal of court orders; placing certain requirement of publication of name of child in published appellate opinions; requiring consideration of religious faith when providing for placement of child; placing prosecutorial authority with district attorney; providing for reimbursement for witnesses; providing punishment for violation of court orders; authorizing appointment of referees in certain counties; providing for parental liability for certain costs; providing procedures and requirements for placement of adjudicated children; providing for review of placement; authorizing certain types of Department placement; requiring establishment of certain placement procedures and appointment of arbitrator; providing for detention; modifying method of providing detention transportation; increasing permissible reimbursement for transportation; providing for payment to the sheriff service fee account; transferring responsibility for certification and planning for detention to the Office of Juvenile Affairs; authorizing continued use of certain rules, procedures and plan; providing for insurance coverage for certain tort liability; providing for juvenile bureaus; modifying scope of responsibility of juvenile bureaus, except for service of process and transportation; expanding reverse certification law; modifying the Youthful Offender Act; modifying age limit; making detention in juvenile detention facility discretionary; modifying reasons for holding person accountable as youthful offender; modifying placement options; requiring establishment of one or two facilities for youthful offender; limiting size; stating legislative intent; making the Department of Juvenile Justice responsible for operation of youthful offender facilities; providing for records; requiring certain records; defining terms; making certain records confidential; providing exceptions; providing for review of confidential records; providing that certain sections of act are not part of the Oklahoma Children's Act or the Oklahoma Juvenile Act; amending 10 O.S. 1991, Section 601.1, as amended by Section 5, Chapter 299, O.S.L. 1992

(10 O.S. Supp. 1994, Section 601.1), which relates to the Oklahoma Commission on Children and Youth; modifying membership; amending 10 O.S. 1991, Sections 601.7, as amended by Section 6, Chapter 299, O.S.L. 1992 and 601.8 (10 O.S. Supp. 1994, Section 601.7), which relate to the Oklahoma Planning and Coordinating Council for Services to Children and Youth; modifying membership and agencies to whom recommendations are made; amending 10 O.S. 1991, Section 601.11, which relates to regional and district planning and coordination boards; modifying list of agencies to be represented on the boards; amending Section 2, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 601.13), which relates to the Juvenile Justice Advisory and Oversight Committee; modifying duties; amending 10 O.S. 1991, Sections 601.43, 601.45 and 601.46, as last amended by Sections 1, 2 and 3 of Enrolled Senate Bill No. 416 of the 1st Session of the 45th Oklahoma Legislature, which relate to the Act for Coordination of Special Services to Children and Youth; including the Office of Juvenile Affairs within the scope of the act; amending 10 O.S. 1991, Section 1116.3, as last amended by Section 2, Chapter 72, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1116.3); amending 10 O.S. 1991, Section 1144, which relates to certain unlawful acts pertaining to minors; changing reference; placing Office of Juvenile Affairs within provisions of the Oklahoma Personnel Act; authorizing certain number of unclassified personnel; authorizing employment of certain personnel; amending 74 O.S. 1991, Section 18c, as last amended by Section 1 of Enrolled House Bill No. 1653 of the 1st Session of the 45th Oklahoma Legislature, which relates to agencies exempt from restrictions on employing attorneys; adding agencies exempt pursuant to duplicate section of law; exempting the Office of Juvenile Affairs from restriction on employing attorneys for employment of general counsel and advocate defender; amending 74 O.S. 1991, Section 4243, which relates prohibited acts for state agencies; modifying exceptions for the Department of Human Services; providing exceptions for the Office of Juvenile Affairs; repealing 10 O.S. 1991, Section 601, as amended by Section 1, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 601), which relates to planning and coordination for juvenile justice and delinquency prevention and the Office of Juvenile Justice; repealing 10 O.S. 1991, Section 1135, which relates to placement determination; repealing 10 O.S. 1991, Section 1142, which relates to certain cooperative agreements; repealing 10 O.S. 1991, Section 1403.4, which relates to review of certain programs and services; repealing Sections 4 and 5, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Sections 1507.1 and 1507.2), which relate to transitional responsibilities, a study commission and a task force; providing for codification;

providing for recodification; providing for noncodification; providing effective dates; and declaring an emergency.

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

Chapter 70

Oklahoma Children's Code

ARTICLE I

General Provisions

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7001-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Chapter 70 of Title 10 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Children's Code".

B. All statutes hereinafter enacted and codified in Chapter 70 of Title 10 of the Oklahoma Statutes shall be considered and deemed part of the Oklahoma Children's Code.

C. Chapter, article and part captions are part of the Oklahoma Children's Code, but shall not be deemed to govern, limit or in any manner affect the scope, meaning or intent of the provisions of any article or part of this Code.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1129, as last amended by Section 2, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1129), is amended to read as follows:

Section 1129. It is the intent of the Legislature that Chapter 51 of this title shall be liberally construed, to the end that its purpose may be carried out:

~~1.~~ The paramount consideration in all proceedings concerning a child alleged or found to be deprived ~~or in need of supervision~~ is the best interests of the child. The purpose of the laws relating to children alleged or found to be deprived ~~or in need of supervision~~ is to:

~~a. secure~~ 1. Secure for each such child, the care and guidance~~, preferably in the child's own home,~~ as will best serve the spiritual, emotional, mental and physical welfare of the child~~,~~;

~~b. provide~~ 2. Provide judicial procedures which protect the welfare of the child~~,~~;

~~c. preserve~~ 3. Preserve and strengthen the child's family ties whenever possible and in the child's best interests~~,~~. Give family reunification or rehabilitation priority as a means for protecting the welfare of children, but recognizing that the right to family integrity is limited by the right of children to be protected from abuse and neglect. To this effect, removing the child from the custody of parents ~~only~~ when the child's welfare is in danger or the child's safety cannot be adequately safeguarded without removal. When removal from the child's own family is necessary and in the child's best interests, the care and custody and discipline of the child shall approximate, as nearly as may be, that which should be given by its parents, recognizing that permanency is in the best interests of the child when family

rehabilitation and reunification is not possible or in the best interests of the child; and

~~d. assure~~ 4. Assure adequate and appropriate care and treatment for the child, with the use of the least restrictive method of treatment or placement consistent with the treatment or placement needs of the child.

~~2. The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency. This purpose should be pursued through means that are fair and just, that:~~

~~a. recognize the unique characteristics and needs of children,~~

~~b. give children access to opportunities for personal and social growth,~~

~~c. maintain the integrity of substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior,~~

~~d. provide a system for the rehabilitation and reintegration of juvenile delinquents into society,~~

~~e. preserve and strengthen family ties whenever possible, including improvement of home environment,~~

~~f. remove a juvenile from the custody of his parents when his welfare and safety or the protection of the public would otherwise be endangered,~~

~~g. secure for any juvenile removed from the custody of his parents the necessary treatment, care, guidance and discipline to assist him in becoming a responsible and productive member of society, and~~

~~h. provide procedures through which the provisions of the law are executed and enforced and which will assure the parties fair hearings at which their rights as citizens are recognized and protected.~~

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1101, as last amended by Section 3, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1101), is amended to read as follows:

Section 1101. When used in ~~this title~~ the Oklahoma Children's Code, 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 any person thirteen (13), fourteen (14) or fifteen (15) years of age who is charged with murder in the first degree pursuant to subsection B of Section 1104.2 of this title, or any individual who has been certified as an adult pursuant to Section 1112 of this title, or any individual against whom the imposition of judgment and sentence has been deferred for any crime specified in subsection A or B of Section 1104.2 of this title, any individual against whom the imposition of judgment and sentence has been deferred after certification 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 any individual 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, any provision of the Oklahoma Wildlife~~

~~Conservation Code or any lawful order of the court made pursuant to the provisions of Sections 1101 through 1505 of this title, or~~

~~b. has habitually violated traffic laws or traffic ordinances;~~

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

~~a. has repeatedly disobeyed reasonable and lawful commands or directives of his parent, legal guardian, or other custodian, or~~

~~b. is willfully and voluntarily absent from his home without the consent of his parent, legal guardian, or other custodian for a substantial length of time or without intent to return, or~~

~~c. is willfully and voluntarily absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards, if said child is subject to compulsory school attendance;~~

~~4. a. "Deprived child" means a child:~~

~~(1) who is for any reason destitute, homeless, or abandoned, or~~

~~(2) 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~~

~~(3) 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~~

~~(4) 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~~

~~(5) 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~~

~~(6) whose parent or legal custodian for good cause desires to be relieved of his custody.~~

~~b. (1) nothing in this paragraph shall be construed to mean a child is deprived for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon~~

~~spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.~~

~~(2) nothing contained in this subparagraph shall prevent a court from immediately assuming custody of a child pursuant to Section 1107 of this title and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.~~

~~The phrase dependent and neglected shall be deemed to mean deprived;~~

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

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

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

~~8. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Section 1103 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. "Secure detention" means the temporary care of children who require secure custody in physically restricting facilities:~~

~~a. while under the continuing jurisdiction of the court pending court disposition, or~~

~~b. pending placement by the Department of Human Services after adjudication;~~

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

~~25. "Office" means the Office of Juvenile Affairs; and~~

~~26. "Board" means the Board of Juvenile Affairs.~~

"Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Part 3 of Article III of this Code are supported by the evidence and whether a child should be adjudged to be a ward of the court;

2. "Child" means any person under eighteen (18) years of age except a person who has been legally emancipated and any person convicted of a crime specified in Section 7306-1.1 of this title or

any person who has been certified as an adult pursuant to Section 7303-4.3 of this title and convicted of a felony;

3. "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;

4. "Child with a disability" 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;

5. "Community-based services" or "community-based programs" means services or programs which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs;

6. "Court-appointed special advocate" or "CASA" means a responsible adult, other than an attorney for the parties, who has volunteered to be available for appointment by the court to serve as an officer of the court and represent any child wherein a juvenile petition has been filed, based on the availability of volunteers, until discharged by the court. It shall be the duty and responsibility of the court-appointed special advocate to advocate for the best interests of the child and to assist the child in obtaining a permanent, safe, homelike placement. A court-appointed special advocate shall not have any fiduciary responsibility in any matter relating to a child represented by the court-appointed special advocate;

7. "Day treatment" means a nonresidential program which provides intensive services to children who reside in their own home, the home of a relative, group home, a foster home or residential child care facility. Day treatment programs include, but are not limited to, educational services;

8. "Department" means the Department of Human Services;

9. a. "Deprived child" means a child:

(1) who is for any reason destitute, homeless, or abandoned,

(2) who does not have the proper parental care or guardianship or whose home is an unfit place for the child by reason of neglect, abuse, cruelty, or depravity on the part of his parents, legal guardian, or other person responsible for the child's health or welfare,

(3) who is a child in need of special care and treatment because of his physical or mental condition including, but not limited to, 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,

(4) who is a child with a disability 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 children without a disability or children with disabilities; 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

(5) whose parent or legal custodian for good cause desires to be relieved of his custody.

b. (1) Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(2) Nothing contained in this subparagraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

The phrase "dependent and neglected" shall be deemed to mean deprived;

10. "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;

11. "Emergency custody" means court-ordered custody of a child prior to adjudication of the child;

12. "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 used for the lawful custody and treatment of children;

13. "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;

14. "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;

15. "Institution" means a residential facility offering care and treatment for more than twenty residents;

16. "Investigation" means a mandatory preadjudicatory process by the Department to determine the safety of a child and to make a recommendation to the district attorney as to whether a petition should be filed alleging a child to be a deprived child or whether other nonadjudicatory alternatives are available;

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

18. "Multidisciplinary personnel" means any team of three or more persons who are trained in the prevention, identification, investigation, prosecution and treatment of child physical and sexual abuse cases and who are qualified to facilitate a broad range of interventions and services related to child abuse;

19. "Person responsible for a child's health or welfare" includes a parent, a legal guardian, custodian, a foster parent, a person eighteen (18) years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child, or an owner, operator, or employee of a child care facility as defined by Section 402 of this title;

20. "Preliminary inquiry" means an assessment and determination as to whether there is sufficient information to proceed with an investigation of abuse or neglect of a child or an investigation of failure to protect by the person responsible for the child when there are allegations of abuse or neglect;

21. "Permanent custody" means court-ordered custody of an adjudicated deprived child whose parental rights have been terminated;

22. "Protective custody" means custody of a child taken pursuant to Part 2 of Article III of this Code;

23. "Residential child care center" means a twenty-four-hours-a-day residential group care facility at which a specified number of children, normally unrelated, reside with adults other than their parents;

24. "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 juvenile 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;

25. "Training school" means an institution maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of juvenile delinquents;

26. "Temporary custody" means court-ordered custody of an adjudicated deprived child;

27. "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; and

28. "Treatment and service plan" means a written document which includes as least the following: a description of the type of home or facility in which a child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to carry out the judicial determination made with respect to the child; and a plan for assuring that the child receive proper care and that services are provided to the parents, child, and placement providers in order to improve the conditions in the parents' home, facilitate return of the child to the child's own home or to an alternate permanent placement of the child and address the needs of the child while in out-of-home care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

ARTICLE II

Jurisdiction

Part 1. Jurisdiction of the Court

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7002-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Article III of this Code, the district court of the county in which an alleged deprived child:

a. resides,

b. is found, or

c. where the alleged acts of deprivation occurred,

shall have jurisdiction of any child who is or is alleged to be deprived, shall have jurisdiction of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless of where the parent, guardian, legal custodian, legal guardian or stepparent is found and shall have jurisdiction of any other adult person living in the home of such child.

2. When jurisdiction has been obtained over a child who is or is alleged to be a deprived child, such jurisdiction may be retained until the child becomes eighteen (18) years of age.

3. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other county.

B. The district court in which a petition is filed which alleges that a child is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another district court within the state has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

C. If the district court in which a petition is filed pursuant to subsection B of this section sustains the petition, the district court shall have the jurisdiction to make a final determination on the petition or to transfer the proceedings to a court having prior jurisdiction over the child. Where the other proceeding is pending in the same judicial district in which the petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 1102.1, is amended to read as follows:

Section 1102.1 ~~Where~~ A. If the evidence in an action for a divorce, for alimony without a divorce, for an annulment, for custody of a child or for the appointment of a guardian of the person of a child, or in subsequent proceedings in such actions, indicates that a child is deprived ~~or in need of supervision~~, the referring court~~, after proper notice,~~ shall ~~transfer the issues in regard to the child to the juvenile docket of the court for preliminary inquiry and determination~~ notify the appropriate county office of the Department of Human Services that the child may be a victim of abuse or neglect. The county office shall conduct a preliminary inquiry or investigation concerning such report in accordance with priority guidelines established by the Department of Human Services. The Department shall submit all findings regarding the preliminary inquiry or investigation to the office of the district attorney. The Department shall also send a copy of its findings to said court and notify parties to the proceeding of the submission of the report to the court. The district attorney shall advise said court whether a deprived petition will be filed by their office. If no deprived petition is filed, the court may take appropriate action regarding the custody of or appointment of a guardian for the child or children.

B. Nothing in this section shall preclude the referring court from entering an order to have the child or children taken into

protective custody if evidence presented to the referring court indicates a child is in surroundings that are such as to endanger the welfare of the child. If a child is taken into protective custody by such an order, the provisions of Article III of the Oklahoma Children's Code shall apply.

Part 2. Jurisdiction of the Department of Human Services

SECTION 6. AMENDATORY 10 O.S. 1991, Section 1136, as last amended by Section 1, Chapter 320, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1136), is amended to read as follows:

Section 1136. A. It shall be the responsibility of the Department of Human Services to provide care for deprived children who are committed to the care of the Department for custody or guardianship.

B. The Department ~~may~~ shall provide for the care of such children ~~in the home of the child, the home of a relative of the child, in a foster home, group home, transitional living program, independent living program or in any other community-based facility under the jurisdiction or licensure of the Department established for the care of deprived children, except that a deprived child may not be placed in an institution operated by the Department. A deprived child found by a court to be a child in need of mental health treatment shall be placed as provided by Section 1135.1 of this title~~ pursuant to Article IV of this Code.

~~B. When the Department places a child in a foster home, the Department shall provide the foster parent with sufficient medical information to enable the foster parent to care for the child appropriately. Such medical information shall include, but not be limited to:~~

~~1. Any medical or psychological conditions;~~

~~2. Diseases, illnesses, accidents, allergies, and congenital defects; and~~

~~3. Immunization history.~~

~~C. 1. When the Department places a child in a foster home, as a condition of such placement, the foster parent may request the Department to provide contagious or infectious screening examinations or tests on the child.~~

~~2. The Department shall provide for the examinations or tests on the child within ten (10) working days of the request of such foster parent.~~

~~3. If the Department determines that parental consent is required for the examinations or tests, the Department shall, within the ten-day time period, obtain the parental consent necessary or, if parental consent cannot be obtained, the Department shall request an order from the district court authorizing such examinations or tests. Any parental consent or judicial authorization received by the Department, pursuant to the provisions of this section, shall also apply to any future examinations or tests deemed necessary by the Department upon the request of the foster parent.~~

~~4. The Department may also designate other persons who may request the performance of such examinations or tests on the child, including but not limited to Department employees, direct caregivers and physicians.~~

SECTION 7. AMENDATORY 10 O.S. 1991, Section 1145, is amended to read as follows:

Section 1145. Whenever parental rights of a child have been terminated and the child is committed to the Department ~~of Public Welfare~~, the Director ~~of Public Welfare~~ shall serve as the legal guardian of the estate of the child, until another guardian is legally appointed, for the purpose of preserving the child's property rights, securing for the child any benefits to which he may

be entitled under social security programs, insurance, claims against third parties, and otherwise, and receiving and administering such funds or property for the care and education of the child.

Part 3. Jurisdiction of Law Enforcement Officials

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1405, is amended to read as follows:

Section 1405. The Attorney General, the district attorney of the appropriate district and any other law enforcement official having jurisdiction, shall have the authority to bring civil actions against any person, officer or department, board, commission or other entity, to enforce the provisions of ~~Chapters 26 and 51 of~~ this ~~title~~ Code or to enforce any of the laws of this state protecting or applying in any way to children removed from the custody of the lawful parent or parents of the child by a disposition order of the court.

ARTICLE III

Custody and Court Proceedings

Part 1. Investigation

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Upon notification or receipt of a report that a child may be deprived or whenever the county office determines that there are reasonable grounds to believe that a child may be deprived, the Department shall conduct a preliminary inquiry or investigation in accordance with priority guidelines established by the Department. The Department shall forward its findings to the district attorney's office.

B. 1. If, after the preliminary inquiry or investigation, the Department determines that:

a. an alleged abuse or neglect of a child was perpetrated by someone other than a person responsible for the child's health and welfare, and

b. an alleged abuse or neglect of a child does not appear to be attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child,

the Department shall immediately verbally notify an appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. The verbal notification to the local law enforcement agency shall be followed by written referral transmitted at no later than close of the next day that the local law enforcement agency is open for business.

2. During the preliminary inquiry or investigation, the Department shall determine whether the alleged perpetrator is a parent of any child or is otherwise a person responsible for any child's health or welfare. If the alleged perpetrator is determined to be a parent of a child or is otherwise a person responsible for any child's health or welfare, such determination shall constitute reasonable grounds to conduct a preliminary inquiry or investigation regarding such child pursuant to subsection A of this section.

3. After making the referral to the law enforcement agency, the Department shall not be responsible for further investigation of the case unless notice is received from the law enforcement agency as provided by subsection C of this section or the alleged perpetrator is a person responsible for any child's health or welfare.

4. The Department of Human Services shall promulgate rules for the implementation of the provisions of this subsection. Said rules shall include, but not be limited to, provision for adequate and

appropriate inquiry or investigation by the Department prior to notification of a local law enforcement agency.

C. 1. Any law enforcement agency receiving a referral as provided in this section shall provide the Department of Human Services' local child welfare office with a copy of the report of its investigation resulting from a referral from the Department.

2. Whenever, in the course of any criminal investigation, a law enforcement agency determines that there is cause to believe that the alleged abuse or neglect was perpetrated by a person responsible for the health and welfare of the child or is attributable to failure on the part of a person responsible for the child's health or welfare to provide protection for the child, the law enforcement agency shall immediately verbally contact the local child welfare office for the purpose of an investigation by that office. The verbal notification to the local child welfare office shall be followed by a written referral to the Department of Human Services no later than the close of the next day that the Department is open for business.

Part 2. Protective Custody

SECTION 10. AMENDATORY 10 O.S. 1991, Section 1107, as last amended by Section 3 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1107. A. A child may be taken into protective custody prior to the filing of a petition:

1. By a peace officer or employee of the court, without a court order ~~for any criminal offense, or if the child is willfully and voluntarily absent from the home of the child without the consent of the child's parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or~~ if the child's surroundings are such as to endanger the welfare of the child;

2. ~~By an employee of the court without a court order, if the child is willfully and voluntarily absent from the home of the child without the consent of the child's parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;~~

~~3. Pursuant to~~ By an order of the district court issued ~~on~~ upon the application of the office of the district attorney. The application presented by the district attorney may be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is reasonable suspicion to believe the child is in need of protection due to abandonment, abuse or neglect, or is in surroundings that are such as to endanger the welfare of the child. The application may be verbal, which shall be supported by facts sufficient to demonstrate to the court that there is reasonable suspicion to believe that the child is in need of protection due to abandonment, abuse or neglect or is in surroundings that are such as to endanger the welfare of the child ~~or there is probable cause to believe the child has committed a crime or is in violation of the terms of his probation, parole or order of the court~~. If verbal, a written application shall be submitted to the district court no later than the close of the next day that the court is open for business; and

~~4.~~ 3. By order of the district court ~~pursuant to subsection F of this section~~ when the child is in need of medical treatment or mental health treatment ~~or other action~~ in order to protect the

child's health or welfare and the child's parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action pursuant to this article.

B. ~~Whenever a child is taken into custody as a delinquent child or a child in need of supervision, the child shall be detained or be released to the custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult, upon the written promise of such person to bring the child to the court at the time fixed. If detained, the child shall be taken immediately before a judge of the district court in the county in which the child is sought to be detained, or to the place of detention or shelter designated by the court. If no judge be available locally, the person having the child in custody shall immediately report his the detention of the child to the presiding judge of the judicial administrative district, provided that the child shall not be detained in custody beyond the next judicial day or for good cause shown due to problems of arranging for and transporting the child to and from a regional juvenile detention center, beyond the next two (2) judicial days unless the court shall so order after a detention hearing to determine if there exists probable cause to detain the child, as provided in Section 1107.1 of this title. If the latter judge cannot be reached, such detention shall be reported immediately to any judge regularly serving within the judicial administrative district. If detained, a reasonable bond for release shall be set. Pending further disposition of the case, a child whose custody has been assumed by the court may be released to the custody of the child's parent, legal guardian, legal custodian or other responsible adult or to any other person appointed by the court, or be detained pursuant to the provisions of Section 1107.1 of this title in such place as shall be designated by the court, subject to further order.~~

~~C. Whenever a child is taken into custody as a deprived child, the child shall be taken to a shelter, hospital, foster home or other appropriate place as designated by the court, or the child shall be taken immediately before a judge of the district court for the purpose of obtaining an order for protective custody. When a child has been taken into custody as a deprived child without a court order, the peace officer or employee of the court taking the child into custody shall immediately report the fact of the detention of the child to a judge of the district court in the county in which the child was taken into custody. If no judge is available locally, the detention shall be reported immediately to the presiding judge of the judicial administrative district, or if the presiding judge of the judicial administrative district cannot be reached, then to any judge regularly serving within the judicial administrative district. Within the next two (2) judicial days following the child being taken into custody, and thereafter at such intervals as may be determined by the court, the court shall conduct a hearing to determine whether the child should remain in protective custody or be released to the child's parent, legal guardian, legal custodian or another responsible adult pending further proceedings pursuant to this chapter. The child's parent, legal guardian or legal custodian shall be given immediate notice of the custody of the child whenever possible and prior adequate notice of the hearing by the peace officer or the court. At the hearing provided for in this subsection, the court shall advise the child's parent, legal guardian or legal custodian in writing of:~~

~~1. The procedures which will be followed with regard to determining custody of the child;~~

~~2. The right of a parent, legal guardian or legal custodian to testify and present evidence at court hearings;~~

~~3. The right to be represented by an attorney at court hearings;~~

~~4. The consequences of failure to attend any hearings which may be held; and~~

~~5. The right and procedure for appealing the findings of a court on custody issues.~~

~~The court may release an alleged deprived child from protective custody upon such conditions as the court finds reasonably necessary for the protection of the child and the court shall determine whether the allegations regarding the child are such that additional time for the filing of a petition pursuant to subsection B of Section 1104.1 of this title is warranted.~~

~~D. When any child is taken into custody pursuant to this title and it reasonably appears to the peace officer, employee of the court or person acting pursuant to court order that the child is in need of medical treatment to preserve his health, any peace officer, any employee of the court or person acting pursuant to court order shall have the authority to authorize medical examination and medical treatment for any child found to be in need of medical treatment as diagnosed by a competent medical authority in the absence of the child's parent, legal guardian, legal custodian or other person having custody and control of the child who is competent to authorize medical treatment. The officer or the employee of the court or person acting pursuant to court order shall authorize said medical treatment only after exercising due diligence to locate the child's parent, legal guardian, legal custodian or other person legally competent to authorize said medical treatment. The child's parent, legal guardian, legal custodian or other person having custody and control of the child shall be responsible for such medical expenses as ordered by the court. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this section for any child found in need of such medical treatment shall have any liability, civil or criminal, for giving such authorization.~~

~~E. A child who has been taken into custody as otherwise provided by this title who appears to be a child in need of mental health treatment may be admitted to a mental health facility on an emergency psychiatric basis or for an inpatient mental health evaluation or inpatient mental health treatment only in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, Section 5-501 et seq. of Title 43A of the Oklahoma Statutes.~~

~~F. 1. A child may be taken into custody pursuant to an order of the court specifying that the child is in need of medical treatment or other action to protect the child's health or welfare and the child's parent, legal guardian, legal custodian or other person having custody or control of a child is unwilling or unavailable to consent to such medical treatment or other action.~~

~~2. If the child is in need of immediate medical treatment or other action to protect the child's health or welfare, the court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The application for an ex parte order may be verbal or in writing and shall be supported by facts sufficient to demonstrate to the court that there is reasonable cause to believe that the child is in need of immediate medical treatment or other action to protect the child's health or welfare. The emergency ex parte order shall be in~~

~~effect until a full hearing is conducted. A copy of the application, notice for full hearing and a copy of any ex parte order issued by the court shall be served upon the child's parent, legal guardian, legal custodian or other person having custody or control of the child. Within twenty-four (24) hours of the filing of the application the court shall schedule a full hearing on the application, regardless of whether an emergency ex parte order had been issued or denied.~~

~~3. Except as otherwise provided by paragraph 2 of this section, whenever a child is in need of medical treatment to protect the child's health or welfare, or whenever any other action is necessary to protect the child's health or welfare, and the child's parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical treatment or other action, the court, upon application of the district attorney of the county in which the child is located, shall hold a full hearing within five (5) days of filing the application. Notice of the hearing and a copy of the application shall be served upon the child's parent, legal guardian, legal custodian or other person having custody or control of the child.~~

~~4. At any hearing held pursuant to this subsection, the court may grant any order or require such medical treatment or other action as is necessary to protect the health or welfare of the child.~~

~~5. a. The child's parent, legal guardian, legal custodian or other person having custody or control of the child shall be responsible for such medical expenses as ordered by the court.~~

~~b. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this subsection for any child found in need of such medical treatment shall have any liability, civil or criminal.~~

Whenever a child is taken into protective custody:

1. Such child may be taken to a children's shelter located within the county where protective custody is assumed or, if there is no children's shelter within the county, to a children's shelter designated by the court;

2. Except as otherwise provided by subsection C of this section, such child may be taken before a judge of the district court for the purpose of obtaining an order for protective custody. The child may be placed in the custody of the Department, if ordered by the court, for placement in a relative's home or in foster care if such placement is determined by the Department to meet the needs of the child;

3. Such child may be taken directly to or retained in a health care facility for medical treatment, when it reasonably appears to the peace officer or court employee that the child is in need of immediate medical treatment to preserve the child's health, or as otherwise directed by the court; or

4. Such child may be taken directly to or retained in a mental health facility for mental health care, or inpatient mental health evaluation or inpatient mental health treatment, in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, when it reasonably appears to the peace officer or court employee that the child is in need of emergency mental health care to preserve the child's health, or as otherwise directed by the court; and

5. Except as otherwise provided by subsection C of this section, the district court of the county where the protective

custody is assumed shall be immediately notified, verbally or in writing, that the child has been taken into protective custody. If notification is verbal, written notification shall be sent to the district court by the close of business on the next day that the court is open for business.

C. The court may provide, in an order issued pursuant to this section or by a standing order or rule, for the disposition of children taken into protective custody and notification of the protective custody. Such order or rule shall be consistent with the provisions of subsection B of this section, but may also:

1. Designate a licensed child care facility other than a children's shelter appropriate for the temporary care of deprived children if such facility is willing to provide care;

2. Authorize the release of a child from protective custody in accord with such criteria as the court specifies or the placement of a child with such responsible persons as the court may designate and who are willing to provide care for the child pending further proceedings; and

3. Require such notice to the court concerning the assumption of protective custody and the disposition of children taken into protective custody as the court may direct.

D. No child taken into protective custody pursuant to this section shall be confined in any jail, adult lockup, or adult or juvenile detention facility. No child shall be transported or detained in a secure facility in association with delinquent, criminal, vicious, or dissolute persons.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-2.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If the child who is taken into protective custody due to the need of immediate emergency medical treatment or mental health care to protect the child's health or welfare, the court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The application for an emergency ex parte order may be verbal or in writing and shall be supported by facts sufficient to demonstrate to the court that there is reasonable cause to believe that the child is in need of emergency treatment or care to protect the child's health or welfare.

B. The emergency ex parte order shall be in effect until a full hearing is conducted. A copy of the application, notice for full hearing and a copy of any emergency ex parte order issued by the court shall be served upon such parent, guardian, or person having custody or control of the child. Within twenty-four (24) hours of the filing of the application, the court shall hold a full hearing on the application, regardless of whether an emergency ex parte order had been issued or denied.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-2.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by law, whenever a child in protective custody appears to be in need of medical treatment or mental health treatment, a peace officer, employee of the court, or any other legal custodian of the child shall exercise due diligence to locate a parent, guardian, or other person legally competent to authorize such treatment.

B. The consent of a parent, guardian, or other person legally competent to authorize medical treatment or mental health evaluations or treatment for a child shall not be required and the

peace officer, employee of the court, or other legal custodian may authorize such treatment or evaluation:

1. When a child in protective custody requires emergency medical treatment or mental health treatment if such treatment, as determined by a competent medical or mental health authority, as the case may be, cannot be delayed; or

2. For any physical examination or routine diagnostic proceeding or evaluation necessary, as determined by competent medical authority, to determine the medical or mental condition of the child for the protection of the child and others with whom the child may come in contact while in custody.

C. 1. a. If the parent, guardian, or other person legally competent to authorize medical treatment for the child is unavailable to consent to such treatment, the court, upon application of the district attorney of the county in which the child is located, shall conduct a hearing not later than five (5) days after filing of the application.

b. If the parent, guardian, or other person legally competent to authorize medical treatment for the child is unwilling to consent to such treatment, the court, upon application of the district attorney of the county in which the child is located or upon application of a parent or guardian, shall conduct a hearing not later than five (5) days after filing of the application.

2. Notice of the hearing and a copy of the application shall be served upon the parent, guardian, or other person legally competent to consent to medical treatment for the child, upon the district attorney and upon the person or agency having protective custody of the child.

3. After any hearing held pursuant to this subsection, the court may grant any order or require such medical treatment as is necessary to protect the health or welfare of the child.

D. The parent, guardian, or person having legal custody of the child shall be responsible for such medical expenses as ordered by the court.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-2.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. The parent or legal guardian of the child shall be given immediate notice of the protective custody of the child whenever possible by the peace officer or the court.

2. The parent or legal guardian of the child shall be given prior adequate notice of the date, time, place, and purpose of any hearing by the court.

B. 1. Within the next two (2) judicial days following the child being taken into protective custody, and thereafter at such intervals as may be determined by the court, the court shall conduct a hearing to determine whether the child should remain in protective custody or be released to the parent, guardian, legal custodian, or another responsible person pending further proceedings pursuant to this chapter.

2. At the hearing provided for in this subsection, the court shall advise the parent or legal guardian of the child in writing of:

a. the procedure which will be followed with regard to determining custody of the child,

b. the right of the parent or guardian to testify and present evidence at court hearings,

c. the right to be represented by an attorney at court hearings,

d. the consequences of failure to attend any hearings which may be held, and

e. the right and procedure for appealing the finding of a court on custody issues.

3. After a hearing pursuant to this subsection, the court may release an alleged deprived child from protective custody upon such conditions as the court finds reasonably necessary for the protection of the child. The court shall determine whether the allegations regarding the child are such that additional time for the filing of a petition for a deprived child proceeding is warranted.

C. Except as otherwise provided by this section, no preadjudicatory 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 pursuant to this part not to exceed sixty (60) days. No preadjudicatory custody order shall be extended beyond the additional period provided by this subsection absent a showing that such further extension is in the best interests of the child.

D. In scheduling hearings, the court shall give priority to proceedings in which a child is in emergency custody.

E. No order of the court providing for the removal of a child alleged or adjudicated deprived from the home of such child shall be entered unless the court makes a determination that the continuation of the child in his home is contrary to the welfare of the child. Said order shall further include either:

1. A determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from his home; or

2. A determination as to whether or not an absence of efforts to prevent the removal of the child from his home is reasonable under the circumstances, if such removal of the child from his home is due to an alleged emergency and is for the purpose of providing for the safety of the child.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-2.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

No peace officer, employee of the court or person acting pursuant to court order authorizing medical treatment or mental health evaluation or treatment in accordance with the provisions of this part for any child found in need of such medical treatment or mental health evaluation or treatment shall have any liability, civil or criminal, for such authorization.

Part 3. Adjudication

SECTION 15. AMENDATORY 10 O.S. 1991, Section 1103, as last amended by Section 31, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1103), is amended to read as follows:

Section 1103. A. ~~The court may provide by rule who shall make a preliminary inquiry to determine whether the interests of the public or of the child who is within the purview of this chapter require that further court action be taken. Provided, that where intake is to be provided by the Department under contract with the Supreme Court, or under the provision of rules issued by the Supreme Court, the preliminary inquiry as set out herein shall follow the uniform contractual procedures as agreed to by the Supreme Court and the Department. If it is determined by the preliminary inquiry that no further action be taken and if agreed to by the district~~

~~attorney, said person or the court may make such informal adjustment as is practicable without a petition.~~

~~B.~~ 1. A petition in a ~~juvenile~~ deprived child proceeding may be filed by the district attorney to determine if further action is necessary. The proceeding shall be entitled "In the matter of _____, an alleged ~~(delinquent)~~ ~~(~~deprived~~)~~ child ~~or (a child alleged to be in need of supervision)~~".

2. The petition shall be verified and may be upon information and belief. ~~It~~ The petition shall set forth ~~(1)~~:

a. with particularity, facts which bring the child within the purview of ~~Chapter 51 of~~ this ~~title; (2)~~ article,

b. the name, age and residence of the child~~; (3)~~,

c. the names and residences of his parents~~; (4)~~,

d. the name and residence of his legal guardian, if there be one~~; (5)~~,

e. the name and residence of the person or persons having custody or control of the child~~; (6)~~,

f. the name and residence of the nearest known relative, if no parent or guardian can be found~~; (7)~~, and

g. the relief requested~~; and (8) the specific federal law, state law or municipal ordinance under which the child is charged,~~ and an endorsement of witnesses intended to be called by the petitioner~~, where the child is sought to be adjudged a delinquent child under Chapter 51 of this title~~.

3. If a termination of parental rights is desired, it must be stated in the petition and summons, and if an order for the payment of funds for the care and maintenance of the child is desired, it must be stated in the petition and summons.

4. If any of the facts herein required are not known by the petitioner, the petition shall so state, along with the reasons why said facts are not known to petitioner.

~~C.~~ B. A petition alleging a child to be a child in need of treatment shall be filed by a district attorney pursuant to the Inpatient Mental Health Treatment of Children Act.

~~D.~~ C. A copy of the petition shall be attached to and delivered with the summons. The petition shall be signed by the district attorney or authorized assistant.

~~E. A district attorney may defer filing a petition alleging a child to be delinquent for a period of ninety (90) days if the child participates in a teen court program or a first-time offender program, as defined in Section 1114 of this title. If the child successfully completes the program, the district attorney shall not file the petition. A case for which a petition is not filed shall not become a part of the child's records for any purpose.~~

SECTION 16. AMENDATORY 10 O.S. 1991, Section 1104.1, as last amended by Section 2 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1104.1 A. ~~Where~~ If a child has been taken into protective custody pursuant to ~~any provision of the Juvenile Code, Section 1101 et seq. of this title~~ the provisions of this article, before a petition for a deprived child proceeding has been filed, ~~a~~ the petition shall be filed and a summons issued within five (5) judicial days from the date of such assumption of custody~~, or~~. Except as otherwise provided by this section, if such petition is not filed and a summons issued thereon as required by this subsection, custody of the child shall be relinquished to the child's parent, legal guardian, legal custodian or another responsible adult~~, unless otherwise provided for herein~~.

B. ~~Where~~ 1. If a child has been taken into custody and upon allegations of cruelty on the part of the child's parents, legal guardian, legal custodian or other person having custodial care of the child, the five-day limitation ~~herein~~ provided for in subsection A of this section shall not cause the child to be relinquished to such person.

2. In all such cases provided for in this subsection, ~~the court shall determine whether the petition was filed within a reasonable time, except that~~ a petition shall be filed within thirty (30) days of the child being taken into custody.

C. ~~No order of the court providing for the removal of a child alleged or adjudicated deprived, delinquent or in need of supervision from the child's home shall be entered unless the court finds that the continuation of the child in the home is contrary to the welfare of the child. Said order shall include either:~~

~~1. A determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from the home and, as appropriate, reasonable efforts have been made to provide for the return of the child to the home; or~~

~~2. A determination as to whether or not an absence of efforts to prevent the removal of the child from the home is reasonable under the circumstances, if such removal of the child from the home is due to an alleged emergency and is for the purpose of providing for the safety of the child and, in the case of a delinquent, the protection of the public.~~

~~D.~~ For purposes of this section and ~~Sections 1102 and 1107~~ Section 7002-1.1 of this title, "responsible adult" means a stepparent, foster parent, person related to the juvenile in any manner who is eighteen (18) years of age or older, or any person having an obligation and authority to care for or safeguard the juvenile in another person's absence who is eighteen (18) years of age or older.

SECTION 17. AMENDATORY 10 O.S. 1991, Section 1103.1, is amended to read as follows:

Section 1103.1 A. No pleading subsequent to the petition for a deprived child proceeding is required, and the filing of any motion or pleading shall not delay the holding of the adjudicatory hearing.

B. A petition may be amended by order of the court at any time before an order of adjudication has been made, provided that the court shall grant the parties such additional time to prepare as may be required to insure a full and fair hearing. A petition shall be deemed to have been amended to conform to the proof where the proof does not change the substance of the act, omission or circumstance alleged. However, the court ~~may~~ shall not amend the adjudicatory category prayed for in the petition.

SECTION 18. AMENDATORY 10 O.S. 1991, Section 1104, as amended by Section 3, Chapter 342, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1104), is amended to read as follows:

Section 1104. A. After a petition for a deprived child proceeding shall have been filed, unless the parties ~~hereinafter named~~ provided for in this section shall voluntarily appear, a summons shall be issued which shall recite briefly the nature of the proceeding with the phrase "as described more fully in the attached petition" and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. The summons shall state the relief requested, and shall set forth the right of the child, parents and other interested parties to have an attorney present at the hearing on the petition.

B. The summons shall be served on the person who has actual custody of the child, and if the child has reached the age of twelve (12) years, a copy shall be served on the child. If the person who has actual custody of the child shall be other than a parent or guardian of the child, a copy of the summons shall be served on the parent or guardian, or both, as hereinafter provided. A copy of the summons shall be served on a custodial parent, guardian or next friend. If no parent or guardian can be found, a summons shall be served on such other person or persons as the court shall designate.

Summons may be issued requiring the appearance of any other person whose presence is necessary.

C. If it subsequently appears that a person who should have been served was not served and has not entered an appearance, the court shall immediately order the issuance of a summons which shall be served on said person.

D. If after a petition has been filed, it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may immediately issue ~~a detention~~ an order ~~or warrant~~ authorizing the taking of said child into emergency custody.

~~E. In a delinquency proceeding, whenever a warrant for the arrest of a child shall issue, it shall state the offense the child is being charged with having committed; in a child in need of supervision proceeding, whenever a warrant for detention of a child shall issue, it shall state the reason for detention. Warrants for the arrest or detention of a child shall comport with all other requirements of issuance of arrest warrants for adult criminal offenders.~~

SECTION 19. AMENDATORY 10 O.S. 1991, Section 1105, as amended by Section 19, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1105), is amended to read as follows:

Section 1105. A. Service of summons shall be made as provided for service in civil actions or service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. ~~Where~~ If the address of the person to be summoned is not known, or if the mailed summons is returned, the court may order that notice of the hearing be published once in a newspaper of general circulation in the county.

B. 1. The court ~~may~~ shall not hold the hearing until at least forty-eight (48) hours after the service of the summons, except with the consent of the parent or guardian~~; provided, however, that~~.

2. If the parent is not served within the state, the court ~~may~~ shall not hold the hearing until at least five (5) days after the date of mailing the summons, ~~if the parent is not served within the state,~~ except with the consent of the parent~~, or if~~.

3. If notice is published, the court shall not hold the hearing until at least ten (10) days after the date of publication~~; provided, further, that if~~.

4. If one or more persons must be served by publication, ~~and if it appears that the court must order the child held in a place of detention in order to meet the requirement of this section with respect to the time for holding a hearing when a party can be served only by publication,~~ the court may ~~advance~~ delay the date of the hearing, with reasonable notice to the other persons who have been served or are properly and legally notified, to any date that the court determines to be reasonable and may proceed with the action~~; but an~~.

C. An order determining that a child is ~~delinquent or in need of supervision or is~~ deprived shall not become final until thirty (30) days after the date of the publication of the notice. ~~Nothing~~

~~contained herein shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.~~

SECTION 20. AMENDATORY 10 O.S. 1991, Section 1106, is amended to read as follows:

Section 1106. If any person summoned as ~~herein~~ provided ~~shall, without reasonable cause,~~ in this part shall fail to appear without reasonable cause, ~~he~~ such person may be ~~proceeded against for~~ held in contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual or that the welfare of the child requires that ~~he shall~~ the child should be brought ~~forthwith~~ into the custody of the court, a warrant may be issued against the parent or guardian~~,~~ or against the child himself.

SECTION 21. AMENDATORY 10 O.S. 1991, Section 1109, as last amended by Section 37, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1109), is amended to read as follows:

Section 1109. A. ~~No information gained by a custodial interrogation of a child nor any evidence subsequently obtained as a result of such interrogation shall be admissible into evidence against the child unless the custodial interrogation about any alleged offense by any law enforcement officer or investigative agency, or employee of the court, or employee of the Department is done in the presence of the parents, guardian, attorney, or legal custodian of the child. No such custodial interrogation shall commence until the child and his parents, or guardian, or other legal custodian have been fully advised of the constitutional and legal rights of the child, including the right to be represented by counsel at every stage of the proceedings, and the right to have counsel appointed by the court if the parties are without sufficient financial means; provided, however, that no legal aid or other public or charitable legal service shall make claim for compensation as contemplated herein. It is further provided that where private counsel is appointed in such cases, the court shall set reasonable compensation and order the payment out of the court fund. As used in this section, "custodial interrogation" means questioning of a child while that child is in law enforcement custody or while that child is being deprived of freedom of action in any significant way by a law enforcement officer, employee of the court, or employee of the Department. The term "custodial interrogation" shall not be deemed to mean questioning of a child by a public school administrator or teacher, so long as such questioning is not being conducted on behalf of a law enforcement officer, an employee of the court or an employee of the Department. Any information gained from noncustodial questioning of a child by a public school administrator or teacher concerning a wrongful act committed on public school property shall be admissible into evidence against the child.~~

~~B.~~ If the parents, guardian, or other legal custodian of the child requests an attorney and is found to be without sufficient financial means, counsel shall be appointed by the court if a petition has been filed alleging that the child is a deprived child~~, a child in need of supervision, or a child in need of treatment,~~ or if termination of parental rights is a possible remedy, provided that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parents, guardian or other legal custodian. If the child is not otherwise represented by counsel, whenever a petition is filed pursuant to the provisions of ~~Section 1103 of~~ this ~~title~~ part, the

court shall appoint a separate attorney, who shall not be a district attorney, for the child regardless of any attempted waiver by the parent or other legal custodian of the child of the right of the child to be represented by counsel.

~~C.~~ B. Whenever a petition is filed alleging that a child is a deprived child, ~~a delinquent child or a child in need of supervision,~~ the court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or his attorney and whenever a court-appointed special advocate is available to the court to serve as a guardian ad litem regardless of whether or not a guardian ad litem has been requested by the child or his attorney. The availability of a court-appointed special advocate shall be determined by the executive director of the court appointed special advocate program for the county.

1. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau ~~established pursuant to the provisions of Sections 1201 through 1210 of this title~~, or an employee of any public agency having duties or responsibilities towards the child.

2. Whenever a court-appointed special advocate is available for appointment as a guardian ad litem as provided by this subsection, the court shall give priority to the appointment of a court-appointed special advocate as the guardian ad litem of a deprived child.

~~D. For the purpose of this section and Section 846 of Title 21 of the Oklahoma Statutes, a "court-appointed special advocate" or "CASA" means a responsible adult, other than an attorney for the parties, who has volunteered to be available for appointment by the court to serve as an officer of the court and represent any child wherein a juvenile petition has been filed, based on the availability of volunteers, until discharged by the court. It shall be the duty and responsibility of the court-appointed special advocate to advocate for the best interests of the child and to assist the child in obtaining a permanent, safe, homelike placement.~~

C. 1. The court-appointed special advocate shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to ~~this section or Section 846 of Title 21 of the Oklahoma Statutes~~ the laws relating to child abuse and neglect.

2. A court-appointed special advocate shall serve without compensation and shall have such other qualifications and duties and responsibilities as may be prescribed by rule by the Supreme Court.

3. Any person participating in a judicial proceeding as a court-appointed special advocate shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed. Any person serving in positions of management of a CASA organization, including members of the Board of Directors acting in good faith, shall be immune from any civil liability or any vicarious liability for the negligence of any CASA organization advocates, managers, or directors.

~~All records concerning child abuse shall be confidential and shall be open to inspection only to persons duly authorized by the state or United States in connection with the performance of their official duties.~~

~~It shall be unlawful and a misdemeanor for the Commission, or any employee working under the Department of Human Services, any~~

~~other public officer or employee, or any court-appointed special advocate (CASA), to furnish or permit to be taken off of the records any information therein contained for commercial, political or any other unauthorized purpose.~~

~~E. The district attorney shall prepare and prosecute any case or proceeding within the purview of Chapter 51 of this title.~~

SECTION 22. AMENDATORY 10 O.S. 1991, Section 1110, as amended by Section 23, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1110), is amended to read as follows:

Section 1110. In adjudicatory hearings to determine ~~whether~~ if a child is ~~delinquent, in need of supervision, or~~ deprived, ~~the child informed against, or~~ any person entitled to service of summons~~,~~ or the state shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge on his own motion may call a jury to try any such case. Such jury shall consist of six (6) persons.

Part 4. Adjudicative Hearings

SECTION 23. AMENDATORY 10 O.S. 1991, Section 1111, as last amended by Section 38, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1111), is amended to read as follows:

Section 1111. A. All cases of deprived children shall be heard separately from the trial of cases against adults. The adjudicative hearings shall be conducted according to the rules of evidence, and may be adjourned from time to time.

1. ~~Except as provided by paragraph 2 of this subsection, the hearings~~ Hearings shall be private unless specifically ordered by the judge to be conducted in public, but persons having a direct interest in the case shall be admitted. ~~Any victim or relative or legal guardian of a victim of a juvenile criminal act shall be considered to have a direct interest in the case and shall be notified of all court hearings involving that particular juvenile criminal act as provided by Section 215.33 of Title 19 of the Oklahoma Statutes.~~

2. Stenographic notes or other transcript of the hearings shall be kept as in other cases, but they shall not be open to inspection except by order of the court or as otherwise provided by law.

~~2. Hearings related to the second or subsequent delinquency adjudication of a child shall be public proceedings. The adjudications relied upon to determine whether a hearing is a public proceeding pursuant to this paragraph shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Upon its own motion or the motion of any of the parties to the hearing and for good cause shown, the court may order specific testimony or evidence to be heard in private; provided, the court shall not exclude any relative or legal guardian of a victim from the hearing during testimony of the victim. For the purposes of this paragraph, "good cause" shall mean a showing that it would be substantially harmful to the mental or physical well-being of the child if such testimony or evidence were presented at a public hearing.~~

B. ~~The child may remain silent as a matter of right in delinquency hearings and in need of supervision hearings, and before he is interrogated he shall be so advised.~~ A child who is determined to be competent to testify shall not refuse to be a witness in a hearing to determine whether or not said child is deprived, unless the privilege against self-incrimination is invoked. The testimony of said child may be given as provided by ~~Section 1147 or 1148 of~~ this ~~title~~ part or as otherwise authorized by law for the protection of child witnesses.

C. A decision determining a child to ~~come within the purview of this chapter~~ be deprived must be based on sworn testimony and the child must have the opportunity for cross-examination unless the facts are stipulated. ~~Where a child is alleged to be delinquent and the facts are stipulated, the judge must ascertain from the child if he agrees with the stipulation and if he understands the consequences of stipulating the facts.~~

SECTION 24. AMENDATORY 10 O.S. 1991, Section 1147, is amended to read as follows:

Section 1147. A. This section shall apply only to a proceeding affecting the parent-child, guardian-child or family relationship in which a child twelve (12) years of age or younger is alleged to have been abused, and shall apply only to the statement of that child or other child witness.

B. The recording of an oral statement of the child made before the proceedings begin is admissible into evidence if:

1. The court determines that the time, content and circumstances of the statement provide sufficient indicia of reliability;

2. No attorney for any party is present when the statement is made;

3. The recording is both visual and aural and is recorded on film or videotape or by other electronic means;

4. The recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered;

5. The statement is not made in response to questioning calculated to lead the child to make a particular statement or is clearly shown to be the child's statement and not made solely as a result of a leading or suggestive question;

6. Every voice on the recording is identified;

7. The person conducting the interview of the child in the recording is present at the proceeding and is available to testify or be cross-examined by any party; ~~and~~

8. Each party to the proceeding is afforded an opportunity to view the recording before ~~it~~ the recording is offered into evidence~~,~~; and ~~a~~

9. A copy of a written transcript of the recording transcribed by a licensed or certified court reporter is provided to the parties.

SECTION 25. AMENDATORY 10 O.S. 1991, Section 1148, is amended to read as follows:

Section 1148. A. This section shall apply only to a proceeding affecting the parent-child, guardian-child or family relationship in which a child twelve (12) years of age or younger is alleged to have been abused, and shall apply only to the testimony of that child or other child witness.

B. The court may, on the motion of a party to the proceeding, order that the testimony of the child be taken in a room other than the courtroom and be televised by closed-circuit equipment in the courtroom to be viewed by the court, the finder of fact and the parties to the proceeding. Only an attorney for each party, an attorney ad litem for the child or other person whose presence would contribute to the welfare and well-being of the child and persons necessary to operate the equipment may be present in the room with the child during ~~his~~ the testimony of the child. Only the attorneys for the parties may question the child. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child during ~~his~~ the

testimony of the child, but does not permit the child to see or hear them.

C. The court may, on the motion of a party to the proceeding, order that the testimony of the child be taken outside the courtroom and be recorded for showing in the courtroom before the court, the finder of fact and the parties to the proceeding. Only those persons permitted to be present at the taking of testimony under subsection B of this section may be present during the taking of the child's testimony. Only the attorneys for the parties may question the child, and the persons operating the equipment shall be confined from the child's sight and hearing. The court shall ensure that:

1. The recording is both visual and aural and is recorded on film or videotape or by other electronic means;

2. The recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered;

3. Every voice on the recording is identified; and

4. Each party to the proceeding is afforded an opportunity to view the recording before it is shown in the courtroom, and a copy of a written transcript transcribed by a licensed or certified court reporter is provided to the parties.

D. If the testimony of a child is taken as provided by subsections B or C of this section, the child shall not be compelled to testify in court during the proceeding.

SECTION 26. AMENDATORY 10 O.S. 1991, Section 1113, is amended to read as follows:

Section 1113. If the court finds that the allegations of the petition are not supported by the evidence, the court shall order the petition dismissed and shall order the child discharged from any ~~detention or restriction previously ordered~~ custody. The child's parents, guardian or other legal custodian shall also be discharged from any restriction or other previous temporary order.

SECTION 27. AMENDATORY 10 O.S. 1991, Section 1114, as last amended by Section 40, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1114), is amended to read as follows:

Section 1114. ~~A.~~ If the court finds that the allegations of a petition alleging a child to be deprived are supported by the evidence, and finds that it is in the best interest of the child and the public that the child be made a ward of the court, the court shall sustain the petition, and shall make an order of adjudication finding the child to be deprived and shall adjudge the child as a ward of the court.

~~B. If the court finds that the allegations of a petition alleging a child to be delinquent or in need of supervision are supported by the evidence, the court shall sustain the petition, and shall make an order of adjudication setting forth whether the child is delinquent or in need of supervision and shall adjudge the child as a ward of the court.~~

~~C. A court may defer delinquency adjudication proceedings for ninety (90) days if the child:~~

~~1. Is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a misdemeanor or that if committed by an adult would be grand larceny of property valued at One Hundred Dollars ($100.00) or less;~~

~~2. Waives the privilege against self-incrimination and testifies, under oath, that the allegations are true;~~

~~3. Has not been previously adjudicated a delinquent; and~~

~~4. Presents to the court an oral or written request to attend a Teen Court program.~~

~~D. The Teen Court program must be approved by the court.~~

~~E. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the Teen Court program has been successfully completed.~~

~~F. The court may require a child who requests a Teen Court program to pay a fee, as determined by the court, not to exceed Twenty Dollars ($20.00) to cover the costs of administration. The fee shall be deposited in the court clerk's official depository account. Eighty percent (80%) of the costs so paid shall be distributed to the organization sponsoring the Teen Court to be used for Teen Court operating expenses. The remaining twenty percent (20%) of said cost shall be paid by the court clerk to the court fund.~~

~~G. A case dismissed under subsections C through F of this section shall not be part of the child's records for any purpose.~~

~~H. A court may defer delinquency proceedings for ninety (90) days for any child that has not been previously adjudicated delinquent, if the child and, if required by the court, the parent or legal guardian of the child agree to participate in an alternative diversion program for first-time offenders that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the alternative diversion program for first-time offenders has been successfully completed. A case dismissed pursuant to this subsection shall not be part of the child's records for any purpose.~~

~~I. A court may defer delinquency proceedings for ninety (90) days for any child that has not been previously adjudicated delinquent, if the child agrees to participate in a military mentor program that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the military mentor program has been successfully completed. A case dismissed pursuant to this subsection shall not be part of the child's records for any purpose.~~

~~J. As used in this section:~~

~~1. "Alternative diversion programs for first-time offenders" means programs for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency. The program shall be administered, pursuant to contact with the Department of Human Services, by organizations designated as youth services agencies in accordance with Section 609 of this title;~~

~~2. "Teen Court program" means a program which provides an alternative judicial forum for cases involving juvenile offenders, in which teenage participants, under the supervision of an adult coordinator, serve in various capacities within the courtroom, including jurors, lawyers, bailiffs and judges. The Teen Court hears cases involving juvenile offenders who are referred to the Teen Court by the district attorney or the district court and assesses sentences such as participation in community work projects, counseling or rehabilitation programs; and~~

~~3. "Military mentor program" means a program administered by the Oklahoma Military Department as provided in Section 1116 of this title.~~

Part 5. Dispositional Hearings and Orders

SECTION 28. AMENDATORY 10 O.S. 1991, Section 1115, is amended to read as follows:

Section 1115. ~~(a)~~ A. After making an order of adjudication for a deprived child, the court shall hold a dispositional hearing, at which all evidence helpful in determining the proper disposition best serving the interest of the deprived child ~~and the public~~, including but not limited to oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudicatory hearing.

~~(b)~~ B. Before making an order of disposition, the court shall advise the district attorney, the parents, guardian, custodian or responsible relative, and their counsel, of the factual contents and the conclusion of reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. An order of disposition shall include a specific finding and order of the court relative to the liability and accountability of the parents for the care and maintenance of the child as authorized by ~~Section 1121 of this title~~ Part 7 of this article, except where custody is placed with both parents.

~~(c)~~ C. On its own motion or that of the district attorney, or of the parent, guardian, custodian, responsible relative or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence and, in such event, shall make an appropriate order for ~~detention~~ temporary custody of the child, or his release from ~~detention~~ temporary custody subject to supervision by the court, during the period of the continuance.

~~(d) In scheduling investigations and hearings, the court shall give priority to proceedings in which a child is in detention, or has otherwise been removed from his home, before an order of disposition has been made.~~

SECTION 29. AMENDATORY 10 O.S. 1991, Section 1120, as amended by Section 30, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1120), is amended to read as follows:

Section 1120. A. After a petition under the provisions of this ~~title~~ part has been filed, the court may order the child to be examined and evaluated by a physician or other appropriate professional to aid the court in making the proper disposition concerning the child. The court may order a mental health evaluation of a child as provided by the Inpatient Mental Health Treatment of Children Act.

B. Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the court may order the parent or other person responsible for the care and support of the child to provide such care in a hospital or otherwise. If the parent or other person fails to provide such care, the court may, after due notice, enter an order therefor, and the expense thereof, when approved by the court, shall be a charge upon the county, but the court may adjudge that the person having the duty under the law to support the child pay part or all of the expenses of such care. In an emergency the court may, when health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive the child for like purpose, and consent to emergency treatment or surgery.

C. After adjudication and at the request of a judge in any juvenile proceeding, the Department shall investigate the home conditions and environment of the child and the financial ability, occupation and earning capacity of the parent, legal guardian or

custodian of the child. Upon request by the court of another state, the Department may conduct a similar investigation.

SECTION 30. AMENDATORY 10 O.S. 1991, Section 1115.1, as amended by Section 26, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1115.1), is amended to read as follows:

Section 1115.1 A. An individual treatment and service plan shall be filed with the court within ~~the~~ thirty (30) days after ~~any~~ the child has been adjudicated to be deprived~~, delinquent or in need of supervision~~.

~~Said~~ B. The plan shall be filed by the ~~person~~ Department or the agency responsible for the supervision of the case, or by the ~~legal custodian~~ Department or the agency or licensed child care facility having custody of the child if the child has been removed from the custody of its lawful parent or parents. The treatment and service plan shall be based upon a comprehensive assessment and evaluation of the child and family which shall include but not be limited to:

1. A history of the child and family, including identification of the problems leading to the deprived child adjudication. ~~In the case of a deprived child, the~~ The statement of the conditions leading to the adjudication shall include a statement of the methods to be used to correct those conditions or to achieve permanent placement of the child;

2. ~~Based upon a comprehensive assessment and evaluation of the child and family which shall include, in the case of a delinquent child, a risk-assessment of the child:~~

~~a.~~ Identification of the specific services to be provided to the child ~~to remediate or alleviate the conditions that led to the adjudication~~, including but not limited to educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other treatment services, and

~~b. Identification~~ identification of the services to be provided to the parent, legal guardian, legal custodian, stepparent, other adult person living in the home or other family members, to remediate or alleviate the conditions that led to the adjudication, including services needed to assist the family to provide proper care ~~and supervision~~ of the child or~~, in the case of a deprived child,~~ to prevent further harm to the child. If the child is placed outside the home, the treatment and service plan shall include the services to be provided during and after any such placement;

3. If the child is to be placed outside his home, the treatment and service plan shall state:

a. the reasons for such placement and a statement as to the unavailability or inappropriateness of local placement, or other good cause, for any placement more than forty (40) miles from the home of the child,

b. the services to be provided to the child while in such placement and the projected date of discharge,

c. the services necessary to assist the child to reintegrate with his family or other community-based placement and~~, in the case of a deprived child,~~ a description of acts and conduct that would be expected of the parent or parents, legal guardian, legal custodian, or stepparent or other adult person living in the home ~~before the child should be returned home~~ that would alleviate the conditions that resulted in

the removal of the child before the child can be returned home, and

d. if the child is age sixteen (16) or older, the services necessary to make the transition from foster care or other community placement to independent living;

4. Performance criteria that will measure the progress of the child and family toward completion of the treatment and service plan;

5. A projected date for the completion of the treatment and service plan; and

6. The name and business address of the attorney representing the child, if any.

~~B.~~ C. Whenever a child who is subject to the provisions of this section is committed for inpatient mental health treatment pursuant to the Inpatient Mental Health Treatment of Children Act, the individual treatment and service plan shall be amended as necessary and appropriate, including but not limited to identification of the treatment and services to be provided to the child and his family upon discharge of the child from inpatient mental health treatment.

~~C.~~ D. In addition to the information required pursuant to subsection A of this section, when a child born in a condition of dependence on a controlled dangerous substance has been removed from the home, the Department of Human Services, subject to court approval:

1. May require, as part of the ~~placement~~ treatment and service plan, that the mother of such child complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the return of the child to the home;

2. May require, as part of the ~~placement~~ treatment and service plan, that the father of the child, legal guardian, legal custodian, stepparent or other adult person living in the home who is a drug-dependent person, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, and whose conduct has contributed to the dependency of such child or mother on the controlled dangerous substance, or to the conditions which caused the child to be adjudicated deprived, complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and

Rehabilitation Authority prior to the return of the child to the home; and

3. May require testing for substance abuse of the mother, father, legal guardian, legal custodian, stepparent or other adult person living in the home, on a monthly basis for a twelve-month period following completion of the substance abuse program and after return of the child to the home. A positive test of any such person shall be presented to the Department of Human Services and the district attorney.

~~D.~~ E. Testing ordered by the court pursuant to subsection C of this section shall be admissible only for the purposes of ~~juvenile and~~ deprived child and custody proceedings.

SECTION 31. AMENDATORY 10 O.S. 1991, Section 1115.2, is amended to read as follows:

Section 1115.2 A. The court shall ensure that the following information accompanies any deprived child placed outside ~~his~~ the child's home:

1. Demographic information;

2. Type of custody and previous placement;

3. Pertinent family information including, but not limited to, the names of family members who, by court order, ~~may~~ are not allowed to visit the child;

4. Known or available medical history including, but not limited to:

a. allergies,

b. immunizations,

c. childhood diseases,

d. physical handicaps,

e. psycho-social information, and

f. the name of the child's last doctor, if known; and

5. Copies of policies and procedures of the placement agency which pertain to placement operations of the agency, and which may be necessary to properly inform the institution, foster parent or other custodian of the duties, rights and responsibilities of the custodian.

B. When the Department places a child in out-of-home care, the Department shall provide the placement providers with sufficient medical information to enable the placement providers to care for the child appropriately. Such medical information shall include, but not be limited to:

1. Any medical or psychological conditions;

2. Diseases, illnesses, accidents, allergies, and congenital defects; and

3. Immunization history.

C. 1. When the Department places a child in out-of-home care, the placement providers may request the Department to provide contagious or infectious screening examinations or tests on the child and provide the results to such placement providers.

2. The Department shall provide for the examinations or tests on the child in accordance with rules promulgated by the Department and based on the Centers for Disease Control guidelines for time and frequency of testing, and shall, for a child in the Department's emergency or temporary custody, obtain the parental consent or, if parental consent cannot be obtained due to refusal or inability to locate, the Department shall request an order from the district court authorizing such examinations or tests and the release of such results to the placement providers. Any parental consent or judicial authorization received by the Department, pursuant to the provisions of this section, shall also apply to any future examinations or tests and release of such results as deemed

necessary by the Department upon the request of the placement providers. The Department has the authority to consent to the examinations or tests and the release of such test results for a child in the Department's permanent custody.

3. The Department may also designate other persons who may request the performance of such examinations or tests on the child, including but not limited to Department employees, direct caregivers and physicians.

SECTION 32. AMENDATORY 10 O.S. 1991, Section 1116, as last amended by Section 41, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, 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 pursuant to a deprived child proceeding:

1. The court may place the child ~~on probation or~~ under supervision by the Department 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 comply with such conditions as the court may require and to give security by bond, with surety or sureties approved by the court, for compliance with such order.

2. 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 continuing to be 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.~~ 3. The court may ~~commit~~ place the child ~~to~~ in 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~~ placing a child ~~to~~ in 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~~ place a child ~~to~~ in 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.~~ 4. The court may order the child to receive counseling or other community-based services as necessary.

~~4. The court may order the child to participate in a military mentor program administered by the Oklahoma Military Department, if such program:~~

~~a. is staffed by National Guard personnel who are trained by the Oklahoma Military Department pursuant to training standards established by the Department of Human Services and meets screening requirements established by the Department of Human Services,~~

~~b. provides for adequate supervision of the child, and~~

~~c. is designed to develop useful skills and abilities of the child and/or integrate the child into community service activities or public works projects.~~

~~The Department of Human Services and the Oklahoma Military Department are hereby authorized to enter into an agreement to provide for the effective development and implementation of this paragraph.~~

5. The court may ~~commit~~ place the child ~~to~~ in the custody of the Department~~; provided, any order adjudicating the child to be delinquent and committing the child to the Department shall be for an indeterminate period of time; provided, on or after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of the guidelines by the Legislature, if the child is a serious juvenile offender or a habitual juvenile offender, as defined in the Serious and Habitual Juvenile Offender Act, the order shall be for a determinate period of time established by the court within the range authorized by the placement guidelines, not to extend beyond such child's nineteenth birthday~~.

6. 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.

7. ~~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. The court may order the parents or custodial parent of any child living with the parents or custodial parent at the time of the criminal or delinquent act of the child to remit the amount of restitution ordered by the court. The court may consider any hardship of such order on the parents or custodial parent of the child. The parents or custodial parent may be represented by an attorney in the matter of the order for remittance of the restitution by the parents or custodial parent. Provided however, if the court orders the parents or custodial parent to remit the amount of restitution as provided for in this paragraph, in addition to any other dispositional orders of the court, the court shall order the child to perform community service for the number of hours commensurate with the number of hours it would require under federal or state minimum wage to earn the amount paid by such child's parents or custodial parent under the order to remit restitution,~~

~~d. order the child to pay the fine which would have been imposed had such child been convicted of such crime as an adult. Any such fine collected pursuant to this paragraph shall be deposited in a special Work Restitution Fund to be established by the court to allow children otherwise unable to pay restitution to work in community service projects in the private or public sector to earn money to compensate their victims,~~

~~e. 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,~~

~~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, make the following orders: sanction detention in the residence of the child or facility designated by the Department of Human Services 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 e of this paragraph shall be subject to said guidelines,~~

~~g. 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,~~

~~h. on and after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of such guidelines by the Legislature, the provisions of subparagraphs a through g of this paragraph shall be subject to said guidelines.~~

~~8.~~ The court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

~~9.~~ 8. In any dispositional order removing a child from the home of the child, the court shall make a determination ~~that~~ as to whether, 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. 1. If it is consistent with the welfare of the child, in cases where the child has been adjudicated to be deprived 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.

2. 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 out-of-home care to independent living.

C. 1. No child who has been adjudicated deprived upon the basis of 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.

2. A deprived adjudication based solely upon repeated absence from school shall not constitute a ground for termination of parental rights.

D. 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~~ places the child ~~to~~ with 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~~ places the child ~~to~~ with the Department, it shall vest the Department 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 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 shall 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, or a deprived child, 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, if the court determines the child or parents, or both the child and parents, are able to pay such costs. 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.~~

~~F. The court may revoke or modify a disposition order and may order redisposition. The child whose disposition is being considered for revocation or modification at said hearing shall have the right to be represented by counsel, to present evidence in his own behalf and to be confronted by witnesses against him. Any revocation, modification or redisposition of the court in whole or in part shall be subject to review on appeal, as in other appeals of criminal cases. Bail may be allowed pending appeal. On or after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of such guidelines by the Legislature, the court may make specific orders concerning the placement of said juvenile if the juvenile is committed to the Department.~~

SECTION 33. AMENDATORY 10 O.S. 1991, Section 1116.1, as last amended by Section 42, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1116.1), is amended to read as follows:

Section 1116.1 A. 1. Every disposition order regarding a child adjudicated to be deprived~~, delinquent or in need of supervision~~ shall be reviewed by the court at least once every six (6) months until such time as the conditions which caused the child to be adjudicated have been corrected or the parental rights of said parent or parents are terminated and a final adoption decreed.

2. A dispositional order removing a child from the custody of the parents of the child shall be reviewed at a hearing by the court at least once every six (6) months until such time as the child is returned to the custody of his parents. No later than eighteen (18) months after placing a child in foster care and every twelve (12) months thereafter, the court making the original order of adjudication shall conduct a dispositional hearing to consider in the best interests of the child whether:

a. the child should be returned to his parents or other family member~~;~~,

b. the child should be continued in foster care for a specified period~~;~~,

c. the rights of the parents of the child should be terminated and the child placed for adoption or legal guardianship~~;~~, or ~~whether~~

d. the child, because of exceptional circumstances, should remain in foster care on a long-term basis as a permanent plan or with a goal of independent living.

3. The provisions of this section shall also apply to a child who has been removed from the home of the lawful parent or parents of the child after the child has been returned to that home until such time as the court orders the case closed.

B. 1. The Department or the agency having supervision of the case or, if the child has been removed from the custody of its parents, the ~~legal custodian~~ Department or the agency or licensed child care facility having custody of such child shall cause to be prepared for each review hearing required herein a written report concerning each child who is the subject of such review.

2. Said report shall include but not be limited to a summary of the physical, mental, and emotional condition of the child, the conditions existing in the home or institution where the child has been placed, and the child's adjustment thereto, a report on the child's progress in school and, if the child has been placed outside his home, the visitation exercised by the ~~lawful~~ parents of such child or other persons authorized by the court and services being provided to a child sixteen (16) years of age or older to assist in the transition from out-of-home care or other community placement to independent living.

3. If the Department is responsible for supervision of the child or is the legal custodian of the child, the report also shall include any efforts on the part of the parent or parents to correct the conditions which caused the child to be adjudicated deprived. The report shall specifically recommend, giving reasons therefor, whether ~~or not~~:

a. the parental rights of the parent or parents of the child should be terminated and the child placed for adoption, ~~whether or not~~

b. the child should remain in the home or ~~if~~ be placed outside the home of the child's lawful parents, ~~whether~~ or ~~not~~

c. the child should remain outside the home or be returned to the home from which the child was removed.

If it is determined that the child should be placed for adoption, foster parents may be considered eligible to adopt the child.

C. At each such review hearing, the court shall specifically inquire as to the nature and extent of services being provided the child and parent or parents of the child and shall direct additional services be provided if necessary to protect the child from further physical, mental, or emotional harm or to correct the conditions that led to the adjudication.

In any review order, the court shall further make a determination:

1. As to whether ~~or not~~ reasonable efforts have been made to provide for the return of the child to the child's own home. If ~~reasonable efforts have failed or are not feasible, the court shall make a finding that the efforts to reunite the family have failed, or are not feasible, and~~ the court finds that reasonable efforts have been made but have failed or are no longer feasible, the court shall make a determination that reasonable efforts are being made to secure an alternate permanent placement for the child; and

2. Where appropriate, when the child is age sixteen (16) or older, ~~that~~ whether services are being provided that will assist the child in making the transition from foster care to independent living.

D. The attorney representing a child whose case is being reviewed may submit a report to the court for presentation at the review hearing to assist the court in reviewing the placement or status of the child. The legal custodian shall not deny to a child the right of access to counsel and shall facilitate such access.

E. The Department shall notify the court having jurisdiction, the appropriate review board, the appropriate district attorney and the attorney and court-appointed special advocate of the child, if any, whenever ~~the placement of~~ a child in the custody of the Department is ~~changed and~~ moved from one location to another, the Department shall inform said court and attorney regarding the location of the child unless ~~placement modification results from an~~ the movement was due to an emergency situation, in which case the notification required by this subsection shall be within one (1) business day after ~~the change of placement~~ such movement. As used in this subsection, "emergency situation" means a ~~placement change~~ movement of the child requested by a person having actual physical custody of a child, if the request is made at a time when the business offices of the parties to be notified are closed, or ~~a placement~~ movement for emergency medical treatment.

F. The Department shall not move any deprived child from one ~~foster home or institution~~ placement to another, if the child has already been moved once since the last court hearing, without first obtaining the approval of the court following a hearing into the reasons and necessity for moving the child. However, the Department may move any child due to an emergency, in which case a hearing shall be conducted, if requested in writing, within ten (10) days following the moving of the child concerning the reasons and necessity for moving the child. Court approval shall not be required for movement to or from a children's shelter due to an emergency, including a placement failure, a placement disruption, or similar cause.

Part 6. Modifications and Appeals

SECTION 34. AMENDATORY 10 O.S. 1991, Section 1118, is amended to read as follows:

Section 1118. Any decree or order made ~~under~~ pursuant to the provisions of ~~this title~~ the Oklahoma Children's Code may be modified by the court at any time; provided, however, that an order terminating parental rights ~~or an order certifying the juvenile as an adult may~~ shall not be modified.

SECTION 35. AMENDATORY 10 O.S. 1991, Section 1123, is amended to read as follows:

Section 1123. A. Any interested party aggrieved by any order or decree may appeal to the Supreme Court in the same manner as other appeals are taken to the Supreme Court of this state~~; provided, however, that appeals taken from a trial court's decision in a proceeding for an adjudication of juvenile delinquency or in a proceeding certifying a juvenile to stand trial as an adult or denying such certification shall be taken to the Court of Criminal Appeals in the same manner as other appeals are taken to the Court of Criminal Appeals of this state, and provided further that an order either certifying a juvenile to stand trial as an adult or denying such certification shall be a final order, appealable when entered~~.

B. ~~The record on appeal of an order of adjudication or of an order certifying or denying certification of a juvenile to stand trial as an adult shall be completed and the appeal perfected within sixty (60) days after the date of the order.~~

~~C.~~ The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it ~~discharge~~ remove the child from the custody of that court or of the person, institution or agency to whose care such child has been committed, unless the Supreme Court ~~or the Court of Criminal Appeals~~ shall so order. The pendency of an appeal from an order of adjudication shall not prevent the district court from holding a dispositional hearing unless the appellate court shall so order. ~~The pendency of an appeal from an order certifying a juvenile to stand trial as an adult shall not prevent the commencement of criminal proceedings against the juvenile unless stayed by the judge who issued the order of certification or by the appellate court. If the Supreme Court or the Court of Criminal Appeals does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the district court and remand the child to the jurisdiction of that court for supervision and care; and thereafter the child shall be and remain under the jurisdiction of the district court in the same manner as if such court had made such order without an appeal having been taken.~~

SECTION 36. AMENDATORY 10 O.S. 1991, Section 1123.1, is amended to read as follows:

Section 1123.1 In the published opinions of the appellate courts of this state, in ~~juvenile proceedings including, but not limited to,~~ adoption and paternity proceedings and other proceedings under ~~the juvenile code~~ this code, the initial of the child's surname shall be used rather than his name.

SECTION 37. AMENDATORY 10 O.S. 1991, Section 1123.2, is amended to read as follows:

Section 1123.2 A. All appeals of cases involving deprived or allegedly deprived children shall be initiated by filing a petition in error in the Supreme Court within thirty (30) days of the order appealed from. The record on appeal shall be completed within sixty (60) days from the date of the order.

B. The briefing schedule is established as follows:

1. Appellant's brief in chief shall be filed twenty (20) days after the trial court clerk notifies all parties that the record is

complete and such notice has been filed in the office of the Clerk of the Supreme Court;

2. Appellee's answer brief shall be filed fifteen (15) days after the appellant's brief in chief is filed;

3. Appellant's reply brief may be filed within ten (10) days after the appellee's answer brief is filed; and

4. Adjudication of the appeals described ~~herein~~ in this section shall be expedited by the Supreme Court.

Part 7. Placements

SECTION 38. AMENDATORY 10 O.S. 1991, Section 1117, as last amended by Section 2, Chapter 15, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1117), is amended to read as follows:

Section 1117. A. 1. Whenever the court transfers custody of a child as provided in this ~~title~~ article, the person, institution, agency, or Department receiving custody shall have the right to, and shall be responsible for, the care and control of the child, and shall have the duty and authority to provide food, clothing, shelter, medical care, education, and discipline for the child. Except for an emergency psychiatric admission pursuant to the Inpatient Mental Health Treatment of Children Act, said person, institution, agency or department may provide or arrange for the provision of an inpatient mental health evaluation or inpatient mental health treatment of such child only pursuant to a court order as provided by the Inpatient Mental Health Treatment of Children Act. Nothing in this subsection shall be interpreted to prohibit or preclude the provision of outpatient mental health services, including an outpatient mental health examination, counseling, educational, rehabilitative or other similar services to said child, as necessary and appropriate, in the absence of a specific court order for such services.

2. The medical care, surgery and extraordinary care shall be charged to the appropriate agency where the child qualifies for the care under law, rule, regulation or administrative order or decision.

3. Nothing in this subsection shall be interpreted to:

a. relieve a parent of the obligation to provide for the support of the child as otherwise provided by law, or

b. limit the authority of the court to order a parent to make support payments or to make payments or reimbursements for medical care or treatment, including mental health care or treatment, to the person, institution, agency or Department having custody of the child, or

c. abrogate the right of the child to any benefits provided through public funds for which the child is otherwise eligible.

4. No person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in an emergency, as determined by competent medical authority.

B. The person, institution, agency, or Department having legal custody of a child pursuant to an order of the court shall receive notice of court proceedings regarding the child as provided in ~~Sections 1105~~ Part 3 and ~~1115~~ Part 5 of this ~~title~~ article and shall be allowed to intervene upon application as a party to all court proceedings pertaining to the care and custody of the child including, but not limited to: adjudication, disposition, review of disposition, termination of parental rights and proceedings pursuant to the Inpatient Mental Health Treatment of Children Act.

SECTION 39. AMENDATORY 10 O.S. 1991, Section 1140, is amended to read as follows:

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

Part 8. Specific Requirements
Relating to Custody and Court Proceedings

SECTION 40. AMENDATORY 10 O.S. 1991, Section 1119, is amended to read as follows:

Section 1119. In placing a child in the custody of an individual or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents. However, it shall be left to the discretion of the judge to place children where their total needs will best be served.

SECTION 41. AMENDATORY 10 O.S. 1991, Section 1124, is amended to read as follows:

Section 1124. In proceedings ~~under Sections 1101 through 1506 of this title~~ pursuant to this Code, the court may allow mileage as in civil actions to witnesses and reimbursement for expert witnesses but such shall not be tendered in advance of the hearing.

SECTION 42. AMENDATORY 10 O.S. 1991, Section 1122, is amended to read as follows:

Section 1122. A willful violation of any provision of an order of the court issued under the provisions of this ~~act~~ Code shall constitute indirect contempt of court and shall be punishable as such. Punishment for any such act of contempt shall not exceed a fine of Three Hundred Dollars ($300.00), or imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-8.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

The district attorney shall prepare and prosecute any case or proceeding within the purview of this Code and shall act as petitioner in all cases.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7003-8.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

Nothing contained in the Oklahoma Children's Code shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical or mental health treatment, to protect the child's health or welfare.

SECTION 45. AMENDATORY 10 O.S. 1991, Section 1126, is amended to read as follows:

Section 1126. ~~(a) The judge or judges~~ A. Any judge who ~~are~~ is assigned to hear juvenile cases in counties having a population in excess of one hundred thousand (100,000) may appoint a suitable person or persons to act as referee or referees, to hold office ~~during~~ at the pleasure of the judge. Such referees shall be lawyers and shall be specially qualified for their duties. The judge may direct that any case, or all cases of a class or within a county to be designated by ~~him~~ the judge, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon the conclusion of the hearing in each case, the referee shall transmit to the court all papers relating to the case, together with ~~his~~ the referee's findings of fact and conclusions of law, and recommendations in writing.

~~(b)~~ B. Notice of the referee's findings and recommendations shall be given to the parent, guardian or custodian of the child or to any other person concerned whose case has been heard by the referee. A hearing by the court shall be allowed upon the filing with the court of a request for such hearing, if the request is filed within three (3) days after the service of such notice. In case no hearing by the court is requested, the findings and recommendations of the referee, when confirmed by an order of the court, shall become the decree of the court.

SECTION 46. AMENDATORY 10 O.S. 1991, Section 1121, as amended by Section 43, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1121), is amended to read as follows:

Section 1121. A. In any hearing concerning the status of a child, the court, if the court determines the parent is able to pay, shall ~~have authority to adjudge the parent or parents who have been served with notice of the hearing liable and accountable for the care and maintenance of any child or children, and to~~ order the ~~payment of funds~~ parents of any child found to be a deprived child to:

1. Pay for the care and maintenance of the child, including, but not limited to, all or some part of placement services, medical care and mental health services, as authorized by law; and

2. 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 fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage.

B. 1. After a judicial determination that the parent of the child is 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.

2. 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.

3. 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.

C. The court shall have all powers incident to such orders necessary for their enforcement, including the power and authority to require bond or other security for the payment of such order; and may resort to execution and the power of punishment for contempt for noncompliance with such order.

~~B.~~ D. The court shall have the right to increase, decrease, or otherwise modify its orders for care and maintenance, as the conditions or needs of the child or children may require and the ability of the person or persons held to pay may afford. The court may order support payments to be made direct to the person, organization or institution having the care and custody of the child or children, or directly to the clerk of the court.

~~C.~~ E. All such funds ordered and paid to the clerk shall be accounted for; provided, that when payments are made in advance for any child, and custody of the court is terminated before the end of the period, then the clerk may refund, by proper voucher, the unused or unaccrued portion of such payment; or the refund may be authorized and paid on claim properly verified and approved by the judge.

ARTICLE IV

Department of Human Services

Part 1. Powers and Duties

SECTION 47. AMENDATORY 10 O.S. 1991, Section 1404, as amended by Section 37, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1404), is amended to read as follows:

Section 1404. A. In addition to the other powers and duties prescribed by law, the Department shall have the ~~following duties and powers with regard to children placed in Department-operated institutions and facilities~~ power and duty to:

1. Provide for the temporary care~~, education, training,~~ and treatment ~~and rehabilitation~~ of children ~~who are~~ taken into protective or emergency custody pursuant to Article III of this Code and 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 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~~

~~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.~~ Department's custody by an order of the juvenile court.

In providing for the temporary care and treatment of an alleged deprived child placed in the Department's custody, the Department shall:

a. place such children in a children's shelter, a foster home or a relative's home,

b. if ordered by the court, provide supervision of children alleged to be deprived who are placed by the court in the custody of a parent, relative or other responsible person. Such supervision shall, in accordance with standards established by rules promulgated by the Department, consist of periodic visitation with the child, the child's custodian, and such other persons as may be necessary to assess the safety of the child and to offer voluntary services. Such supervision shall not exceed the period allowed for the filing of a petition or, if a petition is filed, the period authorized by the court,

c. admit an alleged deprived child in the Department's emergency custody to a hospital or mental health facility as provided in Section 5-507 of Title 43A of the Oklahoma Statutes and shall, if such child is found by the court to be a child in need of mental health treatment, place the child, as provided in paragraph 2 of subsection D of Section 5-512 of Title 43A of the Oklahoma Statutes,

d. provide such outpatient mental health care and treatment as may be necessary to preserve the health and safety of an alleged deprived child in emergency custody and as prescribed by a qualified mental health professional. Each child placed in the Department's emergency custody shall receive, as soon as practicable, educational instruction through enrollment in a public school or an alternative program consistent with the needs and abilities of the child,

e. provide or prescribe treatment services for the family of an alleged deprived child placed in the Department's emergency custody if such services are voluntarily requested and the family is otherwise eligible under application law and rules promulgated by the Department for the services offered, and

f. provide for each child placed in the Department's emergency custody to receive, as soon as practicable after the filing of the petition, an initial health screening to identify any health problems that require immediate treatment, to diagnose infections and communicable diseases and to evaluate injuries or other signs of neglect or abuse. The Department shall provide such medical care as is necessary to preserve the child's health and protect the health of others in contact with the child;

2. Provide for the care and treatment of an adjudicated deprived child placed in the Department's custody by an order of the juvenile court. In providing for the care and treatment of an adjudicated deprived child placed in the Department's custody, the Department:

a. shall review and assess each deprived child placed in its custody to determine the type of placement and services consistent with the needs of the child in the nearest geographic proximity to the home of the child. Such review and assessment shall include an investigation of the personal and family history of the child and his environment, and any necessary physical or mental examination. In making such review, the Department may use any facilities, public or private, which offer aid to it in the determination of the correct placement of the child,

b. shall develop and, upon approval by the court, implement an individual treatment and service plan for each deprived child placed in the Department's custody in accord with the requirements of Part 5 of Article III of this Code,

c. may place a deprived child in the home of the child, in the home of a relative of the child, in a foster home, in a public or private children's shelter, in a group home, in an independent living program, or in any licensed facility established for the care of deprived children. No deprived child shall be placed in an institution operated by the Department,

d. may admit a deprived child in the Department's custody to a hospital or mental health facility as provided in Section 5-507 of Title 43A of the Oklahoma Statutes and shall, if such child is found by the court to be a child in need of mental health treatment, place the child as provided in paragraph 2 of subsection D of Section 5-512 of Title 43A of the Oklahoma Statutes,

e. may provide such outpatient mental health care and treatment as may be necessary to meet the treatment needs of a deprived child in the Department's custody and as prescribed by a qualified mental health professional, and

f. shall, if ordered by the court, provide supervision of children adjudicated deprived who are placed by the court in the custody of a parent, relative or other responsible person. Such supervision shall, in accordance with standards established in rules promulgated by the Department, consist of periodic visitation with the child, the child's custodian, and such other persons as may be necessary to determine compliance with the court-approved individual treatment and service plan. Such supervision shall not exceed a period of six (6) months unless extended by the court for good cause shown;

3. Transfer any child in its custody from any authorized placement to another authorized placement if such transfer is consistent with the treatment needs of the child or as may be required in an emergency, subject to the provisions of subsections E and F of Section 7003-5.6 of this title;

4. In providing for the outpatient mental health care and treatment of children in its custody, utilize, to the maximum extent possible and appropriate, the services available through:

a. the guidance centers operated by the State Department of Health,

b. the Department of Mental Health and Substance Abuse Services, and

c. community-based private nonprofit agencies and organizations; and

5. Provide, when voluntarily requested by a parent, legal guardian or legal custodian pursuant to rules promulgated by the Department, family preservation or other services aimed at the prevention of child abuse or neglect.

B. 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~~ C. The Department shall 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~~ facilities maintained by the Department.

SECTION 48. AMENDATORY 10 O.S. 1991, Section 603.1, as amended by Section 4, Chapter 280, O.S.L. 1994 (10 O.S. Supp. 1994, Section 603.1) is amended to read as follows:

Section 603.1 A. On or before October 1, 1996, the Department of Human Services shall implement an agency-wide management information system for all programs and services of the Department related to children, youth and families. ~~Development and implementation of said system shall be initiated immediately upon the effective date of this resolution.~~

B. The management information system shall:

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

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

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

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

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

C. 1. The child welfare management information system implemented by the Department of Human Services shall be integrated with the management information system implemented by the Office of Juvenile Affairs by October 1, 1996.

2. The child welfare information system shall be available to persons authorized to obtain confidential records and reports of the Department of Human Services pursuant to Article V of the Oklahoma Children's Code.

SECTION 49. AMENDATORY 10 O.S. 1991, Section 603.3, is amended to read as follows:

Section 603.3 A. The Department of Human Services shall carefully define the children and youth programs of the Department as to their purpose, the population served and performance expectations. Planning for new programs and services and major modifications to existing ones shall include evaluation of their effect on other programs and services and communication and coordination with other public and private children and youth

service providers in order to assure successful and cost-effective implementation of the program. An evaluation component that includes monitoring and evaluation of client outcomes shall be incorporated into all of the Department's programs and services to children and youth, whether provided directly by the agency or through a contract.

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

2. Programs and services shall be targeted to the areas of the state having the greatest need for them. The programs and services shall be designed to meet the needs of the area in which they are located. Programs and services intended for statewide implementation shall be implemented first in those areas that have the greatest need for them.

3. ~~Requests for proposals developed by the Department shall be based upon documented client and service needs and identified priorities. The request for proposals shall clearly identify the program or service requirements, the population to be served, and performance expectations. The agency shall adopt clear, written guidelines to ensure uniformity in the management, monitoring and enforcement of contracts for services. If in-state private providers are unable or unwilling to respond to the proposal, then out-of-state providers should be encouraged to respond~~ As a part of the Department's program planning and monitoring processes, the Department shall examine its programs and services to children and youth to ensure that the practices within them do not operate to detriment of minority children and youth.

4. All child care services and facilities operated by the Department shall be accredited by the National Council on Accreditation.

B. The Department shall develop a five-year plan for children and youth services provided by the agency. The plan shall be reviewed annually and modified as necessary. Agency budget recommendations of the Department for services to children and youth shall be based upon documented needs, and the development of budget recommendations and priorities shall be closely integrated with agency and interagency program planning and management.

C. The Department shall 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 and the Supreme Court of the State of Oklahoma, analyzing and evaluating the effectiveness of the programs and services being carried out by the Department. 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. Statutory changes necessary;

4. Relevant information concerning the number of children in the Department's custody during the period covered by the report; and

5. Such other information as will enable a user of the report to ascertain the effectiveness of the Department's programs and services.

SECTION 50. AMENDATORY 10 O.S. 1991, Section 1135.2, as amended by Section 33, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1135.2), is amended to read as follows:

Section 1135.2 A. The Department of Human Services and the Department of Mental Health and Substance Abuse Services~~, no later than January 1, 1987,~~ shall jointly:

1. Establish procedures which shall ensure that children placed in the custody of the Department of Human Services shall have adequate and appropriate access to mental health services, including but not limited to inpatient services in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, emergency services, group homes, and day treatment services, provided through the Oklahoma Youth Center and to other appropriate facilities and programs operated by or available through the Department of Mental Health and Substance Abuse Services; and

2. Establish administrative procedures for the timely and expeditious resolution of any dispute which may arise over the placement of a child in a facility or program operated by the Department of Mental Health and Substance Abuse Services. Such procedures shall, at a minimum, provide:

a. for a person designated by each Department to serve as its representative for the purpose of resolving any dispute which may arise over the placement of a child in an inpatient treatment facility operated by the Department of Mental Health and Substance Abuse Services; and

b. that whenever there is no resolution of a dispute over the placement of a child in an inpatient facility operated by the Department of Mental Health and Substance Abuse Services within three (3) working days after the initial request of the Department of Human Services for the consent of the Department of Mental Health and Substance Abuse Services for the placement of a child in a Department of Mental Health and Substance Abuse Services inpatient facility, an arbitrator provided for in subsection B of this section will be notified, and the matter will be immediately submitted for arbitration and that the decision of the arbitrator shall be a final decision; and

c. an opportunity for the child whose placement is in dispute to be represented at any arbitration proceedings regarding his placement.

B. ~~No later than January 1, 1987, the~~ The Department of Human Services and the Department of Mental Health and Substance Abuse Services shall jointly select an individual to serve as arbitrator and an individual to serve as an alternate in case the arbitrator is unavailable. Any person selected to serve as an arbitrator or alternate arbitrator shall:

1. Be a person qualified to make a decision regarding the placement of a child found by a court to be a child in need of mental health treatment;

2. Agree to make his services immediately available upon notification of a dispute to be resolved; and

3. Agree to provide a decision within no more than one (1) week after notification of a dispute over the placement of a child.

C. If for any reason the Department of Human Services and the Department of Mental Health and Substance Abuse Services are unable to jointly agree upon a person to serve as arbitrator by January 1,

1987, the Commission on Children and Youth shall select said person at its next regularly scheduled monthly meeting.

D. Nothing in this title shall be construed as prohibiting the Department of Mental Health and Substance Abuse Services from admitting a child, upon the voluntary application for admission by his parent or legal guardian and the recommendation of a qualified mental health professional for such admission, to a facility or program operated by the Department of Mental Health and Substance Abuse Services appropriate for the care and treatment of the child.

Part 2. Contracts

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7004-2.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall, to the extent of funds available, directly or by grant or contract, develop and implement a diversity of community-based services and community-based care for children who are alleged or adjudicated deprived. Community-based services are prevention and remedial services including, but not limited to, home-based counseling, therapy and crisis intervention services, nonresidential educational, vocational, social and psychological diagnostic and counseling services, substance abuse treatment, sexual abuse treatment, emergency shelter and foster care, and other related protection, prevention and treatment services which are provided, whenever practicable, in or near a child's home community. Community-based care is care in a foster home, group home, community residential center or similar nonsecure facility consistent with the individualized treatment needs of the child and provided, whenever practicable, in or near a child's home community. The Department is authorized to contract with any federal, state, local or tribal governmental agency or with any qualified private person, association or agency to develop, administer, coordinate or provide community-based services and community-based care.

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

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

D. Nothing in this section shall serve to limit the authority of the Department to secure federal funding for community-based services and community-based care or compliance by the Department with federal law and regulations governing the expenditure of such funds.

E. Any state-funded grant or contract for the establishment of community residential care or treatment facilities for children shall require, as a condition for receipt of such grant or contract, 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.

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

G. The Department of Human Services is hereby authorized to expend a sum not to exceed One Million Four Hundred Thousand Dollars ($1,400,000.00) from monies appropriated for that purpose from the Human Services Fund during each fiscal year 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 capital 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.

Part 3. Children's Shelters and
Youth Services Shelter Facilities

SECTION 52. AMENDATORY 10 O.S. 1991, Section 1403, is amended to read as follows:

Section 1403. A. 1. The Department of Human Services is authorized to manage and operate the children's shelter located at Oklahoma City, known and designated as the Pauline Mayer Children's Shelter, and the children's shelter located in Tulsa, known and designated as the Laura Dester Children's Shelter.

2. The Department is authorized to manage and operate, to the extent of funds available, such group homes as may be necessary to provide a diversity of placement alternatives for children adjudicated deprived and placed in the Department's custody.

B. The ~~Oklahoma Public Welfare~~ Commission for Human Services shall establish and maintain such methods of administration, including those necessary to establish and maintain a merit system of personnel administration, and shall prescribe such rules ~~and regulations~~ as it deems necessary for the efficient and effective operation of the children's ~~institutions and~~ facilities operated by the Department.

~~B.~~ C. The Director of the Department of Human Services shall employ and fix the duties and compensation of a ~~superintendent~~ director or supervisor, and such other personnel as he deems

necessary, for each of the children's ~~institutions and~~ facilities operated by the Department; provided that the Department shall promulgate, and in its hiring and employment practices, the Department shall adhere to, written minimum qualifications by position for personnel working with or around children in said ~~institutions~~ facilities. Such minimum qualifications shall be designed to assure that such personnel possess sufficient education, training, experience and background to provide adequate and safe professional care and services to said children; and that the children will not be exposed to abuse, deprivation, criminal conduct, or other unwholesome conditions attributable to employee incompetence or misconduct.

~~C. The superintendent of a children's institution shall be the guardian of the person of each child in the institution~~ D. It shall be the duty of the State Fire Marshal and the Commissioner of Public Health to cause annual unannounced inspections of children's facilities operated by the Department, utilizing adequately trained and qualified inspection personnel, to determine and evaluate conditions in their respective areas of agency jurisdiction. Such inspections shall include, but not be limited to, compliance with minimum fire, life and health safety standards and compliance with minimum standards governing general sanitation of the institution. Reports of such inspections will be made in writing, itemizing and identifying any deficiencies and recommending corrective measure, and shall be filed with the Child Care Facilities Licensing Division of the Department of Human Services, the Office of Juvenile System Oversight and the Commission on Children and Youth.

E. The Department of Human Services shall file copies of the reports of the inspections and recommendations of the accrediting agencies with the Office of Juvenile System Oversight.

F. The Department may give assistance to local school districts in providing an education to children in facilities operated by the Department, 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 facilities 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.

SECTION 53. AMENDATORY 10 O.S. 1991, Section 1403.1, is amended to read as follows:

Section 1403.1 A. The Commission for Human Services ~~Commission~~ shall promulgate written rules ~~and regulations~~, outline policies and procedures governing the operation of those ~~institutions and other~~ facilities operated ~~by~~ with the Department of Human Services wherein ~~juveniles~~ children may be housed. Said policies and procedures shall include, but not be limited to, standards of cleanliness, temperature and lighting, availability of medical and dental care, provision of food, furnishings, clothing and toilet articles, supervision, appropriate and permissible use of restriction and confinement, procedures for enforcing rules of conduct consistent with due process of law and visitation privileges.

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

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

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

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

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

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

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

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

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

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

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

C. Any contract or agreement ~~between~~ entered into by the Department of Human Services ~~and the Department of Mental Health and Substance Abuse Services~~ for the residential care and treatment of children in the custody of the Department of Human Services shall provide that the ~~Department of Mental Health and Substance Abuse Services~~ contractor shall comply with the provisions of subsections A and B of this section and the provisions of ~~Section 1403.2 of~~ this ~~title~~ part.

SECTION 54. AMENDATORY 10 O.S. 1991, Section 1403.2, is amended to read as follows:

Section 1403.2 A. Use of physical force in ~~institutions and other~~ facilities operated by the Department of Human Services wherein children are housed shall be permitted only under the following circumstances:

1. For self-protection;

2. To separate ~~juveniles~~ children who are fighting;

3. To restrain ~~juveniles~~ children in danger of inflicting harm to themselves or others; or

4. To ~~restrain juveniles who have escaped or~~ deter children who are in the process of ~~escaping~~ leaving the facility without authorization.

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

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

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

SECTION 55. AMENDATORY 10 O.S. 1991, Section 1403.3, is amended to read as follows:

Section 1403.3 A. The ~~Oklahoma Public Welfare~~ Commission for Human Services shall establish and maintain a fair, simple and expeditious system for resolution of grievances of all persons committed to the Department of Human Services regarding the substance or application of any written or unwritten policy, rule or regulation of the Department or of an agent or contractor of the Department or any decision, behavior or action by an employee, agent or contractor or by other person committed to the Department.

B. The ~~Oklahoma Public Welfare~~ Commission for Human Services is authorized and directed to establish the Office of Advocate Defender within the Department and to employ such personnel as may be necessary to carry out the purposes of subsection A of this section. Such personnel may be dismissed only for cause.

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

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

a. supervise personnel assigned to ~~children's institutions and facilities as student defender/representatives~~ the Office of Advocate General,

b. monitor and review grievance procedures and hearings,

c. investigate grievances of ~~juveniles~~ children and staff grievances related to ~~juveniles~~ children which are not resolved at the facility level,

d. investigate allegations of abuse or neglect of ~~juveniles~~ children in Department-operated facilities or ~~juveniles~~ children who are in the custody of the Department and placed in a private facility,

e. coordinate any hearings or meetings of administrative review committees conducted as a result of unresolved grievances or as a result of investigations,

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

g. forward to the Office of Juvenile Systems Oversight, for the information of the Director of that office, a copy of the final report of a complaint which is not resolved, through the system for resolution of grievances established by the Oklahoma Human Services Commission, in the favor of the complainant, and

h. perform such other duties as required by the Director.

C. The Department shall promptly and immediately report to the appropriate district attorney having jurisdiction any act or omission by persons employed by the Department, perpetrated, committed or suffered or allowed to be perpetrated or committed by such person or persons upon any child in the custody of the Department, wherever housed, when such act or omission, upon conviction, would constitute an offense against the criminal laws of this state. Copies of all such reports shall be forwarded to the Attorney General.

SECTION 56. AMENDATORY 10 O.S. 1991, Section 607.1, is amended to read as follows:

Section 607.1 A. A youth service shelter facility may provide shelter and care to a minor mother, who is the victim of domestic abuse or is seeking relief from domestic abuse for herself or on behalf of any of her children or both herself and any of her children.

B. A youth service shelter facility may provide such shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor mother or any of her children or both the minor mother and any of her children. Such shelter or care shall not extend beyond thirty (30) days unless the facility receives an order issued by a court to continue such services or the parent or guardian of the minor mother consents to such services.

C. The provisions of Section 856 of Title 21 of the Oklahoma Statutes shall not apply to any youth service shelter facility and any person operating such facility with regards to providing shelter and care pursuant to the provisions of this section to a minor mother and any of her children who is a runaway from her parent or legal guardian.

D. The show cause hearing provided for in ~~Sections 1107 and 1107.1 of Title 10 of the Oklahoma Statutes~~ Part 2 of Article III of this code shall be provided for the minor mother, who is seeking relief from domestic abuse for herself or on behalf of any of her children.

ARTICLE V

Childrens' Records

SECTION 57. AMENDATORY 10 O.S. 1991, Section 1125, is amended to read as follows:

Section 1125. A. The court shall make and keep records of all cases brought before it. The court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

B. As used in ~~this title~~ the Oklahoma Children's Code:

1. "Records" shall include but not be limited to written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include information entered into and maintained in an automated or computerized information system;

2. "Juvenile court record" means legal and social records other than adoption records, including but not limited to agency, law enforcement and district attorney's records, filed with the court that are related to a child who is the subject of a court proceeding pursuant to the provisions of ~~Title 10 of the Oklahoma Statutes~~ the Oklahoma Children's Code;

3. "Agency record" means records prepared, obtained or maintained by a public or private agency with regard to a child who is or has been under its care, custody or supervision or to a family member or other person living in the home of such child and shall include but not be limited to:

a. any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such child, or

b. any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is or may be a deprived child, a delinquent child, a child in need of supervision or a child in need of treatment;

4. "District attorney's records" means any records prepared or obtained by an office of a district attorney relating to juvenile cases and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child as defined by this section;

5. "Law enforcement records" means any contact, incident or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a child and shall include but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a child is or may be subject to the provisions of this title as a deprived child, a delinquent child, a child in need ~~or~~ of supervision or a child in need of treatment. Law enforcement records pertaining to juveniles shall be maintained separately from records pertaining to adults;

6. "Nondirectory education records" means any records maintained by a public or private school, including a vocational-technical school, regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974 and any rules promulgated pursuant to said act;

7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court;

8. "Social record" means social studies and medical, psychological, clinical or other treatment reports or studies, educational records and agency records other than legal records filed with the court; and

9. "Participating agency" means any public or private agency that has entered into a contract or an interagency agreement under the Interlocal Cooperation Act in accordance with the rules and guidelines adopted pursuant to Section ~~14~~ 620.6 of this ~~act or the Serious and Habitual Juvenile Offender Act~~ title for the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 58. AMENDATORY 10 O.S. 1991, Section 1125.1, as amended by Section 1, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.1), is amended to read as follows:

Section 1125.1 A. Except as provided by this section and except as otherwise specifically provided by state and federal laws, the following records are confidential and shall not be open to the general public or inspected or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records;
6. Social records.

B. The limitation of subsection A of this section shall not apply to statistical information and other abstract information obtained pursuant to the provisions of this Code.

C. Except as authorized by ~~Sections~~ Section 620.6 ~~and 1125 through 1125.4~~ of this title and this article and except as otherwise specifically provided by state and federal laws pertaining to the confidentiality of records and information and the inspection, release, disclosure, correction or expungement of such information, including but not limited to state and federal laws pertaining to education records, medical records, drug or alcohol treatment records, law enforcement, or social service records, the records listed in subsection A of this section shall be confidential and shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court. Except as otherwise provided in Section 601.6 of this title, no subpoena or subpoena duces tecum purporting to compel disclosure of such information or record shall be valid.

~~C.~~ D. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

1. ~~Any~~ Except for district attorney records, any order authorizing the disclosure, release or inspection of said records pursuant to this subsection may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

2. Upon the filing of a petition for an order of the court pursuant to this section, the court shall set a date for a hearing and shall provide for reasonable notice to the agency holding the records and the person who is the subject of the record if said person is eighteen (18) years of age or older or to the parents of a child less than age eighteen (18) who is the subject of the record, to the attorneys, if any, of such person, child or parents and any other interested party as ordered by the court. The hearing may be closed at the court's discretion.

~~3. The Department of Human Services shall not be required to produce confidential records or information listed in subsection A of this section pursuant to a subpoena duces tecum issued in a divorce or custody action except upon the filing of a petition as required by this subsection.~~

~~D.~~ E. Any agency or person may seek an order from the juvenile court prohibiting the release of information subject to disclosure without an order of the court pursuant to ~~Sections~~ Section 620.6 ~~and 1125 through 1125.4~~ of this title and this article. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

~~E. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act and Section 620.6 of this title:~~

~~1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth; and~~

~~2. Said information systems may be accessed by participating agencies as defined by subsection B of Section 1125 of this title.~~

F. The court may authorize a designated person to review juvenile court confidential reports and records and collect

statistical information and other abstract information for research purposes. Such authorization shall be in writing and state specifically the type of information which may be reviewed.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents and such other persons required by the court to be confidential will remain confidential.

G. Nothing in ~~Sections~~ Section 620.6 ~~and 1125 through 1125.4~~ of this title and this article shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of information required to be kept confidential by Sections 55.1, 57, 60.17 or 60.29 of this title;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a ~~juvenile~~ deprived proceeding to records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review, or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency; and

6. Prohibiting the Department of Human Services from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect~~; and~~

~~7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act as authorized by Section 1103 of this title from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such and the terms of any agreement entered into by the child for payment of restitution, including but not limited to community services~~.

SECTION 59. AMENDATORY 10 O.S. 1991, Section 1125.2, as last amended by Section 2, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2), is amended to read as follows:

Section 1125.2 A. Juvenile court records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to this title, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, and court-appointed special advocates;

2. Members of review boards established pursuant to ~~Sections 1115.2, 1116.2, 1116.6 and 1150.2 of this title~~ Part 5 of Article III of this code, Child Death Review Board, and multidisciplinary personnel. In addition to juvenile court records, members of such review boards may inspect, without a court order, information including but not be limited to:

a. psychological and medical records,
b. placement history and information, including the names and addresses of foster parents,
c. family assessments,
d. treatment or service plans, and
e. school records;

3. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this title or the prosecution of crimes against children;

4. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this title or representing a child pursuant to subsection B of Section 846 of Title 21 of the Oklahoma Statutes. Said attorney may also access other records listed in subsection A of Section ~~1125.1~~ 7005-1.2 of this title for use in the legal representation of the child;

5. Employees of juvenile bureaus ~~established by Section 1201 of this title~~ in the course of their official duties pursuant to this title, and employees of the Department of Human Services in the course of their official duties pursuant to this title and Title 56 of the Oklahoma Statutes;

6. Employees of a law enforcement agency in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

7. ~~Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this paragraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed~~ Persons and agencies authorized by Section 7005-1.7 of this title;

8. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of this title;

9. The Department of Human Services or other public or private agency or individual having court-ordered custody or custody pursuant to Department of Human Services placement of the child who is the subject of the record;

10. The Office of Juvenile Affairs;

11. The child who is the subject of the record and the parents, legal guardian, legal custodian or foster parent of said child; ~~and~~

~~11.~~ 12. A federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child Welfare Act, Section 40 et seq. of this title; provided such Indian tribe, in the course of its official duties, is:

a. investigating a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody, or
b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or
c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or

intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this subsection shall include all case records, reports, and documents as defined in Section ~~1125~~ 7005-1.1 of this title;

13. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services; and

14. The chairman of any standing or special committee of the Legislature where a subpoena, authorized by law, has been issued by the committee requesting the records.

B. In accordance with the rules adopted for such purpose pursuant to ~~the Serious and Habitual Juvenile Offender Act, and~~ Section 620.6 of this title, ~~the~~ records listed in subsection A of Section ~~1125.1~~ 7005-1.2 of this title may be inspected and their contents disclosed without a court order to ~~the following~~:

1. Participating agencies ~~as defined by Section 1125 of this title~~; and

2. The following, provided that the inspection of records and disclosure authorized by this paragraph may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure:

a. pursuant to the provisions of this title, a person, agency, hospital or clinic authorized or directed by the court or the Department of Human Services to care for, treat, examine, evaluate or supervise a child or to treat, examine, or evaluate the parent, legal guardian, or ~~other~~ an adult person living in the home of the child,

b. a legally recognized school that is not a participating agency in which the child who is the subject of the record is currently enrolled, and

c. individuals or agencies engaged in legitimate research for educational, scientific or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose~~; and~~

~~3. The chairman of any standing or special committee of the Legislature where a subpoena, authorized by law, has been issued by the committee requesting the records~~.

C. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 60. AMENDATORY Section 3, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2A), is amended to read as follows:

Section 1125.2A A. Department of Human Services agency records pertaining to a child may be inspected and their contents disclosed without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to ~~Title 10 of the Oklahoma Statutes~~ this title, any district court or tribal court to which such proceedings may be

transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, court-appointed special advocates, and members of ~~review boards established pursuant to Section 1150.2 of this title~~ the Child Death Review Board;

2. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to ~~Title 10 of the Oklahoma Statutes~~ this title or the prosecution of crimes against children;

3. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of ~~Title 10 of the Oklahoma Statutes~~ this title or representing a child pursuant to ~~subsection B of Section 846 of Title 21 of the Oklahoma Statutes~~ the laws relating to child abuse and neglect. Said attorney may also access other records listed in subsection A of Section ~~1125.1~~ 7005-1.2 of this title for use in the legal representation of the child;

4. Employees of juvenile bureaus ~~established by Section 1201 of Title 10 of the Oklahoma Statutes~~ in the course of their official duties ~~pursuant to Title 10 of the Oklahoma Statutes~~;

5. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state or federally recognized Indian tribe in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

6. ~~Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed;~~

~~7.~~ The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of this title;

~~8.~~ 7. The Office of Juvenile Affairs;

8. Persons and agencies authorized by Section 7005-1.7 of this title;

9. Members of multidisciplinary teams or multidisciplinary personnel designated by the Department of Human Services, investigating a report of known or suspected child abuse or neglect or providing services to a child or family which is the subject of the report;

~~9.~~ 10. A physician who has before him ~~or her~~ a child whom the physician reasonably suspects may be abused or neglected;

~~10.~~ 11. Any public or private agency or person authorized by the Department to diagnose, or provide care, treatment, supervision or other services to a child who is the subject of a report or record of ~~delinquency,~~ child abuse or neglect, ~~or other adjudicatory category,~~ provided the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

~~11.~~ 12. Any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision or other services provided such child; ~~and~~

~~12.~~ 13. The parents of the child who is the subject of such records; provided that records pertaining to any alleged or

adjudicated abuse or neglect of said child shall not be inspected or disclosed pursuant to this paragraph;

14. Any person or agency for research purposes, if all of the following conditions are met:

a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and

b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

15. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services; and

16. The Oklahoma Health Care Authority.

B. In accordance with the rules adopted for such purpose pursuant to Section 620.6 of this title, records may be inspected and their contents disclosed without a court order to the following:

1. Participating agencies;

2. The following, provided that the inspection of records and disclosure authorized by this paragraph may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure:

a. pursuant to the provisions of this title, a person, agency, hospital or clinic authorized or directed by the court or the Department of Human Services to care for, treat, examine, evaluate or supervise a child or to treat, examine, or evaluate the parent, legal guardian, or an adult person living in the home of the child,

b. a legally recognized school that is not a participating agency in which the child, who is the subject of the record, is currently enrolled, and

c. individuals or agencies engaged in legitimate research for educational, scientific or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose.

C. Nothing in this section shall be construed as prohibiting the Department from disclosing such confidential information as may be necessary to secure appropriate care, treatment, protection or supervision of a child alleged to be abused or neglected.

D. Records and their contents disclosed pursuant to this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for any unauthorized purpose.

SECTION 61. AMENDATORY Section 2, Chapter 78, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2B), is amended to read as follows:

Section 1125.2B Department of Human Services agency records pertaining to a child may be inspected and their contents disclosed and released without a court order to a federally recognized Indian

tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child Welfare Act, Section 40 et seq. of Title 10 of the Oklahoma Statutes; provided such Indian tribe, in the course of its official duties, is:

a. investigating a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody, or

b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or

c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this section shall include all case records, reports, and documents as defined in Section ~~1125~~ 7005-1.1 of ~~Title 10 of the Oklahoma Statutes~~ this title.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7005-1.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

If a child is reported to a law enforcement agency as a missing child or a custodial parent, legal guardian or legal custodian of a child requests the issuance of a fingerprint card pursuant to the provisions of the Oklahoma Minor Identification Act, the provisions of the Oklahoma Minor Identification Act shall apply. With the voluntary and informed consent of the parent, legal guardian or legal custodian of the child, fingerprints obtained and maintained pursuant to the Oklahoma Minor Identification Act may be used by law enforcement officers.

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7005-1.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

When rules pertaining to the federal Child Abuse Prevention and Treatment Act which provide for expanded disclosure and sharing of records and reports with persons and entities who have a reason for the records and reports to protect children from child abuse and neglect are promulgated by the Administration of Children, Youth and Families of the federal Department of Health and Human Services, the Oklahoma Commission for Human Services shall promulgate emergency and permanent rules which will provide for disclosure of all relevant information to any federal, state or local governmental entity, or any agent of such entity, with a predetermined need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect. Rules shall provide for the disclosure of all relevant information concerning reports of child abuse and neglect to the persons or entities authorized by law to receive such information.

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7005-1.8 of Title 10, unless there is created a duplication in numbering, reads as follows:

Court and agency records required to be maintained pursuant to law regarding deprived children shall be maintained by the court or agency until otherwise provided by law.

ARTICLE VI

Termination of Parental Rights

SECTION 65. AMENDATORY 10 O.S. 1991, Section 1130, as last amended by Section 1, Chapter 309, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1130), is amended to read as follows:

Section 1130. A. The finding that a child is delinquent, in need of supervision or deprived shall not deprive the parents of the child of their parental rights, but a court may terminate the rights of a parent to a child in the following situations:

1. Upon a written consent of a parent, including a parent who is a minor, acknowledged as provided in paragraph (4) of Section 60.5 of this title, who desires to terminate his parental rights; provided that the court finds that such termination is in the best interests of the child; or

2. A finding that a parent who is entitled to custody of the child has abandoned it; or

3. A finding that:

a. the child ~~is~~ has been adjudicated to be deprived, ~~as defined in this title,~~ and

b. such condition is caused by or contributed to by acts or omissions of the parent, and

c. termination of parental rights is in the best interests of the child, and

d. the parent has failed to show that the condition which led to the making of said finding has ~~not~~ been corrected although the parent has been given three (3) months to correct the condition; provided, that the parent shall be given notice of any hearing to determine if the condition has been corrected. The court may extend the time in which such parent may show the condition has been corrected, if, in the judgment of the court, such extension of time would be in the best interest of the child. During the period that the parent has to correct the condition the court may return the child to the custody of its parent or guardian, subject to any conditions which it may wish to impose or the court may place the child with an individual or an agency; or

4. A finding that a subsequent child has been born to a parent whose parental rights to other children have been terminated by the court; provided, that the applicant shall show that the condition which led to the making of the finding which resulted in the termination of such parent's parental rights to the other children has not been corrected. The court may set the time in which the applicant shall show that the condition has not been corrected, if, in the judgment of the court, it is in the best interests of the child. Until the applicant shows the condition has not been corrected, the child may remain in the custody of the parent, subject to any conditions which the court may impose, or the court may place the child with an individual or an agency. As used in this paragraph, the term "applicant" shall include, but not be limited to, ~~the Department of Human Services or~~ a district attorney; or

5. A finding that a parent who does not have custody of the child has willfully failed to contribute to the support of the child as provided in a decree of divorce or in some other court order during the preceding year or, in the absence of such order, consistent with the parent's means and earning capacity; provided, that the incarceration of a parent shall not prevent termination of parental rights under this section; or

6. A conviction in a criminal action pursuant to the provisions of Sections ~~843, 845,~~ 1021.3, 1111 and 1123 of Title 21 of the Oklahoma Statutes, the laws relating to child abuse and neglect, or a finding in a deprived child action either that:

a. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse that is heinous or shocking to the court or that the child or sibling of such child has suffered severe harm or injury as a result of such physical or sexual abuse, or

b. the parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse subsequent to a previous finding that such parent has physically or sexually abused the child or a sibling of such child or failed to protect the child or a sibling of such child from physical or sexual abuse; or

7. A conviction in a criminal action that the parent has caused the death of a sibling of the child as a result of the physical or sexual abuse or chronic neglect of such sibling; or

8. A finding that all of the following exist:

a. the child ~~is~~ has been adjudicated deprived~~, as defined in this title~~, and

b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and

c. the parent whose rights are sought to be terminated has been sentenced to a period of incarceration of not less than ten (10) years, and

d. the continuation of parental rights would result in harm to the child based on consideration of the following factors, among others: the duration of incarceration and its detrimental effect on the parent/child relationship; any previous incarcerations; any history of criminal behavior, including crimes against children; the age of the child; the evidence of abuse or neglect of the child or siblings of the child by the parent; and the current relationship between the parent and the child and the manner in which the parent has exercised parental rights and duties in the past, and

e. termination of parental rights is in the best interests of the child.

Provided, that the incarceration of a parent shall not in and of itself be sufficient to deprive a parent of his parental rights; or

9. A finding that all of the following exist:

a. the child ~~is~~ has been adjudicated deprived ~~as defined in this title~~, and

b. custody of the child has been placed outside the home of a natural or adoptive parent, guardian or extended family member, and

c. the parent whose rights are sought to be terminated has a mental illness or mental deficiency, as defined by Section 6-201 of Title 43A of the Oklahoma Statutes, which renders the parent incapable of adequately and appropriately exercising parental rights, duties and responsibilities, and

d. the continuation of parental rights would result in harm or threatened harm to the child, and

e. the mental illness or mental deficiency of the parent is such that it will not respond to treatment, therapy or medication and, based upon competent medical opinion, the condition will not substantially improve, and

f. termination of parental rights is in the best interests of the child.

Provided, a finding that a parent has a mental illness or mental deficiency shall not in and of itself deprive the parent of his parental rights.

B. An order directing the termination of parental rights is a final appealable order.

C. A parent or guardian of a child may petition the court to terminate the parental rights of a parent or the parents of a child for any of the grounds listed in paragraphs 1, 2 or 5 of subsection A of this section. A prior finding by a court that a child is delinquent, deprived or in need of supervision shall not be required for the filing of such petition by the parent or guardian.

SECTION 66. AMENDATORY 10 O.S. 1991, Section 1131, is amended to read as follows:

Section 1131. A. 1. A parent shall be given actual notice of any hearing to terminate ~~his~~ such parent's parental rights. The notice shall indicate the relief requested, and the hearing shall not be held until at least ten (10) days after the receipt of such notice, except with the consent of the parent, if known.

2. If the court finds that the whereabouts of the parent cannot be ascertained, it may order that notice be given by publication and a copy mailed to the last-known address of the parent. The notice shall be published once in a newspaper of general circulation in the county in which the action to terminate parental rights is brought, and the hearing shall not be held for at least ten (10) days after the date of publication of the notice. Except as otherwise provided by subsection B of this section, if a parent has not received actual notice of the hearing at which he is deprived of his parental rights, the order depriving him of those rights shall not become final for a period of six (6) months after the hearing. Nothing in this section shall prevent a court from immediately taking custody of a child and ordering whatever action may be necessary to protect his health or welfare.

B. For the purpose of terminating the parental rights, a father or putative father of a child born out of wedlock who has not, prior to commencement of a proceeding to terminate parental rights to such child, exercised parental rights and duties or whose consent is not required pursuant to Section 60.6 of this title shall not be deemed to have parental rights to such child. The father or putative father shall be entitled to notice and an opportunity to be heard pursuant to this section and Section 29.1 of this title, except that the court may:

1. Waive notice to a putative father whose identity is unknown to the mother of the child born out of wedlock and the mother of the child signs a sworn statement before the court that the identity of the father or putative father of the child is unknown and the court is satisfied, after inquiry into the matter, that his identity is unknown and with due diligence could not be determined; the willful and deliberate falsification of said sworn statement shall be perjury and shall, upon conviction, be punishable as otherwise provided by law. The waiver of notice by the court pursuant to this

paragraph shall not constitute grounds to challenge an adoption of the child; and

2. When the identity of the father or putative father of a child born out of wedlock is known but his whereabouts is unknown and the court, after inquiry, is satisfied that after diligent search his whereabouts remains unknown, order that notice be given by publication as provided in subsection A of this section and a copy mailed to the last-known address, if known, of such father or putative father. When notice is given by publication the order terminating parental rights shall not become final for a period of fifteen (15) days from the date of the order.

SECTION 67. AMENDATORY 10 O.S. 1991, Section 1132, as amended by Section 10, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1132), is amended to read as follows:

Section 1132. A. The termination of parental rights terminates the parent-child relationship, including the parent's right to the custody of the child and ~~his~~ the parent's right to visit the child, ~~his~~ the parent's right to control the child's training and education, the necessity for the parent to consent to the adoption of the child ~~and~~, the parent's right to the earnings of the child, and the parent's right to inherit from or through the child. Provided, that nothing herein shall in any way affect the right of the child to inherit from the parent.

B. 1. Except for adoptions as provided in paragraph 3 of this subsection, termination of parental rights shall not terminate the duty of either parent to support his or her minor child.

2. Any actual notice of termination of parental rights and order terminating parental rights shall indicate that the duty of the parent to support his or her minor child will not be terminated except for adoption as provided by paragraph 3 of this subsection.

3. Child support orders shall be entered by the court that terminates parental rights and shall remain in effect until the court of termination receives notice from the placing agency that a final decree of adoption has been entered and then issues an order terminating child support and dismissing the case.

SECTION 68. AMENDATORY 10 O.S. 1991, Section 1133, is amended to read as follows:

Section 1133. A. After parental rights have been terminated, a court may award custody of the child to any qualified person or agency with authority to consent to the adoption of the child, or the court, in its discretion, may reserve the authority to consent to the adoption of the child~~; but a~~. A court ~~cannot~~ shall not consent to or authorize any person or agency to consent to the adoption of a child unless the rights of the parents have been terminated in accordance with the provisions of this act.

B. When an interlocutory or final decree of adoption has been rendered, a decree terminating parental rights cannot be challenged on any ground either by a direct or a collateral attack, more than three (3) months after its rendition. The minority of the natural parent shall not operate to prevent this time limit from running.

SECTION 69. AMENDATORY 10 O.S. 1991, Section 1134, is amended to read as follows:

Section 1134. A. Except as otherwise provided for in subsection B of this section, an action to adopt a child ~~may~~ shall not be combined with an action to terminate parental rights and when the rights of a parent have been terminated, neither an interlocutory nor a final decree of adoption may be rendered until the decree terminating parental rights has become final.

B. This section shall not apply to:

1. A proceeding to adopt a child without the consent of a parent when the court has determined that consent is not legally required; or

2. A proceeding to adopt a child born out of wedlock when the mother of the child is granting consent to the adoption and is a party to the action; or

3. Proceedings pursuant to the provisions of Section 60.6 of this title.

Chapter 73

Oklahoma Juvenile Code

ARTICLE I

General Provisions

SECTION 70. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7301-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Chapter 73 of Title 10 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Juvenile Code".

B. All statutes hereinafter enacted and codified in Chapter 73 of Title 10 of the Oklahoma Statutes shall be considered and deemed part of the Oklahoma Juvenile Code.

C. Chapter, article and part captions are part of the Oklahoma Juvenile Code, but shall not be deemed to govern, limit or in any manner affect the scope, meaning or intent of the provisions of any article or part of this Code.

SECTION 71. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7301-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature that Chapter 73 of this title shall be liberally construed, to the end that its purpose may be carried out.

The purpose of the laws relating to juveniles alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency. This purpose should be pursued through means that are fair and just, that:

1. Recognize the unique characteristics and needs of juveniles;

2. Give juveniles access to opportunities for personal and social growth;

3. Maintain the integrity of substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior;

4. Provide a system for the rehabilitation and reintegration of juvenile delinquents into society;

5. Preserve and strengthen family ties whenever possible, including improvement of home environment;

6. Remove a juvenile from the custody of parents if the welfare and safety of the juvenile or the protection of the public would otherwise be endangered;

7. Secure for any juvenile removed from the custody of parents the necessary treatment, care, guidance and discipline to assist the juvenile in becoming a responsible and productive member of society; and

8. Provide procedures through which the provisions of the law are executed and enforced and which will assure the parties fair hearings at which their rights as citizens are recognized and protected.

SECTION 72. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7301-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

When used in the Oklahoma Juvenile Code, unless the context otherwise requires:

1. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition filed pursuant to the provisions of Article III of the Oklahoma Juvenile Code are supported by the evidence and whether a juvenile should be adjudged to be a ward of the court;

2. "Alternatives to secure detention" means those services and facilities which are included in the State Plan for the Establishment of Juvenile Detention Services adopted by the Board of Juvenile Affairs and which are used for the temporary detention of juveniles in lieu of secure detention in a juvenile detention facility;

3. "Board" means the Board of Juvenile Affairs;

4. "Child" or "juvenile" 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 7306-1.1 of Title 10 of the Oklahoma Statutes, or any person thirteen (13), fourteen (14) or fifteen (15) years of age who is charged with murder in the first degree pursuant to subsection B of Section 7306-1.1 of Title 10 of the Oklahoma Statutes, or any individual who has been certified as an adult pursuant to Section 7303-4.3 of Title 10 of the Oklahoma Statutes, or any individual against whom the imposition of judgment and sentence has been deferred for any crime specified in subsection A or B of Section 7306-1.1 of Title 10 of the Oklahoma Statutes, any individual against whom the imposition of judgment and sentence has been deferred after certification as an adult pursuant to Section 7303-4.3 of Title 10 of the Oklahoma Statutes; provided that any person under eighteen (18) years of age who is not convicted after being charged with a crime pursuant to Section 7306-1.1 of Title 10 of the Oklahoma Statutes, or any individual who is not convicted after certification as an adult pursuant to Section 7303-4.3 of Title 10 of the Oklahoma Statutes, shall continue to be subject to the jurisdiction of the juvenile court;

5. "Child or juvenile in need of mental health treatment" means a juvenile in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act;

6. "Child or juvenile in need of supervision" means a juvenile who:

a. ——has repeatedly disobeyed reasonable and lawful commands or directives of the parent, legal guardian, or other custodian, or

b. ——is willfully and voluntarily absent from his home without the consent of the 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 the juvenile is subject to compulsory school attendance;

7. "Community-based" means a facility, program or service, or open group home or other suitable place located near the home or family of the juvenile, 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, diversion programs for first-time offenders,

transitional living, independent living and other rehabilitative services;

8. "Community residential center" means a residential facility for no more than twenty juveniles 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;

9. "Day treatment" means a program which provides intensive services to juveniles 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;

10. "Delinquent child or juvenile" means a juvenile who:

a.——has violated any federal or state law or municipal ordinance except a traffic statute or traffic ordinance or any provision of the Oklahoma Wildlife Conservation Code, or has violated any lawful order of the court made pursuant to the provisions of the Oklahoma Juvenile Code, or

b.——has habitually violated traffic laws or traffic ordinances;

11. "Department" means the Department of Juvenile Justice;

12. "Deputy Director" means the Deputy Director of the Department of Juvenile Justice;

13. "Dispositional hearing" means a hearing to determine the order of disposition which should be made with respect to a juvenile adjudged to be a ward of the court;

14. "Executive Director" means the Executive Director of the Office of Juvenile Affairs;

15. "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;

16. "Group home" means a residential facility housing no more than twelve juveniles 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;

17. "Independent living program" means a program designed to assist a juvenile 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. "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;

19. "Juvenile detention facility" means a secure facility which meets the certification standards of the Department and which is entirely separate from any prison, jail, adult lockup, or other adult facility, for the temporary care of children;

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

21. "Office" means the Office of Juvenile Affairs;

22. "Person responsible for a juvenile's health or welfare" includes a parent, a legal guardian, custodian, a foster parent, a

person eighteen (18) years of age or older with whom the juvenile's parent cohabitates or any other adult residing in the home of the child, an agent or employee of a public or private residential home, institution or facility, or an owner, operator, or employee of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

23. "Preliminary inquiry" or "intake" means a mandatory, preadjudicatory interview of the juvenile and, if available, the parents, legal guardian, or other custodian of the juvenile, which is performed by a duly authorized individual to determine whether a juvenile comes within the purview of the Oklahoma Juvenile Code, whether nonadjudicatory alternatives are available and appropriate, and if the filing of a petition is necessary;

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

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

26. "Secure detention" means the temporary care of juveniles who require secure custody in physically restricting facilities:

a.——while under the continuing jurisdiction of the court pending court disposition, or

b.——pending placement by the Department of Juvenile Justice after adjudication;

27. "Training school" or "secure facility" means a facility, maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of delinquent juveniles or youthful offenders 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; and

28. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting juveniles 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.

ARTICLE II

Juvenile Justice

Part 1. Board of Juvenile Affairs

SECTION 73. AMENDATORY Section 6, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.3), is amended to read as follows:

Section 1507.3 A. There is hereby created, ~~on~~ effective February 1, 1995, the Board of Juvenile Affairs which shall consist of seven (7) members who shall be appointed by the Governor with the advice and consent of the Senate.

B. One member shall be appointed from each of the six congressional districts as defined and in existence on February 1, 1995, and the seventh member shall be appointed from the state at large. The terms of office of two members shall expire on March 15,

1997, and each six (6) years thereafter; the terms of three members shall expire on March 15, 1999, and each six (6) years thereafter; the terms of two members shall expire on March 15, 2000, and each six (6) years thereafter.

C. 1. The Governor shall appoint the first Board on February 1, 1995.

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

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

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

1. Be a citizen of the United States;

2. Be a resident of this state;

3. Be a qualified elector of this state; and

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

E. The Board shall be composed of:

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

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

3. One member who shall be an attorney licensed by this state who shall be selected from lists submitted by each of the two offices of county indigent defender;

4. One member who shall be selected from a list submitted by the Oklahoma Commission on Children and Youth;

5. One member who shall be an attorney licensed by this state who shall be selected from a list submitted by the District Attorneys Council;

6. One member who shall be an educator within a public school system of this state; and

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

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

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

2. Members of the Board shall receive necessary travel expenses according to the provisions of the State Travel Reimbursement Act, but shall receive no other compensation. Travel expenses shall be paid from funds available ~~to the Office of Juvenile Justice of the Department of Human Services until July 1, 1995. Beginning July 1, 1995, travel expenses shall be paid from funds available~~ to the Office of Juvenile Affairs.

~~3. The initial meeting of the Board shall be called by the transition coordinators by February 15, 1995.~~

H. The Board shall:

1. Adopt and promulgate rules for its government and may adopt an official seal for the Office of Juvenile Affairs;

2. Appoint and fix the compensation of the Executive Director of the Office of Juvenile Affairs;

3. Be the rulemaking body for the Office of Juvenile Affairs;

4. Review and approve the budget request of the Office of Juvenile Affairs to the Governor;

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

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

7. Establish contracting procedures for the Office of Juvenile Affairs and guidelines for rates of payment for services provided by contract; provided, the Board shall not increase any rates of payment at any time the Legislature is not in session.

I. 1. As the rulemaking body of the Office of Juvenile Affairs, the Board is specifically charged with the duty of promulgating rules which will implement the duties and responsibilities of the Office pursuant to ~~this act~~ the Oklahoma Juvenile Code.

2. Effective July 1, 1995, any administrative policies adopted by the Commission for Human Services related to personnel and other administrative issues and any rules promulgated relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision shall be and remain in effect until amended or new rules are promulgated by the Board of Juvenile Affairs.

3. Any rules adopted by the Commission for Human Services related to personnel and other administrative issues and the custody, care and supervision of children adjudicated to be delinquent or in need of supervision and subject to review by the Legislature during the 1st Session of the 45th Oklahoma Legislature may be finally adopted and promulgated by the Board of Juvenile Affairs pursuant to the Administrative Procedures Act.

4. Starting April 1, 1995, the Board of Juvenile Affairs shall conduct an internal review of current permanent and emergency rules relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision to determine whether such rules need to be amended, or repealed, reinstated, or recodified. By January 1, 1997, the Board shall have adopted permanent rules to implement the programs and functions within its jurisdiction and shall submit such rules for legislative review pursuant to Article I of the Administrative Procedures Act.

5. The Board of Juvenile Affairs shall develop performance standards for programs implemented, either directly or pursuant to contract, by the Department of Juvenile Justice.

Part 2. Office of Juvenile Affairs

SECTION 74. AMENDATORY Section 7, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.4), is amended to read as follows:

Section 1507.4 A. ~~On or before July 1, 1995, the~~ The Board of Juvenile Affairs shall appoint the Executive Director of the Office of Juvenile Affairs. The Executive Director shall serve at the

pleasure of the Board. ~~If an Executive Director is not appointed or does not assume office by July 1, 1995, the Division Administrator of the Office of Juvenile Justice serving as transition coordinator shall serve as Executive Director until an Executive Director is appointed and assumes office.~~

B. The Executive Director of the Office of Juvenile Affairs shall be qualified for such position by character, ability, education, training, and successful administrative experience in the corrections or juvenile justice field; shall have earned a master's degree or other advanced 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, law, 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 specified in this subsection and four (4) years' progressively responsible work experience in corrections or juvenile justice.

C. ~~Effective July 1, 1995, the~~ The Executive Director shall provide for the administration of the Office of Juvenile Affairs and shall:

1. Be the executive officer and supervise the activities of the Office of Juvenile Affairs;

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

3. Establish internal policies and procedures for the proper and efficient administration of the Office of Juvenile Affairs; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Office of Juvenile Affairs pursuant to this act.

D. The Executive Director shall employ an attorney to be designated the "General Counsel" who shall be the legal advisor for the Office of Juvenile Affairs and the Department of Juvenile Justice. Except as provided in this subsection, the General Counsel is authorized to appear for and represent the Office and Department in any litigation that may arise in the discharge of the duties of the Office or Department.

It shall continue to be the duty of the Attorney General to give an official opinion to the Executive Director of the Office of Juvenile Affairs, the Deputy Director of the Department of Juvenile Justice, the Office of Juvenile Affairs and the Department of Juvenile Justice, and to prosecute and defend actions therefor, if requested to do so. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney's fee for such legal services from the Office or Department. Neither the Office nor Department shall contract for representation by private legal counsel unless approved by the Attorney General. Such contract for private legal counsel shall be in the best interests of

the state. The Attorney General shall be notified by the Office of Juvenile Affairs or its counsel of all lawsuits against the Office of Juvenile Affairs or the Department of Juvenile Justice or officers or employees thereof, that seek injunctive relief which would impose obligations requiring the expenditure of funds in excess of unencumbered monies in the agency's appropriations or beyond the current fiscal year. The Attorney General shall review any such cases and may represent the interests of the state, if the Attorney General considers it to be in the best interest of the state to do so, in which case the Attorney General shall be paid as provided in this subsection. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the Office and Department as necessary to avoid conflicts of interest.

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

SECTION 75. AMENDATORY Section 8, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.5), is amended to read as follows:

Section 1507.5 A. Effective July 1, 1994, there is hereby created the Office of Juvenile Affairs. Within the Office of Juvenile Affairs there is hereby created:

1. The Department of Juvenile Justice which shall be responsible for programs and services for ~~children~~ juveniles alleged or adjudicated to be delinquent or in need of supervision. The Executive Director of the Office of Juvenile Affairs shall appoint a Deputy Director of the Department of Juvenile Justice to serve as the administrative head of the Department; and

2. Such other Departments specifically established by law.

B. ~~Until July 1, 1995, the transition team for the Office of Juvenile Affairs shall:~~

~~1. Assist the transition coordinators in the performance of duties pursuant to the provisions of Section 4 of this act relating to transitional authority;~~

~~2. Assist the Board of Juvenile Affairs, as necessary, in the promulgation of rules necessary to implement the programs and functions within the jurisdiction of the Office of Juvenile Affairs; and~~

~~3. Initiate a search for appropriate and adequate office space needed for purposes of implementing its jurisdictional duties provided by this act to be leased at such time as provided by the Legislature. Until such time as specified by the Legislature~~ Suitable office space shall be provided by the Department of Central Services to the Office of Juvenile Affairs, to the extent necessary for the Office to implement its jurisdictional duties provided by ~~this act in the state building in which the Department of Human Services is located, Sequoyah Building, Oklahoma Capitol Complex, Oklahoma City, Oklahoma~~ the Oklahoma Juvenile Code, and the Office may incur necessary expenses for office rent.

C. Effective July 1, 1995, the Office of Juvenile Affairs shall be a Merit System agency and all employees of the Office of Juvenile Affairs shall be classified employees who are subject to the Oklahoma Personnel Act and the Merit System of Personnel

Administration, except as otherwise provided ~~in Sections 840.8 and 840.10 of Title 74 of the Oklahoma Statutes~~ by law.

D. Effective July 1, 1995, within its jurisdictional areas of responsibility, the Office of Juvenile Affairs, acting through the Executive Director, or persons authorized by law, rule or designated by the Executive Director to perform such acts, shall have the power and duty to:

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

2. Enter into agreements for, accept, administer and use, disburse and administer grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program within its jurisdictional area of responsibility;

3. Require the establishment and maintenance of records and reports;

4. Establish a system of training for personnel in order to assure uniform statewide application of law and rules;

5. Enforce the provisions of ~~this act~~ the Oklahoma Juvenile Code and rules promulgated thereunder and orders issued pursuant thereto;

6. Charge and receive fees pursuant to fee schedules promulgated by the Board of Juvenile Affairs;

7. Conduct studies, research and planning of programs and functions, pursuant to the authority granted by ~~this act~~ the Oklahoma Juvenile Code;

8. Enter into interagency agreements;

9. Provide administrative and support services to the Board of Juvenile Affairs as necessary to assist the Board in the performance of their duties;

10. Establish and maintain such facilities and institutions as are necessary or convenient for the operation of programs for children under the jurisdiction of the Office of Juvenile Affairs;

11. Lease, from time to time, any real property which the ~~Executive Director~~ Board of Juvenile Affairs shall determine advisable to more fully carry into effect the operation of the Office of Juvenile Affairs in accordance with applicable state statutes. All such leases for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

12. Purchase or lease any equipment, supplies or materials pursuant to the Oklahoma Central Purchasing Act;

13. Contract for professional services;

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

15. Exercise all incidental powers which are necessary and proper to implement and administer the purposes of ~~this act~~ the Oklahoma Juvenile Code.

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

SECTION 76. AMENDATORY 10 O.S. 1991, Section 602, is amended to read as follows:

Section 602. The Office of Juvenile Affairs through its 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~~ section; and

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

Part 3. Department of Juvenile Justice

SECTION 77. AMENDATORY Section 9, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.6), is amended to read as follows:

Section 1507.6 A. Effective July 1, 1995, in addition to other responsibilities specified by law, the Department of Juvenile Justice shall:

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

2. Provide court intake, probation and parole for delinquent children; and

3. Collect and disseminate information and engage in juvenile justice or delinquency prevention activities relating to the provisions of ~~this act~~ the Oklahoma Juvenile Code.

B. ~~Effective July 1, 1995, within the~~ The Department of Juvenile Justice ~~there shall be created~~ shall include the following divisions:

1. The Division of Advocate Defender;

2. The Division of the Parole Board which shall consist of the Parole Review and Hearing Board transferred to the Department of Juvenile Justice pursuant to subsection E of this section; and

3. Such other divisions prescribed by the Executive Director of the Office of Juvenile Affairs or by law.

C. 1. Effective July 1, 1995, the following programs are established within the Department of Juvenile Justice:

a. programs for community intervention and diversion projects to prevent juvenile delinquency,

b. state programs for children who are potentially delinquent and/or who are adjudicated delinquent,

c. programs for community disciplinary projects,

d. programs of juvenile crime restitution,

e. the Serious and Habitual Juvenile Offender Program,

f. regimented juvenile training programs, ~~and~~

g. the Delinquency and Youth Gang Intervention and Deterrence Act; and

h. such other programs prescribed by the Executive Director of the Office of Juvenile Justice or by law.

2. Beginning July 1, 1995, the Office of Juvenile Affairs, in cooperation with the courts, shall develop programs which can be used directly by the Department of Juvenile Justice or can be used in communities with the assistance of the Department of Juvenile Justice to divert juveniles at risk of becoming delinquent from the

formal court process. Such programs shall be implemented by the Department of Juvenile Justice beginning July 1, 1995. Such programs shall include, but not be limited to:

~~1. Alternative~~ a. alternative diversion programs for first-time offenders~~;~~ as defined by Section 7303-4.6 of this title,

~~2. Teen~~ b. teen court programs, subject to the requirements and procedures provided in Section ~~1114~~ 7303-4.6 of ~~Title 10 of the Oklahoma Statutes;~~ this title, and

~~3. Teen~~ c. teen substance abuse schools. A teen substance abuse school shall include any program approved by the court that provides educational, motivational and behavior modification instruction for juveniles who have chemical dependency problems.

D. ~~1.~~ Beginning July 1, 1995, the Department of Juvenile Justice, in its role as coordinator for delinquency prevention services, shall:

~~a. establish~~ 1. Establish guidelines for juvenile delinquency prevention and diversion programs for use in local communities, including but not limited to:

~~(1)~~ a. counseling programs,
~~(2)~~ b. recreational programs,
~~(3)~~ c. job skills workshops,
~~(4)~~ d. community public improvement projects,
~~(5)~~ e. mediation programs,
~~(6)~~ f. programs to improve relationships between juveniles and law enforcement personnel,
~~(7)~~ g. diagnostic evaluation services,
~~(8)~~ h. substance abuse prevention programs, and
~~(9)~~ i. independent living skills and self-sufficiency planning programs~~,~~; and

~~b. provide~~ 2. Provide that personnel shall be available in each county of the state to assist local communities in developing and implementing community programs to prevent delinquency and to divert ~~children~~ juveniles who have committed delinquent acts from committing further delinquent or criminal acts. The Department of Juvenile Justice shall provide this service in each county either directly or by contract.

~~2. As used in this section:~~

~~a. "alternative diversion programs for first-time offenders" means programs for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency,~~

~~b. "teen court programs" means programs which provide an alternative judicial forum for cases involving juvenile offenders, in which teenage participants, under the supervision of an adult coordinator, serve in various capacities within the courtroom, including jurors, lawyers, bailiffs and judges. The teen court hears cases involving juvenile offenders who are referred to the teen court by the district attorney or the district court and assesses sentences such as participation in community work projects, counseling or rehabilitation programs, and~~

~~c. "teen substance abuse schools" means any program approved by the court that provides educational,~~

~~motivational and behavior modification instruction for juveniles who have chemical dependency problems.~~

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

a. the Residential Services Unit of the Office of Juvenile Justice and all staff for the Unit,

b. the Quality Assurance Monitoring Unit of the Office of Juvenile Justice and all staff for the Unit,

c. the Contract Management/Youth Services Unit of the Office of Juvenile Justice and all staff for the Unit,

d. the Psychological Unit of the Office of Juvenile Justice and all staff for the Unit,

e. the Juvenile Services Unit and all field and supervisory staff for the Unit,

f. ~~all field and supervisory staff for court-related juvenile services,~~

~~g.~~ all institutional staff for institutions transferred from the Department of Human Services to the Office of Juvenile Affairs,

~~h.~~ g. all staff assigned to the community residential programs of the Office of Juvenile Justice,

~~i.~~ h. the Management Services Unit of the Office of Juvenile Justice,

~~j.~~ i. the Programs Unit of the Office of Juvenile Justice,

~~k.~~ j. all staff of the business office of the Office of Juvenile Justice,

~~l.~~ k. the Planning and Information Unit of the Office of Juvenile Justice,

~~m.~~ l. all staff of the Office of Juvenile Justice assigned to serve as the liaison to the Federal Court Monitor of the Office of Juvenile Justice, ~~and~~

~~n.~~ m. the Parole Review and Hearing Board within the Office of the General Counsel of the Department of Human Services and all members of the Board and support staff for the Board, and

n. the Division Administrator for the Office of Juvenile Justice and administrative staff for the Division Administrator.

2. The Office of Juvenile Affairs and the Department of Human Services may enter into an agreement for the transfer of personnel on July 1, 1995, from the Department of Human Services to the Office of Juvenile Affairs. No selected employee shall be transferred to the Office of Juvenile Affairs, except on the freely given written consent of the employee.

3. The classified and unclassified employees who are transferred pursuant to paragraph 1 or 2 of this subsection from the Department of Human Services to the Office of Juvenile Affairs on July 1, 1995, shall be subject to the following provisions:

a. classified employees ~~transferred to the Office of Juvenile Affairs~~ shall remain subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act~~. The transfer of such employees shall be made pursuant to Section 530:10-11-74 of the Oklahoma Administrative Code~~ except that such employees shall be exempt from the provisions of the Merit System

pertaining to classification until October 1, 1995. Effective October 1, 1995, such employees shall be given status in the class to which the position occupied by the employee on October 1, 1995, is allocated by the Office of Personnel Management. The salary of such an employee shall not be reduced as a result of such position allocation, and if the employee's salary is below the minimum rate of pay for the class to which the position occupied by the employee on October 1, 1995, is allocated, the employee's salary shall be adjusted up to the minimum rate of pay; provided, if such allocation is a promotion, the minimum rate shall be determined as provided in 530:10-7-14 of the Oklahoma Administrative Code,

b. unclassified employees ~~transferred to the Office of Juvenile Affairs~~ shall remain in the unclassified service and shall serve at the pleasure of the Executive Director. ~~Except for positions that remain in the unclassified service pursuant to law, the positions occupied by unclassified employees so transferred shall become part of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act, whenever they become vacant. Nothing in this section shall prohibit the unclassified employees from making application and competing for these or any other positions in the classified service the same as any other applicant for open competitive appointment~~ Effective October 1, 1995, such employees who occupy positions that are subject to the Merit System of Personnel Administration shall become classified and subject to the provisions of the Merit System of Personnel Administration pursuant to Section 840-4.1 of Title 74 of the Oklahoma Statutes. Unclassified employees who, on October 1, 1995, occupy positions that remain in the unclassified service pursuant to law, shall remain in the unclassified service and shall continue to serve at the pleasure of the Executive Director,

c. all employees who are transferred to the Office of Juvenile Affairs shall retain leave, sick and annual time earned and any retirement and longevity benefits which have accrued during their tenure with the agency from which transferred. The salaries of employees who are transferred shall not be reduced as a direct and immediate result of the transfer. The transfer of personnel among the state agencies shall be coordinated with the Office of Personnel Management,

d. if the Office of Juvenile Affairs should implement a reduction in force, all employees transferred from the Department of Human Services to the Office of Juvenile Affairs on July 1, 1995, shall be credited for the time they were employed by the Department of Human Services.

F. Effective July 1, 1995, custody, care and supervision of ~~children~~ juveniles adjudicated to be delinquent or in need of supervision and any monies and funds received on behalf of such ~~children~~ juveniles are hereby transferred from the Department of Human Services to the Office of Juvenile Affairs. Records in the custody of the Department of Human Services on the transfer date

relating to delinquent ~~children~~ juveniles and ~~children~~ juveniles in need of supervision shall be transferred to the Department of Juvenile Justice.

G. Effective July 1, 1995, all powers, duties, records, property, assets, monies and funds of the Office of Juvenile Justice shall be transferred to the Office of Juvenile Affairs. Effective July 1, 1995, liabilities of the Office of Juvenile Justice shall be transferred to the Office of Juvenile Affairs as provided for in the appropriation process of the Legislature. Any additional administrative support or costs incurred by the Office of Juvenile Affairs as a result of the transfer required by this section shall be borne by the Office of Juvenile Affairs.

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

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

SECTION 78. AMENDATORY Section 10, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.7), is amended to read as follows:

Section 1507.7 A. ~~By July 1, 1995, the Office of Juvenile Affairs shall establish and maintain a fair, simple and expeditious system for resolution of grievances of all persons committed to the Office of Juvenile Affairs regarding the substance or application of any written or unwritten policy, rule of the Board of Juvenile Affairs or of an agent or contractor of the Office of Juvenile Affairs or any decision, behavior or action by an employee, agent or contractor or by any other person committed to the Office of Juvenile Affairs.~~

~~B.~~ Effective July 1, 1995, there is hereby established within the Department of Juvenile Justice the Division of Advocate Defender which will be separate and apart from the Office of General Counsel. The administrative officer of the Division of Advocate Defender shall be the Advocate General, who shall be an attorney with a minimum of three (3) years' experience as an attorney. The Executive Director of the Office of Juvenile Affairs shall employ such other personnel as may be necessary to carry out the purposes of this section. Such personnel may be dismissed only for cause.

~~C.~~ B. Effective July 1, 1995, the duties and responsibilities of the Advocate General are as follows:

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

2. Monitor and review grievance procedures and hearings;

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

4. Report to the Department of Human Services allegations of abuse or neglect of juveniles who are in the custody of the Office of Juvenile Affairs and placed in ~~a~~ private ~~facility in accordance with the provisions of Section 843 of Title 21 of the Oklahoma Statutes or juveniles placed in~~ facilities or facilities operated by the Office of Juvenile Affairs; or

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

6. Make recommendations to the Deputy Director of the Department of Juvenile Justice, and provide regular or special

reports regarding grievance procedures, hearings and investigations to the Executive Director of the Office of Juvenile Affairs, the Office of Juvenile System Oversight and other appropriate persons as necessary;

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

8. Perform such other duties as required by the Executive Director of the Office of Juvenile Affairs.

SECTION 79. 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 are not ~~be~~ limited to: Emergency shelter, diagnosis, crisis intervention, counseling, group work, case supervision, job placement, alternative diversion programs for first-time offenders, 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. The Department shall enter into agreements based on need as indicated in the State Plan for Services to Children and Youth.

SECTION 80. 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~~,~~ and juvenile treatment programs ~~and child abuse and neglect prevention and treatment programs~~.

SECTION 81. AMENDATORY 10 O.S. 1991, Section 607, is amended to read as follows:

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

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

1. The Department shall, to the extent reasonable and practicable, provide community services and community residential care to children in the custody of the Department through financial agreements, as authorized in Sections ~~603 and 604 of this title~~ 7302-3.3 and 7302-3.4 of Title 10 of the Oklahoma Statutes.

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

~~3. As authorized and allowed by Title XIX of the federal Social Security Act and rules and regulations promulgated pursuant to said Act, the Department 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 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~~ 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 82. AMENDATORY 10 O.S. 1991, Section 609, as amended by Section 3, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 609), is amended to read as follows:

Section 609. A. Funds specifically appropriated to the ~~Department of Human Services~~ Office of Juvenile Affairs for ~~community-based youth service~~ designated Youth Services Agency programs for both the Department of Juvenile Justice and the Department of Human Services shall be made available through ~~grants or~~ contracts negotiated by the Department of Juvenile Justice, to organizations designated by the Department of ~~Human Services~~ Juvenile Justice as "Youth Services Agencies". Such designations shall be granted based on need, as indicated in the State Plan for Services to Children and Youth, and in accordance with criteria approved by the ~~Commission~~ Board of Juvenile Affairs after full consideration of any recommendations of the Department of Human Services and the Oklahoma Association of Youth Services. Until the criteria is established by the Board, the criteria established by the Commission for Human Services shall remain in effect. The criteria for designation of Youth Services agencies shall include but shall not be limited to:

1. Capability to deliver all or part of the compensable services enumerated in Section ~~603 of this title~~ 7302-3.3 of Title 10 of the Oklahoma Statutes, if the Youth Services Agency is to provide such services;

2. Capability to deliver all or part of the compensable children's services that the Department of Human Services is

authorized to provide for by contract with a private agency, if the Youth Services Agency is to provide such services;

3. Adequate and qualified staff who are available as needed, within a reasonable time after being contacted for services in each county served by the agency;

~~3.~~ 4. Adequate services in each county served by the agency;

5. Financial viability; and

~~4.~~ 6. A documented need for the local services to be offered.

B. The criteria for designation of Youth Services agencies also may include:

1. Successful completion of peer review processes by the Oklahoma Association of Youth Services; and

2. Such other criteria as the ~~Commission~~ Board of Juvenile Affairs determines appropriate.

C. Each youth service agency receiving, by grant or contract from the Department of Human Services on ~~the effective date of this act~~ June 30, 1995, state funds specifically appropriated for community-based youth service programs, is hereby automatically designated a "Youth Services Agency".

D. The Department of ~~Human Services~~ Juvenile Justice, after the opportunity for an administrative hearing, may terminate the designation of a Youth Services Agency that:

1. Is seriously deficient in the administration of its program;

2. Loses financial viability; or

3. Fails to successfully complete the peer review process by the Oklahoma Association of Youth Services.

Any applicant organization denied designation as a Youth Services Agency may request an administrative hearing from the Department. The ~~Commission for Human Services~~ Board of Juvenile Affairs shall establish an administrative hearing and appeal process. Until the administrative hearing and appeal process is established, the hearing and appeal process established for this section by the Commission for Human Services shall remain in effect.

E. The Department of Juvenile Justice shall be the sole administrator of Youth Services Agency contracts. Any contracting procedure shall include a procedure for converting all contracts to a system of payment which will be structured in a manner that will allow for the receipt of all available federal funds.

F. The Department of Juvenile Justice and the Department of Human Services shall enter into a cooperative agreement that establishes procedures to ensure the continuation of services provided for in paragraph 2 of subsection A of this section by Youth Services Agencies. The Department of Juvenile Justice shall consult with the Department of Human Services when assessing the capability of a Youth Services Agency to deliver services pursuant to paragraph 2 of subsection A of this section.

SECTION 83. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-3.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

SECTION 84. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-3.8 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On or before October 1, 1996, the Department of Juvenile Justice shall implement an agency-wide management information system for all programs and services of the Department related to children, youth and families.

B. The management information system shall:

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

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

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

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

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

C. 1. The management information system implemented by the Department of Juvenile Justice shall be integrated with the child welfare management information system implemented by the Department of Human Services and to the extent possible with the Juvenile Justice Information System by October 1, 1996.

2. The management information system shall be available to persons authorized to obtain confidential records and reports of the Department of Juvenile Justice pursuant to Article VII of the Oklahoma Juvenile Code.

SECTION 85. AMENDATORY 10 O.S. 1991, Section 603.2, is amended to read as follows:

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

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

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

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

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

B. The unit, division and agency budget recommendations of the Department for services to children and youth shall be based upon documented needs, and the development of budget recommendations and

priorities shall be closely integrated with agency and interagency program planning and management.

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

SECTION 86. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-3.10 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

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

2. Programs and services shall be targeted to the areas of the state having the greatest need for them. The programs and services shall be designed to meet the needs of the area in which they are located. Programs and services intended for statewide implementation shall be implemented first in those areas that have the greatest need for them.

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

SECTION 87. AMENDATORY Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 610), is amended to read as follows:

Section 610. A. 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~~ Board of Juvenile Affairs, the Oklahoma Commission on Children and Youth, 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~~ Office of Juvenile Affairs operated by the ~~Office~~ Department of Juvenile Justice during the period covered by the report; and

4. Such other information as will enable a user of the report to ascertain the effectiveness of the programs, services and facilities.

B. Beginning July 1, 1997, and at least annually thereafter, the Department of Juvenile Justice shall review the implementation of the Youthful Offender Act 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 Court of Criminal Appeals, the Board of Juvenile Affairs, the Oklahoma Commission on Children and Youth, and the Juvenile Justice Advisory and Oversight Committee, analyzing and evaluating the effectiveness of the Youthful Offender Act and any problems which have occurred which have limited the effectiveness of the Youthful Offender Act.

Part 4. Funds

SECTION 88. AMENDATORY 56 O.S. 1991, Section 200.6, as amended by Section 61, Chapter 290, O.S.L. 1994 (56 O.S. Supp. 1994, Section 200.6), is amended to read as follows:

Section 200.6 A. There is hereby created in the State Treasury a revolving fund for the Department of ~~Human Services~~ Juvenile Justice to be designated the "Juvenile Detention Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the Juvenile Detention Improvement Revolving Fund and monies which may otherwise be available to the Department of ~~Human Services~~ Juvenile Justice for use as provided for in this section.

B. All monies appropriated to the fund shall be budgeted and expended by the Department of ~~Human Services~~ Juvenile Justice for the purpose of providing funds to counties to renovate existing juvenile detention facilities, to construct new juvenile detention facilities, to operate juvenile detention facilities and otherwise provide for secure juvenile detention services and alternatives to secure detention as necessary and appropriate, in accordance with state-approved juvenile detention standards and the State Plan for the Establishment of Juvenile Detention Services provided for in Section ~~1108~~ 7304-1.3 of ~~Title 10 of the Oklahoma Statutes~~ this title. The participation of local resources shall be a requirement for the receipt by counties of said funds and the Department shall establish a system of rates for the reimbursement of secure detention costs to counties. The methodology for the establishment of said rates may include, but not be limited to, consideration of detention costs, the size of the facility, services provided and geographic location. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

1. Beginning July 1, ~~1994~~ 1995, the rate of reimbursement of approved operating cost shall be eighty-five percent (85%) for the Department of ~~Human Services~~ Juvenile Justice and fifteen percent (15%) for the county.

2. The Department of ~~Human Services~~ Juvenile Justice shall approve only those applications for funds to renovate an existing

juvenile detention facility or any other existing facility or to construct a new juvenile detention facility which contain proposed plans that are in compliance with state-approved juvenile detention standards.

3. The Department of ~~Human Services~~ Juvenile Justice shall approve only those applications or contracts for funds to operate juvenile detention facilities or otherwise provide for secure juvenile detention services and alternatives to secure detention which are in compliance with or which are designed to achieve compliance with the State Plan for the Establishment of Juvenile Detention Services provided for in Section ~~1108~~ 7304-1.3 of ~~Title 10 of the Oklahoma Statutes~~ this title.

4. The Department of ~~Human Services~~ Juvenile Justice shall, from appropriated state monies or from available federal grants, provide for payment pursuant to contract for transportation personnel and vehicle-related costs and reimburse for eligible travel costs for counties utilizing the juvenile detention facilities identified in the "State Plan for the Establishment of Juvenile Detention Services" in accordance with the provisions of the State Travel Reimbursement Act and in accordance with Section ~~1108~~ 7304-1.3 of ~~Title 10 of the Oklahoma Statutes~~ this title.

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

Part 5. Supervision and Placement Duties

SECTION 89. AMENDATORY 10 O.S. 1991, Section 1141, is amended to read as follows:

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

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

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

2. The results of the substance abuse assessment may be given to the child's intake, probation or parole counselor, the parent or guardian of the child or to his attorney. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section ~~14~~ 620.6 of this ~~act~~ title, the counselor may also provide the results of the substance abuse assessment with medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

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

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

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

3. A case management system for ensuring appropriate:

a. diversion of youth from the juvenile justice system,

b. services for and supervision of all youth on pre-adjudicatory or postadjudicatory probation or on parole and for juvenile offenders in the custody of the Department of ~~Human Services~~ Juvenile Justice, and

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

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

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

SECTION 90. AMENDATORY 10 O.S. 1991, Section 1137, as amended by Section 35, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, 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~~ 7303-8.4 of this title and the Inpatient Mental Health Treatment of Children Act.

SECTION 91. AMENDATORY 10 O.S. 1991, Section 1138, as last amended by Section 44, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1138), is amended to read as follows:

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

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

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

B. Except as provided in subsection C of this section, 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 institution or facility maintained by the state for delinquent children if the child has:
    a. exhibited seriously violent, aggressive or assaultive behavior,
    b. committed a serious felony constituting violent, aggressive and assaultive behavior,
    c. habitually committed delinquent acts if such acts would constitute felonies if committed by an adult,
    d. committed multiple serious delinquent acts, or
    e. violated any condition of probation or parole,

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

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

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

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

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

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

7. Place the child as provided by Section 7303-8.4 of this title and the Inpatient Mental Health Treatment of Children Act, if the delinquent child has been found by a court to be in need of mental health treatment.

C. Subject to the placement guidelines developed by the Juvenile Placement Guidelines Committee, if approved by the Legislature, the court shall have the authority to require secure placement of a serious juvenile offender or habitual juvenile offender, as defined in the Serious and Habitual Juvenile Offender Act, adjudicated delinquent and committed to the Office of Juvenile Affairs. If the court orders a placement that is not in conformity with the placement guidelines, the reason for such placement shall be included in the record and shall be an appealable order.

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

E. Placement of a juvenile pursuant to subsection C of this section or any other provision of law shall be the responsibility of the Department of Juvenile Justice and shall occur as soon as reasonably possible after adjudication and after the selected placement option becomes available.

The court shall not have authority to require specific placement of a juvenile in a time frame which would require the removal of any other juvenile from such placement.

SECTION 92. AMENDATORY 10 O.S. 1991, Section 1139, as last amended by Section 45, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1139), is amended to read as follows:

Section 1139. A. Except as otherwise provided by law, all children adjudicated delinquent and committed to the Department of ~~Human Services~~ Juvenile Justice shall be discharged at such time as the Department determines there is a reasonable probability that it is no longer necessary, either for the rehabilitation and treatment of the child, or for the protection of the public, that the Department retain legal custody. Following a hearing, the court may also order that a child adjudged delinquent and committed to the Department shall be discharged by the Department provided the child is on parole status and the court deems the discharge in the best interest of the child and public. The Department shall give a fifteen-day notice to the court and the district attorney before discharging from legal custody any child committed and confined in a secure facility.

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

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

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

costs. The court may institute contempt proceedings pursuant to Sections 565 through 567 of Title 21 of the Oklahoma Statutes against any person adjudged delinquent and ordered to pay restitution or court costs who neglects or refuses to pay such restitution or court costs.

E. After placement guidelines are developed by the Juvenile Placement Guidelines Committee and approved by the Legislature, all children adjudicated delinquent and committed to the Office of Juvenile Affairs who are serious juvenile offenders or habitual juvenile offenders, as defined in the Serious and Habitual Juvenile Offender Act, shall remain in the custody of the Office of Juvenile Affairs for a period of time determined by the court in conformity with the placement guidelines and shall not be discharged from custody at an earlier time unless the court determines there is a reasonable probability that it is no longer necessary, either for the rehabilitation and treatment of the child, or for the protection of the public, that the Office of Juvenile Affairs retain legal custody. Following a hearing, the court may also order that any such child shall be discharged by the Department of Juvenile Justice of the Office of Juvenile Affairs provided the child is on parole status and the court deems the discharge in the best interest of the child and public. The Department of Juvenile Justice shall give a fifteen-day notice to the district attorney before discharging from legal custody any child committed and confined in a secure facility.

Part 6. Facilities and Training Programs

SECTION 93. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.1 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 juveniles placed in Department-operated institutions and facilities:

1. Provide for the care, education, training, treatment and rehabilitation of juveniles who are placed in the institutions and facilities. The Department may give assistance to local school districts in providing an education to such juveniles, may supplement such education, and may provide facilities for such purposes. It shall be the duty of the Department to assure that juveniles in the aforesaid institutions and facilities 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 juvenile institution to another facility under the jurisdiction of the Department, a juvenile who has been adjudicated delinquent, if the Department believes it advisable to do so; transfer from a facility for juveniles in need of supervision to another such facility, a juvenile who has been adjudicated in need of supervision, provided that such transfer is consistent with the treatment needs of the juvenile; transfer from a juvenile institution or facility to a state school for the mentally retarded, any juvenile eligible for admission thereto, if the juvenile 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 juveniles to an appropriate facility or to the Department of Mental Health and Substance Abuse Services any juvenile found by the court to be a juvenile 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. If a transfer is made

pursuant to this paragraph, the Department shall comply with the notification requirements of Section 7303-5.4 of Title 10 of the Oklahoma Statutes; and

3. Release on parole a juvenile 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 juvenile is ready to be returned to the 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 and procedures established by the Department for such revocation; and

4. Release any juvenile from a juvenile institution for placement in a group home, transitional living program, independent living program, other community-based facility or program or out-of-home care subject to terms and conditions specified by the Department; and

5. Provide parole services for juveniles released on parole from juvenile institutions, and aftercare services for juveniles discharged from juvenile 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 juvenile 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 juvenile 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 juvenile shall have the right to representation by an attorney, and

c.——the juvenile shall have the right to present evidence in his own behalf, and

d.——the juvenile shall have a right to bail, except that said right to bail shall not be construed to require that a juvenile 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

c.——if legal counsel for the juvenile has not otherwise been obtained, appointing legal counsel for the juvenile and fixing the amount of his compensation. Said judge shall also determine if the juvenile is eligible for free legal services. If the juvenile is not eligible for free legal services, the court shall order the parents or legal guardian of the juvenile to pay for such services.

3. If legal counsel for the juvenile has not otherwise been obtained, the appointment of legal counsel for the juvenile, the fixing of the amount of compensation for such counsel, and the determination of whether or not the juvenile 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 juvenile is not eligible for free legal services, the court shall order the parents or legal guardian of the juvenile to pay for such services.

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

D. The Department shall 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 or facilities maintained by the Department.

SECTION 94. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs shall establish and maintain such methods of administration, including those necessary to establish and maintain a merit system of personnel administration, and shall promulgate such rules as it deems necessary for the efficient and effective operation of the juvenile institutions and facilities operated by the Department.

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

C. The superintendent of a juvenile institution or facility shall be the guardian of the person of each juvenile in the institution or facility for the limited purpose of providing care and protection for any life-threatening situation that may arise.

SECTION 95. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

conduct consistent with due process of law and visitation privileges.

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

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

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

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

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

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

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

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

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

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

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

C. Any contract or agreement between the Department of Juvenile Justice and the Department of Mental Health and Substance Abuse Services for the care and treatment of children in the custody of the Department of Juvenile Justice shall provide that the Department of Mental Health and Substance Abuse Services shall comply with the provisions of subsections A and B of this section and the provisions of Section 7302-6.4 of Title 10 of the Oklahoma Statutes.

SECTION 96. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-6.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

1. For self-protection;

2. To separate juveniles who are fighting; or

3. To restrain juveniles in danger of inflicting harm to themselves or others; or

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

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

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

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

SECTION 97. AMENDATORY 10 O.S. 1991, Section 1146, is amended to read as follows:

Section 1146. Upon discovery that a child has escaped or run away from an institutional placement, the Department of ~~Human Services~~ Juvenile Justice may notify any law enforcement officer or agency in this state who shall use any reasonable method to notify law enforcement agencies and personnel. Upon receiving notification that a child has escaped or run away from an institutional placement, all law enforcement agencies and personnel shall be authorized to apprehend and detain said child. Escaping or running away by an adjudicated delinquent child from institutional placement shall be considered by the court of juvenile jurisdiction as a delinquent act.

SECTION 98. AMENDATORY 10 O.S. 1991, Section 1401, as last amended by Section 48, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1401), is amended to read as follows:

Section 1401. A. The Office of Juvenile Affairs through its Department of Juvenile Justice shall have the supervision, management, operation and control of the children's institution located at Tecumseh, formerly known and designated as Girls' Town and now known as Central Oklahoma Juvenile Center, and the youth camp located at Lake Tenkiller, and all property, equipment and supplies related thereto. All contracts, leases, or other agreements entered into by the Department of Human Services on behalf of the Center prior to July 1, 1995, 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 regimented juvenile training program with a bed-space capacity for a maximum of thirty-two (32) children; and

4. Facilities and bed-space capacity for programs that are consistent with providing statewide juvenile justice and delinquency prevention services.

C. It shall be the duty of the State Fire Marshal and the Commissioner of Public Health, to cause regular, periodic, not less than quarterly, unannounced inspections of said institution, utilizing adequately trained and qualified inspection personnel, to determine and evaluate conditions and programs being maintained and carried on at said institution in their respective areas of agency jurisdiction. Such inspections shall include, but not be limited to, the following: Compliance with minimum fire ~~and~~, life and

health 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~~ Board of Juvenile Affairs, the Executive Director of the ~~Department of Human Services~~ Office of Juvenile Affairs, the ~~Administrator~~ Deputy Director of the Department 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 and the Oklahoma Commission on Children and Youth. The Department of Juvenile Justice shall file copies of the reports of the inspections and recommendations of the accrediting agencies listed in subsection B of this section with the Office of Juvenile System Oversight.

D. The Department of Juvenile Justice is authorized and directed to establish, subject to the limits of funds available therefor, a diversity of placement alternatives for children committed to the custody of the Department including, but not limited to, foster family homes, foster family group homes, and group homes. 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 99. AMENDATORY 10 O.S. 1991, Section 1407, as amended by Section 19, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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 of Juvenile Affairs through its Department of Juvenile Justice.

All contracts, leases, or other agreements entered into by the Department of Human Services on behalf of the Center prior to July 1, 1995, shall be administered by the ~~Office~~ Department of Juvenile Justice.

SECTION 100. AMENDATORY Section 11, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.8), is amended to read as follows:

Section 1507.8 A. ~~During the 1995 fiscal year, the Department of Human Services through~~ Beginning July 1, 1995, the Office of Juvenile Justice shall oversee the expansion of the number of preadjudicatory secure detention beds available in this state. ~~This duty shall be assumed by the Office of Juvenile Affairs effective July 1, 1995. During the 1995 and~~ By July 1, 1996 ~~fiscal years~~, the number of such beds shall be increased by one hundred nine beds or by the number necessary to result in a total of two hundred sixty-five such beds ~~by July 1, 1996~~. It is the intent of the Legislature to establish such beds on a geographic basis throughout the state in order to provide more accessibility to services for all regions of the state. Therefore, such beds shall be established as follows: In Oklahoma County thirty-seven beds, in Tulsa County twenty-six beds, in Cleveland County twelve beds, in Lincoln County ten beds, in Comanche County six beds, in ~~Custer~~ Beckham County six beds, in Texas County six beds and in Talihina in LeFlore County six beds. The six beds in Comanche County shall be regional detention beds and out-of-county placements shall be given priority for these beds. The beds established by this subsection shall be operated in accordance with Section ~~1108~~ 7304-1.3 of ~~Title 10 of the Oklahoma Statutes~~ this title.

B. ~~During the 1995 fiscal year, the Department of Human Services through the Office of Juvenile Justice shall convert thirty-two~~ Thirty-two of the beds at the Central Oklahoma Juvenile Center ~~for use~~ shall be used as regimented juvenile training program beds pursuant to Section ~~1401 of Title 10 of the Oklahoma Statutes~~ 7302-6.6 of this title. The duty for operation of the regimented juvenile training program at the center shall be assumed by the Office of Juvenile Affairs through the Department of Juvenile Justice effective July 1, 1995, when the facility is transferred to the Office of Juvenile Affairs.

C. ~~During the 1995 fiscal year, the Department of Human Services through the Office of Juvenile Justice shall establish~~ Effective July 1, 1995, the responsibilities for establishing and operating a regional juvenile facility in the southwestern part of the state shall be transferred to the Office of Juvenile Affairs. The facility shall include six transitional beds and sixty-four medium secure beds for such programs as the Department of Juvenile Justice determines will most appropriately and effectively provide required services; provided, no more than thirty-two beds shall be used for any one type of program. It is the intent of the Legislature that the Department of Juvenile Justice locate an existing facility that can be remodeled and used for this purpose. ~~The responsibility for operation of such beds shall be assumed by the Office of Juvenile Affairs beginning July 1, 1995.~~

SECTION 101. AMENDATORY Section 12, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.9), is amended to read as follows:

Section 1507.9 A. It is the intent of the Legislature that the program established pursuant to this section benefit the state by providing a two-phase regimented juvenile training program under which certain adjudicated juveniles are subject to a controlled and regimented environment that affirms dignity of self and respect for others; promotes the value of education, work, and self-discipline; and develops useful skills and abilities that can be applied when the juvenile is reintegrated into the community.

B. 1. The ~~Department of Human Services~~ Office of Juvenile Affairs through the ~~Office~~ Department of Juvenile Justice shall establish, maintain, and operate a regimented juvenile training program. Juveniles eligible for participation in the program shall

be assessed and deemed appropriate for the program by the Department of ~~Human Services~~ Juvenile Justice. The juveniles eligible for the program shall include only juveniles adjudicated delinquent and placed in the custody of the ~~Department of Human Services~~ Office of Juvenile Affairs.

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

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

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

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

a. if appropriate juvenile diversion services are available, the Department of ~~Human Services~~ Juvenile Justice may contract for such services, and

b. if appropriate diversion services are not available, the juvenile shall be subject to a period of supervision under the ~~Office~~ Department of Juvenile Justice;

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

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

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

E. The ~~Department of Human Services~~ Office of Juvenile Affairs shall establish standards, which shall be enforced by the ~~Office~~ Department of Juvenile Justice, for the regimented juvenile training program and each of the phases thereof described in this section. Supportive services deemed necessary by the ~~Office~~ Department shall be made available under the phases of the regimented juvenile training program, as deemed appropriate by the ~~Department~~ Office of Juvenile Affairs.

Part 7. Delinquency and Youth Gang
Intervention and Deterrence Act

SECTION 102. AMENDATORY Section 13, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.10), is amended to read as follows:

Section 1507.10 A. Sections ~~13~~ 7302-7.1 through ~~17~~ 7302-7.5 of this ~~act~~ title shall be known and may be cited as the "Delinquency and Youth Gang Intervention and Deterrence Act".

B. The Legislature recognizes that the economic cost of crime to the state and communities continues to drain existing resources, and the cost to victims, both economic and psychological, is traumatic and tragic. The Legislature further recognizes that many adults in the criminal justice system were once delinquents in the juvenile justice system. The Legislature also recognizes that the most

effective juvenile delinquency programs are programs that not only prevent children from entering the juvenile justice system, but also meet local community needs and have substantial community involvement and support. Therefore, it is the belief of the Legislature that one of the best investments of scarce resources available to combat crime is to counteract the negative social and economic factors that contribute to criminal and delinquent behavior by engaging youth, at an early age, in positive programs and opportunities at the local, neighborhood and community level.

C. For the purpose of reducing the likelihood of later involvement in criminal or delinquent activities, the intent of the Legislature in enacting the Delinquency and Youth Gang Intervention and Deterrence Act is to provide for school, school-related and after-school programs for children in grades 1 through 12, and their families, who live in at-risk school districts, neighborhoods and communities and to aid all communities in developing delinquency prevention and early intervention programs and activities.

SECTION 103. AMENDATORY Section 14, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.11), is amended to read as follows:

Section 1507.11 For the purposes of the Delinquency and Youth Gang Intervention and Deterrence Act:

1. "At-risk school districts, neighborhoods and communities" means ~~that within the~~ a school district, neighborhood or community ~~the~~ with an incidence of reported juvenile crime or referrals for juvenile court intakes, or some combination of both such incidence and referrals as approved by the ~~Office~~ Department of Juvenile Justice, that is significantly higher than the statewide statistical mean for such incidence, referrals or combination;

2. "School, school-related or after-school programs and activities" includes delinquency prevention or early intervention programs and activities that occur during or outside of regular school hours; and

3. "Delinquency prevention and early intervention programs and activities" includes but is not limited to the following for participating youth: Intensive school and school-related programs, such as tutoring and other educational services, vocational training and counseling, employment services, recreational opportunities, and counseling services, such as family counseling, mental health counseling, substance abuse outpatient treatment, education programs, and programs and services involving the families of participating youth.

SECTION 104. AMENDATORY Section 15, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.12), is amended to read as follows:

Section 1507.12 A. From funds appropriated or otherwise available for that purpose, the ~~Department of Human Services~~ Office of Juvenile Affairs through its ~~Office~~ Department of Juvenile Justice shall:

1. Issue requests for proposals and contract with eligible entities for delinquency prevention and early intervention programs; and

2. Provide information and technical assistance to school districts, neighborhood and community organizations, and agencies within the children and youth service system, as that term is defined by the Serious and Habitual Juvenile Offender Act, for the purpose of assisting them to make application for federal, state and private grants for delinquency prevention and early intervention programs.

B. The ~~Office~~ Department of Juvenile Justice, with the assistance of and information provided by the Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation, shall establish criteria for:

1. Identifying at-risk neighborhoods, school districts, communities and specific areas within school districts and communities for the purposes of determining eligibility for any grants for at-risk areas available pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act; and

2. Determining eligibility for communities seeking other grants pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act.

The Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation shall provide the ~~Office~~ Department of Juvenile Justice with information and assistance, as requested by the ~~Office~~ Department, for the purpose of establishing the criteria required by this section.

SECTION 105. AMENDATORY Section 16, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.13), is amended to read as follows:

Section 1507.13 A. The ~~Commission for Human Services~~ Board of Juvenile Affairs shall establish the proposal submission and education procedures and criteria and shall promulgate rules as necessary for the implementation of the Delinquency and Youth Gang Intervention and Deterrence Act. Until the rules are promulgated by the Board, the rules for implementation of the Delinquency and Youth Gang Intervention and Deterrence Act promulgated by the Commission for Human Services shall remain in effect.

B. In order to be eligible for an at-risk grant contract pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act the proposal shall, at minimum:

1. Be a joint proposal made by an at-risk school district, neighborhood organization, municipality or county and one or more agencies or organizations within the children and youth service system. If a school district is not a joint participant in the proposal, the proposal shall document and describe the active participation in and support of the local school district in the program and activities for which the proposal is submitted;

2. Be for programs and activities for children not less than six (6) years of age, or in grades 1 through 12, whichever is applicable;

3. Describe the respective roles and responsibilities for the administration and operation of the program and activities, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act;

4. Specifically identify the area within a school district or community or the neighborhood where the programs and activities will be implemented;

5. Describe how the program will coordinate and cooperate with programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system; and

6. Provide the program and activities on-site in a school, community center, or similar location within the neighborhood or identified area of the school district or community.

C. In order to be eligible for any other ~~grant~~ contract pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act, the proposal shall, at a minimum:

1. Describe the respective roles and responsibilities for the administration and operation of the program and activities, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act; and

2. Describe how the program will coordinate and cooperate with programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system.

D. Each entity which receives a contract pursuant to this section shall submit an annual evaluation report to the Department of ~~Human Services~~ Juvenile Justice, by a date subsequent to the end of the contract period as established by the Department, documenting the extent to which the program objectives have been met and any other information required by the Department.

SECTION 106. AMENDATORY Section 17, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.14), is amended to read as follows:

Section 1507.14 Effective July 1, 1995, the responsibility for implementation of the Delinquency and Youth Gang Intervention and Deterrence Act shall be transferred to the Department of Juvenile Justice. Any contract entered into by the Department of Human Services pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act that is still in effect on July 1, 1995, shall remain in effect for the duration of the contract and shall be honored by the Department of Juvenile Justice.

Part 8. Juvenile Offender Victim Restitution Work Program

SECTION 107. AMENDATORY 10 O.S. 1991, Section 1404.1, as amended by Section 18, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1404.1), is amended to read as follows:

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

~~A.~~ B. The ~~Commission for Human Services~~ Board of Juvenile Affairs shall promulgate rules ~~and regulations~~ necessary for the implementation of the provisions of this section. Until the rules are promulgated by the Board, the rules promulgated by the Commission for Human Services shall remain in effect.

~~B.~~ C. The programs developed under the provisions of this ~~act~~ section 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~~ the child's age, need, and specific rehabilitative goals. Provided, such program shall not prohibit the child from fulfilling ~~his~~ restitution obligation through jobs ~~he~~ the child has found, by performing volunteer services for the community, or by doing work for the victim.

~~C.~~ D. 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.~~ E. 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.~~ F. 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.

Part 9. Serious and Habitual Juvenile Offender Act

SECTION 108. AMENDATORY 10 O.S. 1991, Section 1160.1, is amended to read as follows:

Section 1160.1 A. There is hereby created the Serious and Habitual Juvenile Offender Act for the purpose of:

1. Establishing an accurate and accessible data base with information on juvenile offenders readily available to law enforcement agencies, juvenile court personnel, district attorneys, and others who require such information;

2. Establishing a case management system for individual juvenile offenders that includes intensive supervision of serious or habitual juvenile offenders; and

3. Enhancing community control of crime through information sharing regarding serious and habitual juvenile offenders that can be used by patrol officers and criminal investigators for the early identification of offenders and assist in the reduction of crime.

B. Sections ~~1~~ 7302-9.1 through ~~6~~ 7302-9.6 of this ~~act~~ title shall be known and may be cited as the "Serious and Habitual Juvenile Offender Act".

SECTION 109. AMENDATORY 10 O.S. 1991, Section 1160.2, as amended by Section 12, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1160.2), is amended to read as follows:

Section 1160.2 As used in ~~this title~~ the Oklahoma Juvenile Code:

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~~ Department of Juvenile Justice of the ~~Department of Human Services~~ Office of Juvenile Affairs, 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~~ this title;

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~~ 7302-9.6 of this title;

6. "Juvenile offender" means a delinquent child or juvenile as defined by Section ~~1101 of Title 10 of the Oklahoma Statutes~~ 7301-1.3 of this title;

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~~ 7306-1.1 of ~~Title 10 of the Oklahoma Statutes~~ this title;

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~~ 7302-9.3 of this title;

10. "Serious and Habitual Juvenile Offender Program Implementation Task Force" means the Task Force created by Section ~~1160.5~~ 7302-9.5 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~~ 7302-9.3 of this title.

SECTION 110. AMENDATORY 10 O.S. 1991, Section 1160.3, is amended to read as follows:

Section 1160.3 The Serious and Habitual Juvenile Offender Program shall include, but not be limited to:

1. The Juvenile Justice Information System pursuant to the provisions of Section ~~6~~ 7302-9.6 of this ~~act~~ title;

2. Specific ~~criteria~~ procedures for identifying juvenile offenders who have committed a serious act or habitual criminal acts for the purposes of intensive supervision and communication between law enforcement and juvenile court personnel and others regarding said offenders;

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

4. ~~Structured~~ Until placement guidelines are in effect, structured decision-making instruments utilizing risk-assessment, offense, needs-assessment, and other appropriate criteria for determining the imposition of appropriate specific sanctions for:

a. youth adjudicated delinquent, and

b. the violation of a condition of probation or parole;

5. A case management system for ensuring appropriate:

a. diversion of youth from the juvenile justice system,

b. services for and supervision of all youth on pre-adjudicatory or postadjudicatory probation or on parole and for juvenile offenders in the custody of the Department of ~~Human Services~~ Juvenile Justice, and

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

6. Detention criteria, the uniform statewide application of said detention criteria, and guidelines for the use of secure detention. Said guidelines shall provide for priority to be given to the use of juvenile detention facilities for the detention of serious juvenile offenders and habitual juvenile offenders;

7. Guidelines for the imposition of sanctions for any criminal offenses committed by juveniles and for probation and parole violations;

8. Guidelines for juvenile court personnel recommendations to district attorneys regarding the disposition of individual cases by district attorneys; and

9. Guidelines for the disposition of individual cases by district attorneys.

SECTION 111. AMENDATORY 10 O.S. 1991, Section 1160.4, as amended by Section 13, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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~~ 1996:

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~~ Office of Juvenile Affairs, 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~~ 7302-2.3 of this title 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 112. AMENDATORY 10 O.S. 1991, Section 1160.5, as amended by Section 14, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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~~ 1996; 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~~ Office of Juvenile Affairs;

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~~ 1996, 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~~ 1996, 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 113. AMENDATORY 10 O.S. 1991, Section 1160.6, as amended by Section 15, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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~~ Office of Juvenile Affairs, 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~~ At least annually, evaluate the plan for full statewide implementation of the Juvenile Justice Information System and submit any necessary modifications of the existing plan 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.

ARTICLE III

Custody and Court Proceedings

Part 1. Custody and Proceedings through Filing of Petition

SECTION 114. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A child may be taken into custody prior to the filing of a petition alleging that the child is delinquent or in need of supervision:

1. By a peace officer, without a court order for any criminal offense for which the officer is authorized to arrest an adult without a warrant, or if the child is willfully and voluntarily absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

2. By an employee of the court without a court order, if the child is willfully and voluntarily absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

3. Pursuant to an order of the district court issued on the application of the office of the district attorney. The application presented by the district attorney shall be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is probable cause to believe the child has committed a crime or is in violation of the terms of probation, parole or order of the court; and

4. By order of the district court pursuant to subsection E of this section when the child is in need of medical or mental health treatment or other action in order to protect the child's health or welfare and the parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action.

B. Whenever a child is taken into custody as a delinquent child or a child in need of supervision, the child shall be detained, held temporarily in the custodial care of a peace officer or other person employed by a police department, or be released to the custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult, upon the written promise of such person to

bring the child to the court at the time fixed if a petition is to be filed and to assume responsibility for costs for damages caused by the child if the child commits any delinquent acts after being released regardless of whether or not a petition is to be filed. It shall be a misdemeanor for any person to sign the written promise and then fail to comply with the terms of the promise. Any person convicted of violating the terms of the written promise shall be subject to imprisonment in the county jail for not more than six (6) months or a fine of not more than Five Hundred Dollars ($500.00) or both such fine and imprisonment. In addition, if a parent, legal guardian, legal custodian, attorney or other responsible adult is notified that the child has been taken into custody, it shall be a misdemeanor for such person to refuse to assume custody of the child within a timely manner. If detained, the child shall be taken immediately before a judge of the district court in the county in which the child is sought to be detained, or to the place of detention or shelter designated by the court. If no judge be available locally, the person having the child in custody shall immediately report the detention of the child to the presiding judge of the judicial administrative district, provided that the child shall not be detained in custody beyond the next judicial day or for good cause shown due to problems of arranging for and transporting the child to and from a regional juvenile detention center, beyond the next two (2) judicial days unless the court shall so order after a detention hearing to determine if there exists probable cause to detain the child. If the latter judge cannot be reached, such detention shall be reported immediately to any judge regularly serving within the judicial administrative district. If detained, a reasonable bond for release shall be set. Pending further disposition of the case, a child whose custody has been assumed by the court may be released to the custody of a parent, legal guardian, legal custodian, or other responsible adult or to any other person appointed by the court, or be detained pursuant to Article IV of the Oklahoma Juvenile Code in such place as shall be designated by the court, subject to further order.

C. When any child is taken into custody pursuant to this title and it reasonably appears to the peace officer, employee of the court or person acting pursuant to court order that the child is in need of medical treatment to preserve the health of the child, any peace officer, any employee of the court or person acting pursuant to court order shall have the authority to authorize medical examination and medical treatment for any child found to be in need of medical treatment as diagnosed by a competent medical authority in the absence of the child's parent, legal guardian, legal custodian, or other person having custody and control of the child who is competent to authorize medical treatment. The officer or the employee of the court or person acting pursuant to court order shall authorize said medical treatment only after exercising due diligence to locate the child's parent, legal guardian, legal custodian, or other person legally competent to authorize said medical treatment. The child's parent, legal guardian, legal custodian, or other person having custody and control shall be responsible for such medical expenses as ordered by the court. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this section for any child found in need of such medical treatment shall have any liability, civil or criminal, for giving such authorization.

D. A child who has been taken into custody as otherwise provided by this Code who appears to be a child in need of mental health treatment may be admitted to a mental health facility on an

emergency psychiatric basis or for an inpatient mental health evaluation or inpatient mental health treatment only in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act.

E. 1. A child may be taken into custody pursuant to an order of the court specifying that the child is in need of medical treatment or other action to protect the child's health or welfare and the parent, legal guardian, legal custodian, or other responsible adult having custody or control of a child is unwilling or unavailable to consent to such medical treatment or other action.

2. If the child is in need of immediate medical treatment or other action to protect the child's health or welfare, the court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The application for an ex parte order may be verbal or in writing and shall be supported by facts sufficient to demonstrate to the court that there is reasonable cause to believe that the child is in need of immediate medical treatment or other action to protect the child's health or welfare. The emergency ex parte order shall be in effect until a full hearing is conducted. A copy of the application, notice for full hearing and a copy of any ex parte order issued by the court shall be served upon such parent, legal guardian, legal custodian, or other responsible adult having custody or control of the child. Within twenty-four (24) hours of the filing of the application the court shall schedule a full hearing on the application, regardless of whether an emergency ex parte order had been issued or denied.

3. Except as otherwise provided by paragraph 2 of this section, whenever a child is in need of medical treatment to protect the child's health or welfare, or whenever any other action is necessary to protect the child's health or welfare, and the child's parent, legal guardian, legal custodian, or other person having custody or control of the child is unwilling or unavailable to consent to such medical treatment or other action, the court, upon application of the district attorney of the county in which the child is located, shall hold a full hearing within five (5) days of filing the application. Notice of the hearing and a copy of the application shall be served upon the parent, legal guardian, legal custodian, or other person having custody or control of the child.

4. At any hearing held pursuant to this subsection, the court may grant any order or require such medical treatment or other action as is necessary to protect the health or welfare of the child.

5.——a.——The parent, legal guardian, legal custodian, or other person having custody or control of the child shall be responsible for such medical expenses as ordered by the court.

b.——No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this subsection for any child found in need of such medical treatment shall have any liability, civil or criminal.

SECTION 115. AMENDATORY 10 O.S. 1991, Section 1102, as last amended by Section 1 of Enrolled Senate Bill No. 266 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1102. A. 1. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Section 1107 of this title, the district court of the county in which a child:

a. resides,

b. is found, or

c. ~~was abused, neglected or deprived or~~ is alleged to be or is found to be in need of supervision,

shall have jurisdiction of any child who is or is alleged to be ~~abused, neglected or deprived or~~ in need of supervision and shall have jurisdiction of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless of where the parent, guardian, legal custodian, legal guardian or stepparent is found; and shall have jurisdiction of any other adult person living in the home of such child. For any child who is or is alleged to be delinquent, the district court of the county where the cause of action arose shall have jurisdiction of the child and of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless where the parent, guardian, legal custodian, legal guardian or stepparent is found; and shall have jurisdiction of any other adult person living in the home of such child.

2. When jurisdiction shall have been obtained over a child who is or is alleged to be in need of supervision ~~or a deprived child~~, such may be retained until the child becomes eighteen (18) years of age and when jurisdiction shall have been obtained over a child who is or is alleged to be a delinquent, jurisdiction may be retained until the child becomes nineteen (19) years of age upon the court's own motion, motion by the district attorney or motion by the Department of Juvenile Justice, as provided in subsection B of Section ~~1139~~ 7302-5.4 of this title.

3. For the convenience of the parties and in the interest of justice, a proceeding under ~~this chapter~~ the Oklahoma Juvenile Code may be transferred to the district court in any other county.

B. The district court in which a petition is filed or the district court in which custody has been assumed pursuant to the provisions of Section ~~1107~~ 7303-1.1 of this title may retain jurisdiction of a delinquent child in such proceeding notwithstanding the fact that the child is subject to the jurisdiction of another district court within the state. Any adjudication and disposition made by the court in which said petition is filed shall control over prior orders in regard to the child.

C. The district court in which a petition is filed which alleges that a child is in need of supervision ~~or is deprived~~ can issue any temporary order or grant any interlocutory relief authorized by this ~~chapter~~ Code notwithstanding the fact that another district court within the state has jurisdiction of the child ~~or has jurisdiction to determine the custody or support of the child~~.

D. If the district court in which a petition is filed pursuant to either subsection B or subsection C of this section sustains the petition, the district court shall have the jurisdiction to make a final determination on the juvenile petition or to transfer the proceedings to a court having prior jurisdiction over the child. Where the other proceeding is pending in the same judicial district in which the juvenile petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

E. 1. A municipality may enter into an interlocal cooperation agreement with the district court pursuant to the Interlocal Cooperation Act, Sections 1001 through 1008 of Title 74 of the Oklahoma Statutes, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating

municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, disorderly conduct, public intoxication and failure to appear for a court appearance or comply with a court order. For the purposes of this subsection, "district court" shall mean the district court judicial district or districts in which the contracting municipality is situated. The chief juvenile judge of the district court judicial district is hereby authorized to enter into the interlocal cooperation agreement as provided for in this section for and on behalf of said judicial district if the judge determines that the agreement is constitutional and complies with state and federal law. Provided, if there is no chief juvenile judge in the judicial district, then the presiding judge of the judicial administrative district that includes the contracting judicial district may enter into the agreement for and on behalf of said judicial district if the judge determines that the agreement is constitutional and complies with state and federal law.

2. A child under eighteen (18) years of age who is taken into custody for the alleged violation of a municipal ordinance relating to truancy may be held pursuant to Section 10-109 of Title 70 of the Oklahoma Statutes.

3. A child under eighteen (18) years of age who is taken into custody for the alleged violation of a municipal ordinance relating to curfews may be held temporarily under the custodial care of a peace officer or other person employed by a police department only until the child's parent, legal guardian, legal custodian, attorney or other responsible adult assumes custody or, if such a person cannot be located within a reasonable time of the taking of the child into custody or if such a person refuses to assume custody, until temporary shelter is found for the child. In no event shall the child be placed in a jail, lockup, or detention facility. The temporary custody provided for by this paragraph shall be utilized as a means of returning the child to the child's home or other place of shelter.

4. Notwithstanding any other provision of this ~~title~~ Code, a child less than eighteen (18) years of age, who is taken into custody for the alleged violation of a municipal ordinance relating to one or more of the offenses listed in paragraph 1 of this subsection other than truancy or curfew violations, and who can be prosecuted in municipal court for such offense pursuant to jurisdiction assumed by the municipal court pursuant to the provisions of paragraph 1 of this subsection, may be temporarily detained by the municipality in a municipal juvenile facility ~~certified by the Oklahoma Commission for Human Services~~, as defined by this paragraph, but only pursuant to the following conditions:

a. the municipality shall immediately take all reasonable steps to attempt to locate the child's parent, legal guardian, legal custodian, attorney or another responsible adult and determine if said parent, legal guardian, legal custodian, attorney or other responsible adult is willing to appear at the municipal juvenile facility and assume personal custody of the child upon the child's release from such facility,

b. the child shall be released to the personal custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult as soon as

practicable and upon the written promise of such person to return the child to municipal court to answer the municipal charges on the date and at the time set by the municipal court and to assume responsibility for costs for damages by the child if the child causes damages while committing any acts in violation of municipal ordinances listed in this section after being released. Municipalities may enact ordinances providing penalties for failure to comply with the written promise and for refusal to assume custody of a child in a timely manner,

c. the child shall be detained in the municipal juvenile facility for no longer than twenty-four (24) hours; provided, if the child's parent, legal guardian, legal custodian, attorney or other responsible adult fails to appear at the municipal juvenile facility and assume personal custody of the child within said twenty-four-hour period, then custody or release of the child shall be determined pursuant to the provisions of Section ~~1107~~ 7303-1.1 of this title,

d. ~~the child shall not be held in any jail, adult lockup, or adult detention facility unless total separation exists between juveniles and adult spatial areas,~~

~~e.~~ the child shall be provided with adequate fresh drinking water,

~~f.~~ e. the child shall be provided with adequate food not less than three times in a twenty-four-hour period,

~~g.~~ f. the child shall be provided with adequate bathroom facilities and bedding, and

~~h.~~ g. the child shall be provided with any necessary medical care and treatment.

Prior to the temporary detention of any child pursuant to the authority of this subsection, the municipal juvenile facility shall be certified by the ~~Oklahoma Commission for Human Services~~ Office of Juvenile Affairs pursuant to the applicable certification standards set by ~~said Commission~~ the Board of Juvenile Affairs, and each member of the staff of the municipal juvenile facility shall have satisfactorily completed a training program provided or approved by the Department of ~~Human Services~~ Juvenile Justice. In furtherance of this subsection, the ~~Oklahoma Commission for Human Services~~ Office of Juvenile Affairs is directed to and shall establish standards for the certification of municipal juvenile facilities, with said standards to include, but not be limited to, the conditions set forth in subparagraphs a through ~~h~~ g, inclusive, of this paragraph, and the Department of ~~Human Services~~ Juvenile Justice is directed to and shall provide or approve an appropriate training program for staff members of such facilities. In lieu of operating a municipal juvenile facility with trained municipal employees, the municipality may contract with an independent public or private facility properly certified by the ~~Oklahoma Commission for Human Services~~ Office of Juvenile Affairs for performance of the detention services authorized by the provisions of this paragraph. For the purposes of this section, a "municipal juvenile facility" shall mean a secure facility which is entirely separate from any jail, adult lockup, or other adult facility, or is spatially separate if contained inside any jail, adult lockup, or other adult facility which is certified by the ~~Oklahoma Commission for Human Services~~ Office of Juvenile Affairs for use for the temporary detention of juveniles as authorized by the provisions of this paragraph. The provisions of this paragraph shall not restrict or

limit the use of municipal juvenile facilities for detention of juveniles who are detained pursuant to other provisions of law. In no event shall a juvenile be held in an adult facility that does not meet the definition of a municipal juvenile facility.

~~3.~~ 5. Pursuant to an interlocal cooperation agreement between a municipality and the district court, as authorized by the provisions of paragraph 1 of this subsection, a child less than eighteen (18) years of age may be charged, prosecuted and, if convicted, fined for violating a municipal ordinance relating to one or more of the offenses listed in paragraph 1 of this subsection; provided that the maximum fine which may be imposed shall not exceed the maximum fine authorized by law. When assessing punishment, the court also may require appropriate community service work, not to exceed ninety (90) hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by law, or restitution, or both community service work and restitution. In addition, during any calendar year that any child:

a. fails to appear for a court date on more than one occasion,

b. is convicted of two or more of the offenses listed in paragraph 1 of this subsection, which offenses occurred on different days, or

c. fails to pay any fine or cost properly assessed by a municipal court,

and after the expiration of ninety (90) days, the court clerk shall mail notice of such occurrence to the Department of Public Safety, which department shall thereafter suspend or deny driving privileges for such ~~child's license~~ child for six (6) months. The suspension may be modified as provided in Section ~~754.1~~ 6-107.2 of Title 47 of the Oklahoma Statutes. In addition, the court may require the child to receive counseling or other community-based services, as necessary.

If a child is prosecuted for an offense in a municipal court, the child shall not be prosecuted for the offense in the district court. The municipal court may also impose costs as authorized by law.

~~4.~~ 6. Any fines and costs properly assessed against any child and which remain unpaid after three (3) months may be assessed by the municipal judge against the child's parent, parents, legal guardian or legal custodian and collected and paid as provided for in Section 27-122 of Title 11 of the Oklahoma Statutes. Provided however, prior to such latter assessment, the court clerk shall give such child's parent, parents, legal guardian or legal custodian notice by certified mail to their place of residence or personal service of such action proposed to be taken.

7. All municipal arrest records, prosecution records, court records, and court proceedings for cases involving children less than eighteen (18) years of age charged with violating municipal ordinances relating to one or more of the offenses listed in paragraph 1 of this subsection shall be kept confidential and shall not be open to public inspection except by order of the municipal court or as otherwise provided by Sections ~~1125 through 1125.4 of this title~~ Article VII of this Code and Section 620.6 of this title.

F. Funds generated from fines paid pursuant to an interlocal cooperation agreement between a municipality and the district court pursuant to the provisions of subsection E of this section shall be earmarked and used by the municipality only for the following purposes:

1. To fund local programs which address problems of juvenile crime;

2. To fund the costs of prosecutions authorized pursuant to the provisions of subsection E of this section;

3. To fund the costs of detention authorized pursuant to the provisions of subsection E of this section; and

4. To fund administrative costs related to local programs that address problems of juvenile crime or related to the prosecution, detention, or punishment authorized pursuant to the provisions of subsection E of this section.

Such earmarked funds shall not be used by the municipality for any purpose other than the purposes set forth in paragraphs 1 through 4 of this subsection.

SECTION 116. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The court may provide by rule who shall make a preliminary inquiry to determine whether the interests of the public or of the child who is within the purview of the Oklahoma Juvenile Code require that further court action be taken. Provided, that where intake is to be provided by the Department of Juvenile Justice under contract with the Supreme Court, or under the provision of rules issued by the Supreme Court, the preliminary inquiry shall follow the uniform contractual procedures as agreed to by the Supreme Court and the Department. If it is determined by the preliminary inquiry that no further action be taken and if agreed to by the district attorney, said person or the court may make such informal adjustment as is practicable without a petition.

B. A petition in a juvenile proceeding may be filed by the district attorney to determine if further action is necessary. The proceeding shall be entitled "In the matter of _____, an alleged (delinquent) or (a child alleged to be in need of supervision)".

The petition shall be verified and may be upon information and belief. It shall set forth:

1. With particularity facts which bring the child within the purview of the Oklahoma Juvenile Code;

2. The name, age and residence of the child;

3. The names and residences of the parents of the child;

4. The name and residence of the legal guardian of the child, if applicable;

5. The name and residence of the person or persons having custody or control of the child;

6. The name and residence of the nearest known relative, if no parent or guardian can be found;

7. The relief requested; and

8. The specific federal law, state law or municipal ordinance under which the child is charged, and an endorsement of witnesses intended to be called by the petitioner, where the child is sought to be adjudged a delinquent child.

If a termination of parental rights is desired, it must be stated in the petition and summons, and if an order for the payment of funds for the care and maintenance of the child is desired, it must be stated in the petition and summons. If any of the facts herein required are not known by the petitioner, the petition shall so state, along with the reasons why said facts are not known to petitioner.

C. A petition alleging a child to be a child in need of treatment shall be filed by a district attorney pursuant to the Inpatient Mental Health Treatment of Children Act.

D. A copy of the petition shall be attached to and delivered with the summons.

E. A district attorney may defer filing a petition alleging a child to be delinquent for a period of ninety (90) days if the child participates in a teen court program or a first-time offender program, as defined in Section 7303-4.6 of Title 10 of the Oklahoma Statutes. If the child successfully completes the program, the district attorney shall not file the petition. The records of a case for which a petition is not filed shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

SECTION 117. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If a child has been taken into custody pursuant to the provisions of the Juvenile Justice Code before a petition has been filed, a petition shall be filed and a summons issued within five (5) judicial days from the date of such assumption of custody, or custody of the child shall be relinquished to the child's parent, legal guardian, legal custodian, or other responsible adult, unless otherwise provided for in the Oklahoma Juvenile Code.

B. No order of the court providing for the removal of a child alleged or adjudicated delinquent or in need of supervision from his home shall be entered unless the court finds that the continuation of the child in the home of the child is contrary to the welfare of the child. Said order shall include either:

1. A determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from the home and, as appropriate, reasonable efforts have been made to provide for the return of the child to the home; or

2. A determination as to whether or not an absence of efforts to prevent the removal of the child from the home is reasonable under the circumstances, if such removal of the child from the home is due to an alleged emergency and is for the purpose of providing for the safety of the child and, in the case of a delinquent, the protection of the public.

C. For purposes of this section and Sections 7303-1.1 and 7303-1.2 of this title, "responsible adult" means a stepparent, foster parent, person related to the juvenile in any manner who is eighteen (18) years of age or older, or any person having an obligation and authority to care for or safeguard the juvenile in another person's absence who is eighteen (18) years of age or older.

SECTION 118. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. No pleading subsequent to the petition is required, and the filing of any motion or pleading shall not delay the holding of the adjudicatory hearing.

B. A petition may be amended by order of the court at any time before an order of adjudication has been made, provided that the court shall grant the parties such additional time to prepare as may be required to insure a full and fair hearing. A petition shall be deemed to have been amended to conform to the proof where the proof does not change the substance of the act, omission or circumstance alleged. However, the court shall not amend the adjudicatory category prayed for in the petition.

SECTION 119. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. After a petition shall have been filed, unless the parties provided for in this section shall voluntarily appear, a summons

shall be issued which shall recite briefly the nature of the proceeding with the phrase "as described more fully in the attached petition" and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. The summons shall state the relief requested, and shall set forth the right of the child, parents and other interested parties to have an attorney present at the hearing on the petition.

B. The summons shall be served on the person who has actual custody of the child, and if the child has reached the age of twelve (12) years, a copy shall be served on the child. If the person who has actual custody of the child shall be other than a parent or guardian of the child, a copy of the summons shall be served on the parent or guardian, or both. A copy of the summons shall be served on a custodial parent, guardian or next friend. If no parent or guardian can be found, a summons shall be served on such other person or persons as the court shall designate.

Summons may be issued requiring the appearance of any other person whose presence is necessary.

C. If it subsequently appears that a person who should have been served was not served and has not entered an appearance, the court shall immediately order the issuance of a summons which shall be served on said person.

D. If after a petition has been filed, it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the judge may immediately issue a detention order or warrant authorizing the taking of said child into emergency custody.

E. In a delinquency proceeding, whenever a warrant for the arrest of a child shall issue, it shall state the offense the child is being charged with having committed; in a child in need of supervision proceeding, whenever a warrant for detention of a child shall issue, it shall state the reason for detention. Warrants for the arrest or detention of a child shall comport with all other requirements of issuance of arrest warrants for adult criminal offenders.

SECTION 120. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-1.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. After a petition under the provisions of this article has been filed, the court may order the child to be examined and evaluated by a physician or other appropriate professional to aid the court in making the proper disposition concerning the child. The court may order a mental health evaluation of a child as provided by the Inpatient Mental Health Treatment of Children Act.

B. Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the court may order the parent or other person responsible for the care and support of the child to provide such care in a hospital or otherwise. If the parent or other person fails to provide such care, the court may, after due notice, enter an order therefor, and the expense thereof, when approved by the court, shall be a charge upon the county, but the court may adjudge that the person having the duty under the law to support the child pay part or all of the expenses of such care. In an emergency the court may, when health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive the child for like purpose, and consent to emergency treatment or surgery.

C. After adjudication and at the request of a judge in any juvenile proceeding, the Department of Juvenile Justice shall investigate the home conditions and environment of the child and the financial ability, occupation and earning capacity of the parent, legal guardian or custodian of the child. Upon request by the court of another state, the Department may conduct a similar investigation.

Part 2. Summons

SECTION 121. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-2.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Service of summons shall be made as provided for service in civil actions or service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. If the address of the person to be summoned is not known, or if the mailed summons is returned, the court may order that notice of the hearing be published once in a newspaper of general circulation in the county.

B. 1. The court shall not hold the hearing until at least forty-eight (48) hours after the service of the summons, except with the consent of the parent or guardian.

2. If the parent is not served within the state, the court shall not hold the hearing until at least five (5) days after the date of mailing the summons, except with the consent of the parent.

3. If notice is published, the court shall not hold the hearing until at least ten (10) days after the date of publication.

4. If one or more persons must be served by publication, and if it appears that the court must order the child held in a place of detention in order to meet the requirement of this section with respect to the time for holding a hearing when a party can be served only by publication, the court may advance the date of the hearing, with reasonable notice to the other persons who have been served or are properly and legally notified, to any date that the court determines to be reasonable and may proceed with the action.

C. An order determining that a child is delinquent or in need of supervision shall not become final until thirty (30) days after the date of the publication of the notice. Nothing contained herein shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

SECTION 122. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-2.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

If any person summoned shall, without reasonable cause, fail to appear, such person may be held in contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual or that the welfare of the child requires that the child should be brought into the custody of the court, a warrant may be issued against the parent or guardian, or against the child.

Part 3. Custodial Interrogation

SECTION 123. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-3.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. No information gained by a custodial interrogation of a child nor any evidence subsequently obtained as a result of such interrogation shall be admissible into evidence against the child unless the custodial interrogation about any alleged offense by any law enforcement officer or investigative agency, or employee of the

court, or employee of the Department of Juvenile Justice is done in the presence of the parents, guardian, attorney, or legal custodian of the child. No such custodial interrogation shall commence until the child and the parents, or guardian, or other legal custodian of the child have been fully advised of the constitutional and legal rights of the child, including the right to be represented by counsel at every stage of the proceedings, and the right to have counsel appointed by the court if the parties are without sufficient financial means; provided, however, that no legal aid or other public or charitable legal service shall make claim for compensation as contemplated herein. It is further provided that where private counsel is appointed in such cases, the court shall set reasonable compensation and order the payment out of the court fund. As used in this section, "custodial interrogation" means questioning of a child while that child is in law enforcement custody or while that child is being deprived of freedom of action in any significant way by a law enforcement officer, employee of the court, or employee of the Department. Custodial interrogation shall conform with all requirements for interrogation of adult criminal offenders. The term "custodial interrogation" shall not be deemed to mean questioning of a child by a public school administrator or teacher, so long as such questioning is not being conducted on behalf of a law enforcement officer, an employee of the court or an employee of the Department. Any information gained from noncustodial questioning of a child by a public school administrator or teacher concerning a wrongful act committed on public school property shall be admissible into evidence against the child.

B. If the parents, guardian, or other legal custodian of the child requests an attorney and is found to be without sufficient financial means, counsel shall be appointed by the court if a petition has been filed alleging that the child is a child in need of supervision, or if termination of parental rights is a possible remedy, provided that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parents, guardian or other legal custodian. If the child is not otherwise represented by counsel, whenever a petition is filed pursuant to the provisions of Section 7303-1.3 of Title 10 of the Oklahoma Statutes, the court shall appoint a separate attorney, who shall not be a district attorney, for the child regardless of any attempted waiver by the parent or other legal custodian of the child of the right of the child to be represented by counsel.

C. Whenever a petition is filed alleging that a child is a delinquent child or a child in need of supervision, the court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or the attorney of the child. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

D. The guardian ad litem shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to this section or Section 846 of Title 21 of the Oklahoma Statutes.

E. It shall be unlawful and a misdemeanor for the Office of Juvenile Affairs, the Department of Juvenile Justice, any person employed by the Office or the Department, or any other public officer or employee, to furnish or permit to be taken off of the

records any information therein contained for commercial, political or any other unauthorized purpose.

Part 4. Adjudicative and Certification Hearings

SECTION 124. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-4.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

In adjudicatory hearings to determine if a child is delinquent or in need of supervision, any person entitled to service of summons or the state shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge on the judge's own motion may call a jury to try any such case. Such jury shall consist of six persons.

SECTION 125. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-4.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. All cases of children shall be heard separately from the trial of cases against adults. The adjudicative hearings shall be conducted according to the rules of evidence, and may be adjourned from time to time.

1. Except as provided by paragraph 2 of this subsection, the hearings shall be private unless specifically ordered by the judge to be conducted in public, but persons having a direct interest in the case shall be admitted. Any victim or relative or legal guardian of a victim of a juvenile criminal act shall be considered to have a direct interest in the case and shall be notified of all court hearings involving that particular juvenile criminal act as provided by Section 215.33 of Title 19 of the Oklahoma Statutes. Stenographic notes or other transcript of the hearings shall be kept as in other cases, but they shall not be open to inspection except by order of the court or as otherwise provided by law.

2. Hearings related to the second or subsequent delinquency adjudication of a child shall be public proceedings. The adjudications relied upon to determine whether a hearing is a public proceeding pursuant to this paragraph shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Upon its own motion or the motion of any of the parties to the hearing and for good cause shown, the court may order specific testimony or evidence to be heard in private; provided, the court shall not exclude any relative or legal guardian of a victim from the hearing during testimony of the victim. For the purposes of this paragraph, "good cause" shall mean a showing that it would be substantially harmful to the mental or physical well-being of the child if such testimony or evidence were presented at a public hearing.

B. The child may remain silent as a matter of right in delinquency hearings and in need of supervision hearings, and before he is interrogated he shall be so advised.

C. A decision determining a child to come within the purview of the Oklahoma Juvenile Code shall be based on sworn testimony and the child shall have the opportunity for cross-examination unless the facts are stipulated. If a child is alleged to be delinquent and the facts are stipulated, the judge shall ascertain from the child if the child agrees with the stipulation and if the child understands the consequences of stipulating the facts.

SECTION 126. AMENDATORY 10 O.S. 1991, Section 1112, as last amended by Section 39, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1112), is amended to read as follows:

Section 1112. A. Except as otherwise provided <u>in the Oklahoma Juvenile Code</u>, a child who is charged with having violated any state statute or municipal ordinance other than those enumerated in

Section ~~1104.2~~ 7306-1.1 of this title, shall not be tried in a criminal action but in a juvenile proceeding. If, during the pendency of a criminal or quasi-criminal charge against any person, it shall be ascertained that the person was a child at the time of committing the alleged offense, the district court or municipal court shall transfer the case, together with all the papers, documents and testimony connected therewith, to the juvenile division of the district court. The division making such transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile division, to that division itself, or release such child to the custody of some suitable person to be brought before the juvenile division. However, nothing in this act shall be construed to prevent the exercise of concurrent jurisdiction by another division of the district court or by municipal courts in cases involving children wherein the child is charged with the violation of a state or municipal traffic law or ordinance.

B. Except as otherwise provided by law, if a child is charged with delinquency as a result of an offense which would be a felony if committed by an adult, the court on its own motion or at the request of the district attorney shall conduct a preliminary hearing to determine whether or not there is prosecutive merit to the complaint. If the court finds that prosecutive merit exists, it shall continue the hearing for a sufficient period of time to conduct an investigation and further hearing to determine if the child should be held accountable for his acts as if he were an adult if he should be found to have committed the alleged act or omission.

Consideration shall be given to:

1. The seriousness of the alleged offense to the community, and whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

2. Whether the offense was against persons or property, greater weight being given to transferring the accused person to the adult criminal justice system for offenses against persons especially if personal injury resulted;

3. The sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living;

4. The record and previous history of the accused person, including previous contacts with community agencies, law enforcement agencies, schools, juvenile or criminal courts and other jurisdictions, prior periods of probation or prior commitments to juvenile institutions;

5. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the juvenile court; and

6. Whether the offense occurred while the juvenile was escaping or in an escape status from an institution for delinquent children.

After such investigation and hearing, the court may in its discretion proceed with the juvenile proceeding, or it shall state its reasons in writing and shall certify that such child shall be held accountable for his acts as if he were an adult and shall be held for proper criminal proceedings for the specific offense charged, by any other division of the court which would have trial jurisdiction of such offense if committed by an adult. The juvenile proceeding shall not be dismissed until the criminal proceeding has commenced and if no criminal proceeding commences within thirty (30)

days of the date of such certification, unless stayed pending appeal, the court shall proceed with the juvenile proceeding and the certification shall lapse.

If not included in the original summons, notice of a hearing to consider whether a child should be certified for trial as an adult shall be given to all persons who are required to be served with a summons at the commencement of a juvenile proceeding, but publication in a newspaper when the address of a person is unknown is not required. The purpose of the hearing shall be clearly stated in the notice.

C. Prior to the entry of any order of adjudication, any child in custody shall have the same right to be released upon bail as would an adult under the same circumstances. Subsequent to the entry of an order that a child stand trial as an adult, said child shall have all the statutory and constitutional rights and protections of an adult accused of a crime but shall, while awaiting trial and for the duration of the trial, be detained in a jail cell or ward entirely separate from prisoners who are eighteen (18) years of age or over. Upon conviction, the juvenile may be incarcerated with the adult population. If, prior to the entry of any order of adjudication, the child becomes eighteen (18) years of age, the child may be detained in a county jail or released on bail. If a child is certified to stand trial as an adult, the court shall make every effort to avoid duplication of the adult preliminary hearing and the prosecutorial hearing in the juvenile certification process. The parties may jointly stipulate to the court that the record for the prosecutorial merit hearing in the juvenile proceeding be used for all or part of the preliminary hearing.

D. Any child who has been certified to stand trial as an adult pursuant to any certification procedure provided by law and is subsequently convicted of the alleged offense or against whom the imposition of judgment and sentencing has been deferred shall be tried as an adult in all subsequent criminal prosecutions, and shall not be subject to the jurisdiction of the juvenile court in any further proceedings.

E. An order either certifying a person as a child pursuant to subsection B of this section or denying such certification shall be a final order, appealable when entered.

SECTION 127. AMENDATORY Section 5, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1112.1), is amended to read as follows:

Section 1112.1 A. Any child who is seventeen (17) years of age and is within one hundred twenty (120) days of such child's eighteenth birthday who has been taken into custody for the commission of a criminal action but has neither been certified as an adult or adjudicated as a delinquent shall remain in the jurisdiction of the juvenile division until such child is either certified as an adult or juvenile proceedings have commenced or no prosecutorial merit exists and the action is dismissed.

B. If prosecutorial merit exists and the child specified in subsection A of this section is adjudicated as delinquent, the juvenile division may have jurisdiction over such child until the child is twenty-one (21) years of age. The Department of ~~Human Services~~ Juvenile Justice shall not retain such child in a secure juvenile facility after the child reaches the age of nineteen (19), but may retain custody of such child and place such child in a group home or other in-home or out-of-home placement, or under court order, supervisory probation until the child is twenty-one (21) years of age.

SECTION 128. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-4.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

If the court finds that the allegations of the petition are not supported by the evidence, the court shall order the petition dismissed and shall order the child discharged from any detention or restriction previously ordered. The child's parents, guardian or other legal custodian shall also be discharged from any restriction or other previous temporary order.

SECTION 129. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-4.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If the court finds that the allegations of a petition alleging a child to be delinquent or in need of supervision are supported by the evidence, the court shall sustain the petition, and shall make an order of adjudication setting forth whether the child is delinquent or in need of supervision and shall adjudge the child as a ward of the court.

B. A court may defer delinquency adjudication proceedings for ninety (90) days if the child:

1. Is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a misdemeanor or that if committed by an adult would be grand larceny of property valued at One Hundred Dollars ($100.00) or less;

2. Waives the privilege against self-incrimination and testifies, under oath, that the allegations are true;

3. Has not been previously adjudicated a delinquent; and

4. Presents to the court an oral or written request to attend a Teen Court program.

C. The Teen Court program must be approved by the court.

D. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the Teen Court program has been successfully completed.

E. The court may require a child who requests a Teen Court program to pay a fee, as determined by the court, not to exceed Twenty Dollars ($20.00) to cover the costs of administration. The fee shall be deposited in the court clerk's official depository account. Eighty percent (80%) of the costs so paid shall be distributed to the organization sponsoring the Teen Court to be used for Teen Court operating expenses. The remaining twenty percent (20%) of said cost shall be paid by the court clerk to the court fund.

F. A court may defer delinquency proceedings for ninety (90) days for any child that has not been previously adjudicated delinquent, if the child and, if required by the court, the parent or legal guardian of the child agree to participate in an alternative diversion program for first-time offenders that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the alternative diversion program for first-time offenders has been successfully completed. The records of a case dismissed pursuant to this subsection shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

G. A court may defer delinquency proceedings for ninety (90) days for any child that has not been previously adjudicated delinquent, if the child agrees to participate in a military mentor program that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral

period if the child presents satisfactory evidence that the military mentor program has been successfully completed. The records of a case dismissed pursuant to this subsection shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

H. As used in this section:

1. "Alternative diversion programs for first-time offenders" means programs for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency. The program shall be administered, pursuant to contact with the Department of Juvenile Justice, by organizations designated as youth services agencies in accordance with Section 7302-3.6 of Title 10 of the Oklahoma Statutes;

2. "Teen Court program" means a program which provides an alternative judicial forum for cases involving juvenile offenders, in which teenage participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, including jurors, lawyers, bailiffs and judges. Such program also may include participation by volunteer adult attorneys. The Teen Court hears cases involving juvenile offenders who are referred to the Teen Court by the district attorney or the district court and assesses sentences such as participation in community work projects, counseling or rehabilitation programs; and

3. "Military mentor program" means a program administered by the Oklahoma Military Department as provided in Section 7303-5.3 of Title 10 of the Oklahoma Statutes.

Part 5. Dispositional Hearings and Orders

SECTION 130. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. After making an order of adjudication, the court shall hold a dispositional hearing, at which all evidence helpful in determining the proper disposition best serving the interest of the child and the public, including but not limited to oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudicatory hearing.

B. Before making an order of disposition, the court shall advise the district attorney, the parents, guardian, custodian or responsible relative, and their counsel, of the factual contents and the conclusion of reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. An order of disposition shall include a specific finding and order of the court relative to the liability and accountability of the parents for the care and maintenance of the child as authorized by Section 7303-7.6 of this title, unless custody is placed with the parent or parents of the child.

C. On its own motion or that of the district attorney, or of the parent, guardian, custodian, responsible relative or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence and, in such event, shall make an appropriate order for detention of the child, or release of the child from detention subject to supervision by the court, during the period of the continuance.

D. In scheduling investigations and hearings, the court shall give priority to proceedings in which a child is in detention, or has otherwise been removed from his home, before an order of disposition has been made.

SECTION 131. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An individual treatment and service plan shall be filed with the court within the thirty (30) days after any child has been adjudicated to be delinquent or in need of supervision. Said plan shall be filed by the person, department or agency responsible for the supervision of the case or by the legal custodian if the child has been removed from the custody of its lawful parent or parents. The treatment and service plan shall include but not be limited to:

1. A history of the child and family, including identification of the problems leading to the adjudication;

2. Based upon a comprehensive assessment and evaluation of the child and family which shall include, in the case of a delinquent child, a risk-assessment of the child:

a.——identification of the specific services to be provided to the child to remediate or alleviate the conditions that led to the adjudication, including but not limited to educational, vocational educational, medical, drug or alcohol abuse treatment, or counseling or other treatment services, and

b.——identification of the services to be provided to the parent, legal guardian, legal custodian, stepparent, other adult person living in the home or other family members, to remediate or alleviate the conditions that led to the adjudication, including services needed to assist the family to provide proper care and supervision of the child. If the child is placed outside the home, the service plan shall include the services to be provided during and after any such placement;

3. If the child is to be placed outside the home, the service plan shall state:

a. the reasons for such placement and a statement as to the unavailability or in appropriateness of local placement, or other good cause, for any placement more than forty (40) miles from the home of the child,

b. the services to be provided to the child while in such placement and the projected date of discharge,

c. the services necessary to assist the child to reintegrate with the child's family or other community-based placement, and

d. if the child is age sixteen (16) or older, the services necessary to make the transition from community placement to independent living;

4. Performance criteria that will measure the progress of the child and family toward completion of the treatment and service plan;

5. A projected date for the completion of the treatment and service plan; and

6. The name and business address of the attorney representing the child, if any.

B. Whenever a child who is subject to the provisions of this section is committed for inpatient mental health treatment pursuant to the Inpatient Mental Health Treatment of Children Act, the individual treatment and service plan shall be amended as necessary and appropriate, including but not limited to identification of the treatment and services to be provided to the child and his family upon discharge of the child from inpatient mental health treatment.

SECTION 132. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The following kinds of orders of disposition may be made in respect to children adjudicated in need of supervision or delinquent:

1. The court may place the child on probation or under supervision in the home of the child, or in the custody of a suitable person, 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.

2. If it is consistent with the welfare of the child, the child shall be placed with the parent or legal guardian of the child, 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 the child becoming delinquent or in need of supervision, 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 continuing to be delinquent or in need of supervision. 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 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 the ability of such person 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 to independent living.

No child who has been adjudicated in need of supervision only upon the basis of truancy or noncompliance with the mandatory school attendance law shall 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.

3. 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 any 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.

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

5. The court may order the child to participate in a military mentor program administered by the Oklahoma Military Department, if such program:

a.——is staffed by National Guard personnel who are trained by the Oklahoma Military Department pursuant to training standards established by the Department of Juvenile Justice and meets screening requirements established by the Department of Juvenile Justice,

b.——provides for adequate supervision of the child, and

c.——is designed to develop useful skills and abilities of the child and/or integrate the child into community service activities or public works projects.

The Office of Juvenile Affairs through its Department of Juvenile Justice and the Oklahoma Military Department are hereby authorized to enter into an agreement to provide for the effective development and implementation of this paragraph.

6. The court may commit the child to the custody of the Office of Juvenile Affairs under the supervision of the Department of Juvenile Justice. Any order adjudicating the child to be delinquent and committing the child to the Department of Juvenile Justice shall be for an indeterminate period of time; however, on or after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of the guidelines by the Legislature, if the child is a serious juvenile offender or a habitual juvenile offender, as defined in the Serious and Habitual Juvenile Offender Act, the order shall be for a determinate period of time established by the court within the range authorized by the placement guidelines, not to extend beyond such child's nineteenth birthday.

7. 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 child becoming delinquent or in need of supervision, 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.

8. 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. The court may order the parents or custodial parent of any child living with the parents or custodial parent at the time of the criminal or delinquent act of the child to remit the amount of restitution ordered by the court. The court may consider any hardship of such order on the parents or custodial parent of the child. The parents or custodial parent may be represented by an attorney in the matter of the order for remittance of the restitution by the parents or custodial parent. Provided however, if the court orders the parents or custodial parent to remit the amount of restitution as provided for in this paragraph, in addition to any other dispositional orders of the court, the court shall order the child to perform community service for the number of hours commensurate with the number of hours it would require under federal or state minimum wage to earn the amount paid by such child's parents or custodial parent under the order to remit restitution,

d.——order the child to pay the fine which would have been imposed had such child been convicted of such crime as an adult. Any such fine collected pursuant to this paragraph shall be deposited in a special Work Restitution Fund to be established by the court to allow children otherwise unable to pay restitution to work in community service projects in the private or public sector to earn money to compensate their victims,

e.——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,

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, make the following orders: sanction detention in the residence of the child or facility designated by the Department of 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 e of this paragraph shall be subject to said guidelines,

g.——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 preadjudicatory or postadjudicatory violations of probation,

h.——on and after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of such guidelines by the Legislature, the provisions of subparagraphs a through g of this paragraph shall be subject to said guidelines.

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

10. 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 and the protection of the public, 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. No child who has been adjudicated in need of supervision may be placed in a state training school.

C. 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. Nothing contained in this subsection shall prohibit 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 and nothing contained in this section shall prohibit detaining a juvenile pursuant to Section 7303-1.2 of Title 10 of the Oklahoma Statutes.

D. The court may revoke or modify a disposition order and may order redisposition. The child whose disposition is being considered for revocation or modification at said hearing shall have the right to be represented by counsel, to present evidence in the child's behalf and to be confronted by witnesses against the child. Any revocation, modification or redisposition of the court in whole or in part shall be subject to review on appeal, as in other appeals of criminal cases. Bail may be allowed pending appeal. On or after the adoption of placement guidelines by the Juvenile Placement Guidelines Committee and approval of such guidelines by the Legislature, the court may make specific orders concerning the type and length of placement of said juvenile if the juvenile is committed to the Department.

SECTION 133. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Every disposition order regarding a child adjudicated to be delinquent or in need of supervision shall be reviewed by the court at least once every six (6) months until such time as the conditions which caused the child to be adjudicated have been corrected or the parental rights of said parent or parents are terminated pursuant to the Oklahoma Children's Code.

2. A dispositional order removing a child from the custody of the parents of the child shall be reviewed at a hearing by the court

at least once every six (6) months until such time as the child is returned to the custody of his parents. No later than eighteen (18) months after placing a child in out-of-home care and every twelve (12) months thereafter, the court making the original order of adjudication shall conduct a dispositional hearing to consider in the best interests of the child whether:

a. the child should be returned to the parents of the child or other family member,

b. the child should be continued in out-of-home care for a specified period,

c. the rights of the parents of the child should be terminated and the child placed for adoption or legal guardianship pursuant to the Oklahoma Children's Code, or

d. the child, because of exceptional circumstances, should remain in out-of-home care on a long-term basis as a permanent plan or with a goal of independent living.

3. The provisions of this section also shall apply to a child who has been removed from the home of the lawful parent or parents of the child after the child has been returned to that home until such time as the court orders the case closed.

B. 1. The agency having supervision of the case or, if the child has been removed from the custody of its parents, the legal custodian of such child shall cause to be prepared for each review hearing required herein a written report concerning each child who is the subject of such review.

2. Said report shall include but not be limited to a summary of the physical, mental, and emotional condition of the child, the conditions existing in the home or institution where the child has been placed, and the child's adjustment thereto, a report on the child's progress in school and, if the child has been placed outside the home of the child, the visitation exercised by the parents of such child or other persons authorized by the court, and services being provided to a child sixteen (16) years of age or older to assist in the transition from out-of-home care or other community placement to independent living.

3. If the Office of Juvenile Affairs is the legal custodian of the child, the report also shall include any efforts on the part of the parent or parents to correct the conditions which caused the child to be adjudicated. The report shall specifically recommend, giving reasons therefor, whether or not the parental rights of the parent or parents of the child should be terminated and the child placed for adoption, whether or not the child should remain in the home or if placed outside the home of the child's lawful parents, whether or not the child should remain outside the home or be returned to the home from which the child was removed.

C. At each such review hearing, the court shall specifically inquire as to the nature and extent of services being provided the child and parent or parents of the child and shall direct additional services be provided if necessary to protect the child from further physical, mental, or emotional harm or to correct the conditions that led to the adjudication.

In any review order, the court shall further make a determination:

1. As to whether reasonable efforts have been made to provide for the return of the child to the child's own home. If reasonable efforts have failed or are not feasible, the court shall make a finding that the efforts to reunite the family have failed, or are

not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child; and

2. Where appropriate, when the child is age sixteen (16) or older, that services are being provided that will assist the child in making the transition from out-of-home care to independent living.

D. The attorney representing a child whose case is being reviewed may submit a report to the court for presentation at the review hearing to assist the court in reviewing the placement or status of the child. The legal custodian shall not deny to a child the right of access to counsel and shall facilitate such access.

E. The Department of Juvenile Justice shall notify the court having jurisdiction, the appropriate review board and the appropriate district attorney whenever the placement of a child in the custody of the Department is changed and shall inform said court and attorney regarding the location of the child unless placement modification results from an emergency situation, in which case the notification required by this subsection shall be within one (1) business day after the change of placement. As used in this subsection, "emergency situation" means a placement change requested by a person having actual custody of a child, if the request is made at a time when the business offices of the parties to be notified are closed, or a placement for emergency medical treatment.

Part 6. Modifications and Appeals

SECTION 134. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-6.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

Any decree or order made pursuant to the provisions of this article may be modified by the court at any time. An order certifying the juvenile as an adult shall not be modified.

SECTION 135. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-6.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Any interested party aggrieved by any order or decree may appeal to the Supreme Court in the same manner as other appeals are taken to the Supreme Court of this state; provided, however, that appeals taken from a trial court's decision in a proceeding for an adjudication of juvenile delinquency or in a proceeding certifying a juvenile to stand trial as an adult or denying such certification shall be taken to the Court of Criminal Appeals in the same manner as other appeals are taken to the Court of Criminal Appeals of this state, and provided further that an order either certifying a juvenile to stand trial as an adult or denying such certification shall be a final order, appealable when entered.

B. The record on appeal of an order of adjudication or of an order certifying or denying certification of a juvenile to stand trial as an adult shall be completed and the appeal perfected within sixty (60) days after the date of the order.

C. The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it discharge the child from the custody of that court or of the person, institution or agency to whose care such child has been committed, unless the Supreme Court or the Court of Criminal Appeals shall so order. The pendency of an appeal from an order of adjudication shall not prevent the district court from holding a dispositional hearing unless the appellate court shall so order. The pendency of an appeal from an order certifying a juvenile to stand trial as an adult shall not prevent the commencement of criminal proceedings against the juvenile unless stayed by the judge who issued the order of certification or by the appellate court. If the Supreme Court or

the Court of Criminal Appeals does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the district court and remand the child to the jurisdiction of that court for supervision and care; and thereafter the child shall be and remain under the jurisdiction of the district court in the same manner as if such court had made such order without an appeal having been taken.

SECTION 136. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-6.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

In the published opinions of the appellate courts of this state and in juvenile proceedings under the Oklahoma Juvenile Code, the initial of the child's surname shall be used rather than the child's surname.

Part 7. Specific Requirements Relating to Custody and Court Proceedings

SECTION 137. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

In placing a child in the custody of an individual or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents. However, it shall be left to the discretion of the judge to place children where their total needs will best be served.

SECTION 138. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

The district attorney shall prepare and prosecute any case or proceeding within the purview of the Oklahoma Juvenile Code.

SECTION 139. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

In proceedings pursuant to the Oklahoma Juvenile Code, the court may allow mileage as in civil actions to witnesses and reimbursement for expert witnesses but such shall not be tendered in advance of the hearing.

SECTION 140. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A willful violation of any provision of an order of the court issued under the provisions of the Oklahoma Juvenile Code shall constitute indirect contempt of court and shall be punishable as such. Punishment for any such act of contempt shall not exceed a fine of Three Hundred Dollars ($300.00), or imprisonment for not more than thirty (30) days in the county jail if the violator is an adult, or placement in a juvenile detention center if the violator is a juvenile, or both such fine and imprisonment or detention.

SECTION 141. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Any judge who is assigned to hear juvenile cases in counties having a population in excess of one hundred thousand (100,000) may appoint a suitable person or persons to act as referee or referees, to hold office at the pleasure of the judge. Such referees shall be lawyers and shall be specially qualified for their duties. The judge may direct that any case, or all cases of a class or within a county to be designated by the judge, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court. Upon the conclusion of the hearing in each case, the referee shall transmit to the court all papers relating to the case, together with the referee's findings of fact and conclusions of law, and recommendations in writing.

B. Notice of the referee's findings and recommendations shall be given to the parent, guardian or custodian of the child or to any other person concerned whose case has been heard by the referee. A hearing by the court shall be allowed upon the filing with the court of a request for such hearing, if the request is filed within three (3) days after the service of such notice. In case no hearing by the court is requested, the findings and recommendations of the referee, when confirmed by an order of the court, shall become the decree of the court.

SECTION 142. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-7.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In any hearing concerning the status of a child, the court, if the court determines the parent is able to pay, shall have authority to adjudge the parent, who has been served with notice of the hearing, liable and accountable for the care and maintenance of any child or children, and to:

1. 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 fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage; and

2. Pay for the care and maintenance of the child, including, but not limited to, all or some part of placement services, medical care and mental health services, as authorized by law.

B. 1. If 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.

2. 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.

3. 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.

C. The court shall have all powers incident to such orders necessary for their enforcement, including the power and authority to require bond or other security for the payment of such order; and may resort to execution and the power of punishment for contempt for noncompliance with such order.

D. The court shall have the right to increase, decrease, or otherwise modify its orders for care and maintenance, as the conditions or needs of the child or children may require and the ability of the person or persons held to pay may afford. The court may order support payments to be made direct to the person, organization or institution having the care and custody of the child or children, or directly to the clerk of the court.

E. All such funds ordered and paid to the clerk shall be accounted for; provided, that when payments are made in advance for any child, and custody of the court is terminated before the end of the period, then the clerk may refund, by proper voucher, the unused or unaccrued portion of such payment; or the refund may be authorized and paid on claim properly verified and approved by the judge.

Part 8. Placements

SECTION 143. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Whenever the court transfers custody of a child as provided in this article, the person, institution, agency, or department receiving custody shall have the right to, and shall be responsible for, the care and control of the child, and shall have the duty and authority to provide food, clothing, shelter, medical care, education, and discipline for the child. Except for an emergency psychiatric admission pursuant to the Inpatient Mental Health Treatment of Children Act, said person, institution, agency or department may provide or arrange for the provision of an inpatient mental health evaluation or inpatient mental health treatment of such child only pursuant to a court order as provided by the Inpatient Mental Health Treatment of Children Act. Nothing in this subsection shall be interpreted to prohibit or preclude the provision of outpatient mental health services, including an outpatient mental health examination, counseling, educational, rehabilitative or other similar services to said child, as necessary and appropriate, in the absence of a specific court order for such services.

2. The medical care, surgery and extraordinary care shall be charged to the appropriate agency where the child qualifies for the care under law, rule or administrative order or decision.

3. Nothing in this subsection shall be interpreted to:

a. relieve a parent of the obligation to provide for the support of the child as otherwise provided by law, or

b. limit the authority of the court to order a parent to make support payments or to make payments or reimbursements for medical care or treatment, including mental health care or treatment, to the person, institution, agency or Department having custody of the child, or

c. abrogate the right of the child to any benefits provided through public funds for which the child is otherwise eligible.

4. No person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in an emergency, as determined by competent medical authority.

B. The person, institution, agency, or department having legal custody of a child pursuant to an order of the court shall receive notice of court proceedings regarding the child as provided in Sections 7303-2.1 and 7303-5.1 of Title 10 of the Oklahoma Statutes and shall be allowed to intervene upon application as a party to all

court proceedings pertaining to the care and custody of the child including, but not limited to: adjudication, disposition, review of disposition, termination of parental rights and proceedings pursuant to the Inpatient Mental Health Treatment of Children Act.

SECTION 144. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The finding that a child is delinquent or in need of supervision shall not deprive the parents of the child of their parental rights, but a court may terminate the rights of a parent to a child for any reason authorized in the Oklahoma Children's Code. The provision of the Oklahoma Children's Code shall govern termination of parental rights.

B. Whenever parental rights of the parents of a child have been terminated and the child is committed to the Department of Juvenile Justice, the Executive Director of the Office of Juvenile Justice shall serve as the legal guardian of the estate of the child, until another guardian is legally appointed, for the purpose of preserving the child's property rights, securing for the child any benefits to which he may be entitled under social security programs, insurance, claims against third parties, and otherwise, and receiving and administering such funds or property for the care and education of the child.

SECTION 145. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 146. AMENDATORY 10 O.S. 1991, Section 1135.1, as amended by Section 32, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1994, Section 1135.1), is amended to read as follows:

Section 1135.1 A. The Department of ~~Human Services~~ Juvenile Justice may provide for the care of a child who is in the custody of the ~~Department~~ Office of Juvenile Affairs and found by a court to be a child in need of mental health treatment pursuant to the Inpatient Mental Health Treatment of Children Act ~~who is in the custody of the Department~~:

1. In the home of the child, the home of a relative of the child, a foster home, a group home, a transitional living program, an independent living program or in any other community-based child care facility ~~under the jurisdiction or licensure of the~~ determined by the Department to be appropriate for the care of the child, or as otherwise provided by ~~Sections 1136, 1137 and 1138 of this title~~ the Oklahoma Juvenile Code, and shall provide for the outpatient care and treatment of the child; or

2. The Department shall place a child who has been committed by a court for inpatient mental health treatment as provided by the Inpatient Mental Health Treatment of Children Act in a Department-operated treatment center or other appropriate public or private mental health facility as determined by the Department. The Department may place such child with the Department of Mental Health

and Substance Abuse Services upon the consent of the Commissioner of Mental Health and Substance Abuse Services or his designee. The Department shall establish a system for the regular review by a qualified mental health professional, at intervals of not more than thirty (30) days, of the case of each child in need of treatment in the custody of the Department and receiving inpatient care and treatment to determine whether or not continued inpatient treatment is required and appropriate for the child. When such child no longer requires inpatient care and treatment in a mental health treatment facility, the Department shall place the child as provided in paragraph 1 of this subsection.

B. In providing for the outpatient mental health care and the treatment of children in its custody, the Department of ~~Human Services~~ Juvenile Justice shall utilize to the maximum extent possible and appropriate the services available through:

1. The guidance centers operated by the State Department of Health; and

2. The Department of Mental Health and Substance Abuse Services; ~~and~~

3. The Department of Human Services; and

4. Community-based private ~~nonprofit~~ agencies and organizations.

SECTION 147. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs and the Department of Mental Health and Substance Abuse Services, no later than September 1, 1995, shall jointly:

1. Establish procedures which shall ensure that children placed in the custody of the Office of Juvenile Affairs or its Department of Juvenile Justice shall have adequate and appropriate access to mental health services, including but not limited to inpatient services in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, emergency services, group homes, and day treatment services, provided through the Oklahoma Youth Center and to other appropriate facilities and programs operated by or available through the Department of Mental Health and Substance Abuse Services; and

2. Establish administrative procedures for the timely and expeditious resolution of any dispute which may arise over the placement of a child in a facility or program operated by the Department of Mental Health and Substance Abuse Services. Such procedures shall, at a minimum, provide:

a. for a person designated by each agency to serve as its representative for the purpose of resolving any dispute which may arise over the placement of a child in an inpatient treatment facility operated by the Department of Mental Health and Substance Abuse Services, and

b. that whenever there is no resolution of a dispute over the placement of a child in an inpatient facility operated by the Department of Mental Health and Substance Abuse Services within three (3) working days after the initial request of the Office of Juvenile Affairs or the Department of Juvenile Justice for the consent of the Department of Mental Health and Substance Abuse Services for the placement of a child in a Department of Mental Health and Substance Abuse Services inpatient facility, an arbitrator provided for in subsection B of this section will be notified,

and the matter will be immediately submitted for arbitration and that the decision of the arbitrator shall be a final decision, and

c. an opportunity for the child whose placement is in dispute to be represented at any arbitration proceedings regarding his placement.

B. No later than September 1, 1995, the Office of Juvenile Affairs and the Department of Mental Health and Substance Abuse Services shall jointly select an individual to serve as arbitrator and an individual to serve as an alternate in case the arbitrator is unavailable. Any person selected to serve as an arbitrator or alternate arbitrator shall:

1. Be a person qualified to make a decision regarding the placement of a child found by a court to be a child in need of mental health treatment;

2. Agree to make his services immediately available upon notification of a dispute to be resolved; and

3. Agree to provide a decision within no more than one (1) week after notification of a dispute over the placement of a child.

C. If for any reason the Department of Juvenile Justice and the Department of Mental Health and Substance Abuse Services are unable to jointly agree upon a person to serve as arbitrator by September 1, 1995, the Commission on Children and Youth shall select said person at its next regularly scheduled monthly meeting.

D. Nothing in the Oklahoma Juvenile Code shall be construed as prohibiting the Department of Mental Health and Substance Abuse Services from admitting a child, upon the voluntary application for admission by the parent or legal guardian of the child and the recommendation of a qualified mental health professional for such admission, to a facility or program operated by the Department of Mental Health and Substance Abuse Services appropriate for the care and treatment of the child.

SECTION 148. AMENDATORY 10 O.S. 1991, Section 1143, as amended by Section 3, Chapter 320, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1143), is amended to read as follows:

Section 1143. When a child is committed to the custody of the Department of Juvenile Justice under the provisions of this ~~act~~ article, the court shall order the child to be delivered by the sheriff or by a private contractor pursuant to the provisions of Section ~~1108~~ 7304-1.3 of this title to an institution, or other place, designated by the Department, and the cost of transportation shall be paid from the county's general fund.

ARTICLE IV

Detention

SECTION 149. AMENDATORY 10 O.S. 1991, Section 1107.1, as last amended by Section 35, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, 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 1505 of this title~~ the Oklahoma Juvenile Code, 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~~, Section 5-501 et seq. of Title 43A of the Oklahoma Statutes~~, 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 shall be placed in secure detention unless:

1. The child is an escapee from any delinquent placement;

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;

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

4. The child is detained for the commission of a crime that would constitute a serious act as defined by Section ~~1160.2~~ 7302-9.2 of this title;

5. The child is detained for the commission of a crime that would constitute a habitual criminal act as defined by Section ~~1160.2~~ 7302-9.2 of this title;

6. The child is currently charged with a felony act as defined by Section ~~1160.2~~ 7302-9.2 of this 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~~ A child shall be detained in secure detention only in accordance with the guidelines adopted pursuant to Section ~~1160.3~~ 7302-9.3 of this title.

D. 1. Except as otherwise provided in this section, no child 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~~ Office of Juvenile Affairs, 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~~ Juvenile Justice 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.

4. Nothing in this section shall preclude detaining in a county jail or other adult detention facility a person provided for in Section 1104.3 of this title if written or electronically transmitted confirmation is received from the state seeking return of the individual that the person is a person provided for in Section ~~1104.3~~ 7304-1.2 of this title and if, during the time of detention, the person is detained in a facility meeting the requirements of ~~subsection D of Section 1108~~ 7304-1.3 of this title.

5. Nothing in this section shall preclude detaining a person, whose age is not immediately ascertainable and who is being detained for the commission of a felony, in a jail certified by the State Department of Health, a police station or similar law enforcement office for up to twenty-four (24) hours for the purpose of determining whether or not the person is a child, if:

a. there is a reasonable belief that the person is eighteen (18) years of age or older,

b. there is a reasonable belief that a felony has been committed by the person,

c. a court order for such detention is obtained from a judge of the district court within six (6) hours of initially detaining the person,

d. there is no juvenile detention facility that has space available for the person and that is within thirty (30) miles of the jail, police station, or law enforcement office in which the person is to be detained, and

e. during the time of detention the person is detained in a facility meeting the requirements of subparagraph f of paragraph 1 of this subsection.

The time limitation provided for in this paragraph shall include the time the person is detained prior to the issuance of the court order.

The time limitation provided for in this paragraph shall not include the actual travel time required for transporting the person to the jail, police station, or similar law enforcement office. If the time limitation established by this paragraph is exceeded, this circumstance shall not constitute a defense in any subsequent delinquency or criminal proceeding.

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~~, Section 40 et seq. of this title~~, providing that the use of the juvenile detention facility meets the requirements of ~~Section 1101 through 1505A of this title~~ the Oklahoma Juvenile Code. 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~~ Juvenile Justice.

SECTION 150. AMENDATORY Section 1, Chapter 205, O.S.L. 1993, as amended by Section 33, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1104.3), is amended to read as follows:

Section 1104.3 Whenever a person under eighteen (18) years of age, who has fled from another state, is taken into custody, that person shall be considered an adult only for the purposes of detention if:

1. The person has been charged with commission of an offense in the other state which is considered a felony in that state; and

2. The person is certified as an adult in that state for the purpose of criminal prosecution for said felony or has reached the statutory age of majority in that state; and

3. The other state is seeking the return of the individual to its jurisdiction ~~provided~~ and provides written or electronically transmitted confirmation, which is received within forty-eight (48) hours ~~from the state seeking the return of the person~~ after the person is taken into custody.

SECTION 151. AMENDATORY 10 O.S. 1991, Section 1108, as last amended by Section 36, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1108), is amended to read as follows:

Section 1108. A. Provision shall be made for the temporary detention of children in a juvenile detention facility or the court may arrange for the care and custody of such children temporarily in private homes, subject to the supervision of the court, or the court may provide shelter or may enter into a contract with any institution or agency to receive, for temporary care and custody, children within the jurisdiction of the court. The Department of ~~Human Services~~ Juvenile Justice shall not be ordered to provide detention unless said Department has designated and is operating detention services or facilities.

B. ~~Except as provided in subsection C or D of this section, transportation of juveniles to and from secure detention for purposes of admission, interfacility transfer, discharge, medical or dental attention, court appearance or placement designated by the Department shall be the responsibility of detention centers. Transportation and vehicle related costs shall be provided through a contract between the Department and each detention center. No private contract for transportation services shall be entered into by a detention center unless the private contractor demonstrates to the satisfaction of the Department that such contractor is able to obtain insurance or provide self-insurance to indemnify the Department against possible lawsuits and meets the requirements of subparagraphs a, b and d of paragraph 4 of subsection E of this section. The Department of Human Services shall not be ordered to provide transportation for a juvenile who is detained in or is destined for secure detention.~~

~~C. The office of the sheriff of the sending county shall be responsible for providing transportation of juveniles to secure detention for purposes of admission, unless the transportation is ordered by the court or is authorized by the district attorney for~~

~~the sending county. If the transportation is ordered or authorized, the detention center shall be responsible for the transportation. If the office of the sheriff provides the transportation, the Department of Human Services shall provide reimbursement to the sheriff for necessary and actual expenses for transporting juveniles who are detained in or destined for a regional detention center as follows:~~

~~1. A fee for the cost of personal services at the rate of Four Dollars ($4.00) per hour;~~

~~2. Mileage reimbursement for each mile actually traveled at the rate established in the State Travel Reimbursement Act;~~

~~3. Meals for transporting personnel, not to exceed Three Dollars ($3.00) per meal; and~~

~~4. Meals for juveniles being transported, not to exceed Three Dollars ($3.00) per meal.~~

~~The Department of Human Services shall process and mail reimbursement claims within sixty (60) days of receipt.~~

~~D. In counties with populations of five hundred thousand (500,000) or more that have duly constituted juvenile bureaus, county~~ County sheriffs, their designee, private contractors under contract with the Department of ~~Human Services~~ Juvenile Justice for transportation services, or juvenile court officers shall provide for the transportation of juveniles to and from secure detention for purposes of admission, interfacility transfer, discharge, medical or dental attention, court appearance, or placement designated by the Department. No private contract for transportation services shall be entered into by the Department unless the private contractor demonstrates to the satisfaction of the Department that such contractor is able to obtain insurance or provide self-insurance to indemnify the Department against possible lawsuits and meets the requirements of subparagraphs a, b and d of paragraph 4 of subsection ~~E~~ C of this section. The Department of ~~Human Services~~ Juvenile Justice shall not be ordered to provide transportation for a juvenile who is detained in or is destined for secure detention. The Department of ~~Human Services~~ Juvenile Justice shall provide reimbursement to the entity transporting juveniles for necessary and actual expenses for transporting juveniles who are detained in or destined for a regional detention center as follows:

1. A fee for the cost of personal services at the rate of ~~Eight Dollars ($8.00)~~ Twelve Dollars ($12.00) per hour;

2. Mileage reimbursement for each mile actually traveled at the rate established in the State Travel Reimbursement Act;

3. Meals for transporting personnel, not to exceed Six Dollars ($6.00) per meal; and

4. Meals for juveniles being transported, not to exceed Six Dollars ($6.00) per meal.

The Department of ~~Human Services~~ Juvenile Justice shall process and mail reimbursement claims within sixty (60) days of receipt. Payments for services provided by a county sheriff's office shall be paid to the county and deposited in the sheriff service fee account.

~~E.~~ C. 1. ~~After July 1, 1983, "juvenile detention facility" shall mean a secure facility, entirely separate from any prison, jail, adult lockup, or other adult facility, for the temporary care of children~~. All juvenile detention facilities shall be certified by the Office of Juvenile Affairs. To be certified, a juvenile detention facility shall be required to meet standards for certification promulgated by the Board of Juvenile Affairs. Until such standards are promulgated, the standards promulgated by the Oklahoma Commission for Human Services shall remain in effect. ~~"Alternatives to secure detention" means those services and~~

~~facilities which are included in the State Plan for the Establishment of Juvenile Detention Services adopted by the Commission for Human Services pursuant to subsection F of this section and which are used for the temporary detention of juveniles in lieu of secure detention in a juvenile detention facility.~~

2. The board of county commissioners of every county shall provide for the temporary detention of a child who is or who may be subject to secure detention and may construct a building or rent space for such purpose. The boards of county commissioners shall provide for temporary detention services and facilities in accordance with the provisions of the State Plan for the Establishment of Juvenile Detention Services adopted pursuant to subsection ~~F~~ D of this section and in accordance with Section ~~11~~ 7302-6.8 of this ~~act~~ title. The boards of county commissioners are hereby authorized to create multi-county trust authorities for the purpose of operating juvenile detention facilities.

3. In order to operate the juvenile detention facilities designated in the State Plan for the Establishment of Juvenile Detention Services and in Section ~~11~~ 7302-6.8 of this ~~act~~ title, the boards of county commissioners in the designated host counties shall:

a. operate the juvenile detention facility through a statutorily constituted juvenile bureau subject to the supervision of the district court~~;~~, or

b. operate the juvenile detention facility by employing a manager who may employ personnel and incur other expenses as may be necessary for its operation and maintenance~~;~~, or

c. contract with a public agency, private agency, federally recognized tribe, or single or multi-county trust authority for the operation of the juvenile detention facility. In the event any board of county commissioners contracts with a public or private agency or a federally recognized tribe, pursuant to the provisions of this section, the Department is authorized to directly contract with and pay such public or private agency or federally recognized tribe for provision of detention services. Any contract with a federally recognized tribe shall become effective upon approval by the board of county commissioners.

4. Management contracts for privately operated detention facilities shall be negotiated with the firm found most qualified by the board of county commissioners. However, no private management contract shall be entered into by the board unless the private contractor demonstrates to the satisfaction of the board:

a. that the contractor has the qualifications, experience, and personnel necessary to implement the terms of the contract~~;~~,

b. that the financial condition of the contractor is such that the term of the contract can be fulfilled~~;~~,

c. that the ability of the contractor to obtain insurance or provide self-insurance to indemnify the county against possible lawsuits and to compensate the county for any property damage or expenses incurred due to the private operation of the juvenile detention facility~~;~~, and

d. that the contractor has the ability to comply with applicable court orders and rules of the Department of ~~Human Services~~ Juvenile Justice.

5. All counties to be served by a regional juvenile detention facility may, upon the opening of such facility, contract with the operators for the use of the facility for the temporary detention of children who are subject to secure detention; provided, however, a jail, adult lockup, or other adult detention facility may be used for the secure detention of a child as provided for in Section 7304-1.1 of this title.

6. Expenses incurred in carrying out the provisions of this section shall be paid from the general fund of the county or from other public funds lawfully appropriated for such purposes or from private funds that are available for such purposes. A county may also issue bonds for the construction of detention facilities.

7. The operation of a juvenile detention facility by a county shall constitute a quasi-judicial function and is also hereby declared to be a function of the State of Oklahoma for purposes of the Eleventh Amendment to the United States Constitution. In addition, no contract authorized by the provisions of this section for the providing of transportation services or for the operation of a juvenile detention facility shall be awarded until the contractor demonstrates to the satisfaction of the county that the contractor has obtained liability insurance with the limits specified by the Governmental Tort Claims Act against lawsuits arising from the operation of the juvenile detention facility by the contractor, or if the contract is for the providing of transportation services, the contractor has obtained liability insurance with the limits specified by the Governmental Tort Claims Act against lawsuits arising from the transportation of juveniles as authorized by subsection A of this section.

~~F.~~ D. The ~~Oklahoma Commission for Human Services~~ Board of Juvenile Affairs, from monies appropriated for that purpose, shall develop, adopt, and implement a plan for secure juvenile detention services and alternatives to secure detention, to be known as the State Plan for the Establishment of Juvenile Detention Services, which shall provide for the establishment of juvenile detention facilities and services with due regard for appropriate geographical distribution and existing juvenile detention programs operated by statutorily constituted juvenile bureaus. Said plan may be amended or modified by the ~~Commission~~ Board as necessary and appropriate. Until said plan is adopted by the Board, the plan adopted by the Oklahoma Commission for Human Services shall remain in effect.

1. The ~~Oklahoma Commission for Human Services~~ Board of Juvenile Affairs shall establish procedures for the letting of contracts or grants, including grants to existing juvenile detention programs operated by statutorily constituted juvenile bureaus, and the conditions and requirements for the receipt of said grants or contracts for juvenile detention services and facilities as provided in this section and Section ~~200.6 of Title 56 of the Oklahoma Statutes~~ 7302-4.1 of this title. A copy of such procedures shall be made available to any member of the general public upon request. All such grants or contracts shall require the participation of local resources in the funding of juvenile detention facilities. A contract for services shall be based upon a formula approved by the ~~Commission~~ Board which shall set the contract amount in accordance with the services offered and the degree of compliance with standards for certification. Until the procedures are established by the Board, the procedures established by the Commission for Human Services shall remain in effect.

2. The ~~Oklahoma Commission for Human Services~~ Board of Juvenile Affairs shall establish standards for the certification of detention services and juvenile detention facilities. Such standards may

include, but not be limited to: Screening for detention; education and recreation opportunities for juveniles in secure detention; and accreditation by the American Correctional Association. As a condition of continuing eligibility for grants or contracts, secure juvenile detention services and facilities shall be certified by the ~~Commission~~ Board within two (2) years of the date of the initial grant or contract.

~~G.~~ E. The State Department of Health, with the assistance of the ~~Department of Human Services~~ Office of Juvenile Justice, shall establish standards for the certification of jails, adult lockups, and adult detention facilities used to detain juveniles. Such standards shall include but not be limited to: Separation of juveniles from adults; supervision of juveniles; and health and safety measures for juveniles. The Department of Health is authorized to inspect any jail, adult lockup, or adult detention facility for the purpose of determining compliance with such standards. ~~After July 1, 1985, no~~ No jail, adult lockup, or other adult detention facility shall be used to detain juveniles unless such jail, adult lockup, or other adult detention facility complies with the standards established by the Department of Health and is designated as a place for the detention of juveniles by the judge having juvenile docket responsibility in the county from a list of eligible facilities supplied by the Department of Health.

~~1. The State Department of Health shall forward copies of proposed standards developed pursuant to the provisions of this paragraph to county commissioners, district attorneys, members of the Oklahoma Judiciary and members of the Oklahoma Legislature for their review and comment.~~

~~2. After consideration of all comments received and not later than January 1, 1985, the State Board of Health shall approve standards pursuant to the provisions of this paragraph. In all other respects, the~~ The development and approval of the standards provided for in this paragraph shall comply with the provisions of the Administrative Procedures Act.

~~H.~~ F. The State Board of Health shall ~~adopt~~ promulgate rules providing for the routine recording and reporting of the use of any adult jail, lockup or other adult facility for the detention of any person under the age of eighteen (18).

1. For the purpose of ensuring the uniformity and compatibility of information related to the detention of persons under age eighteen (18), said rules shall be reviewed and approved by the Oklahoma Commission on Children and Youth prior to their adoption by the Board; and

2. Said records of detention shall be reviewed during each routine inspection of adult jails, lockups or other adult detention facilities inspected by the State Department of Health and a statistical report of said detentions shall be submitted to the Oklahoma Commission on Children and Youth at least every six (6) months in a form approved by the Commission.

SECTION 152. AMENDATORY 10 O.S. 1991, Section 1108.1, is amended to read as follows:

Section 1108.1 The board of county commissioners of each county in this state is authorized to enter into a contract with the county commissioners of another county or counties to provide insurance coverage for any tort liability risk incurred as a result of providing or providing for the temporary detention of children in a juvenile detention facility pursuant to ~~Sections 1107 through 1108 of Title 10 of the Oklahoma Statutes~~ the provisions of the Oklahoma Juvenile Code.

ARTICLE V

Juvenile Bureaus

SECTION 153. AMENDATORY 10 O.S. 1991, Section 1201, is amended to read as follows:

Section 1201. A. In each county having a population of one hundred thousand (100,000) or more, as shown by the last preceding Federal Decennial Census, there is created a juvenile bureau and a citizens' advisory committee.

B. In each county having a duly constituted juvenile bureau as of January 1, 1981, as provided for in subsection A of this section, the juvenile bureau shall remain in place and continue in operation. No other counties shall establish juvenile bureaus. The Department of ~~Human Services~~ Juvenile Justice shall provide intake, probation and parole services in all counties not having juvenile bureaus as provided for in Section ~~602~~ 7302-2.3 of this title.

SECTION 154. AMENDATORY 10 O.S. 1991, Section 1202, is amended to read as follows:

Section 1202. The chief administrative officer of the juvenile bureau shall be a director, who shall be subject to the direction and supervision of the judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District within budgetary limitations. There shall be sufficient counselors, clerks and assistant clerks to properly conduct the work of the ~~Bureau~~ bureau. The director shall be a person over the age of thirty (30) years, of good character, qualified in social work, and familiar with the problems of juvenile delinquency and dependency. The director and counselors shall be appointed by the judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District, from a list of eligible persons established by the citizens' advisory committee at the request of the Presiding Judge of the Judicial Administrative District. Other persons may be employed by the director with the approval of the judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District. The director, counselors and other employees may be removed by the judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District at any time.

SECTION 155. AMENDATORY 10 O.S. 1991, Section 1203, as amended by Section 46, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1203), is amended to read as follows:

Section 1203. A. The director, under the general supervision of the judge, shall organize, direct and develop the administrative work of the court, including the social, financial and clerical work, and the director shall perform such other duties as to children as any judge of the court shall direct. The technical and professional employees shall have charge of cases assigned to them for investigation or treatment and shall perform such other duties as may be assigned to them by the director.

B. To assure uniformity of procedures and care throughout the state, each juvenile bureau shall perform its statutory duties for children alleged or adjudicated to be in need of supervision or delinquent in accordance with the procedures and guidelines promulgated by the ~~Commission for Human Services~~ Board of Juvenile Affairs and implemented by the ~~Office~~ Department of Juvenile Justice of the ~~Department of Human Services~~ Office of Juvenile Affairs.

C. All information obtained in discharge of official duty by any officer or other employee of the court shall be privileged and shall not be disclosed to anyone other than the judge and others

entitled under this act to receive such information, unless and until otherwise ordered by the judge.

SECTION 156. AMENDATORY 10 O.S. 1991, Section 1204, is amended to read as follows:

Section 1204. ~~(a)~~ A. It shall be the duty of the director and other employees of the ~~Bureau~~ juvenile bureau, at the request of and under the direction of the court, to investigate and report on all cases that are pending in the Juvenile Docket of the district court, and to investigate and report on all cases of ~~dependent and neglected or~~ delinquent children~~,~~ and children in need of supervision, residing or being in the county. The director and counselors shall have the power to file, or cause to be filed, information or complaint and to institute and commence the necessary legal proceedings for the purpose of carrying into effect the laws of this state relating to ~~dependent and neglected and~~ delinquent children and children in need of supervision, and the director and counselors shall investigate and report to the court for appropriate legal action the existence and maintenance of any place or public resort or institution in the county which is or may be detrimental to morals and welfare of children. It shall be the duty of the court clerk to assign adequate personnel to perform the clerical duties necessary and incidental to the operation of the Juvenile Docket of the court.

~~(b)~~ B. All penal, eleemosynary or other institutions under the jurisdiction of the State of Oklahoma and any law enforcement agency or officer of the State of Oklahoma or of any city or county within the state shall furnish the director and ~~his~~ assistants of the director with any and all information requested by them pertaining to any person under the jurisdiction of the court.

SECTION 157. AMENDATORY 10 O.S. 1991, Section 1205, is amended to read as follows:

Section 1205. ~~(a)~~ A. The director or ~~his~~ assistants to the director may arrest without a warrant a probationer, parolee or any person who is a temporary or permanent ward of the court, or may deputize any other officer or person with power of arrest by giving such officer or person a written statement setting forth that a probationer, parolee or ward of the court has in the judgment of the director or ~~his~~ assistants violated the conditions of probation.

~~(b)~~ B. The director and ~~his~~ assistants to the director shall have and are hereby vested with authority to serve all process issued by the court in juvenile dependent, neglect and delinquency cases, and hereby are vested with authority to make arrests and transport juveniles in accordance with the laws of this state.

SECTION 158. AMENDATORY 10 O.S. 1991, Section 1206, is amended to read as follows:

Section 1206. The director or ~~his~~ assistants to the director shall have authority to transport all juveniles found to come within the purview of this ~~Act~~ article to place or places where the order of the court requires such juveniles to be confined or placed, and the director and ~~his~~ assistants to the director shall be paid the actual expenses incurred in carrying out the orders and judgment of the court in addition to a mileage fee of ten cents ($0.10) per mile for miles actually traveled in executing the duties of the director or assistants by order of the judge.

SECTION 159. AMENDATORY 10 O.S. 1991, Section 1207, is amended to read as follows:

Section 1207. A. 1. The salary of the director and other employees of the ~~Bureau~~ bureau and ~~Detention Home~~ any detention home established pursuant to Section 7305-1.8 of this title shall be fixed by the judge of the Juvenile Division, subject to the general

administrative authority of the county commissioners of the contracting county. The salary of the director shall not exceed ninety percent (90%) of salaries of county Class A officers. The salary of a referee shall not be less than that of the associate district judge of the county.

2. The salary of supervisors with intake or intake-probational duties shall not be less than Twelve Thousand Three Hundred Dollars ($12,300.00) per year, and not more than eighty-five percent (85%) of Class A county officers.

3. The salary of employees with case, probation, counseling or juvenile duties shall not be less than Ten Thousand Five Hundred Dollars ($10,500.00) per year, and not more than eighty percent (80%) of Class A county officers.

B. The judge of the Juvenile Division, subject to the general administrative authority of the county commissioners of the contracting county, may fix a limit on the amount of expenses that may be incurred by the director and ~~his~~ assistants to the director, such limit to be in ~~his~~ the judgment of the judge adequate to care for the expenses necessary to carrying out the orders of the court in an efficient and expedient manner. The director and ~~his~~ assistants to the director and other personnel of the court shall keep and maintain their offices at the place where the office of the judge of the court is kept, unless the judge of the Juvenile Division, subject to the general administrative authority of the county commissioners of the contracting county, shall direct otherwise. The offices of the director and ~~his~~ assistants to the director shall contain adequate equipment, desk space and consultation rooms necessary for appropriate office procedure.

C. In addition to their salaries, the director and ~~his~~ assistants to the director shall be reimbursed at the same rate as state employees for mileage traveled by them in the investigation of court cases and in supervising probationers; with the approval of the judge in charge of the Juvenile Division, the director and ~~his~~ assistants may also receive reimbursement, at the rate and in the manner applicable to other county officers, for actual and necessary expenses incurred by them in attending conferences, meetings, seminars or official business of the court either within or outside of the State of Oklahoma.

D. In all counties having a ~~Juvenile Bureau~~ juvenile bureau, the budget of the ~~Juvenile Bureau~~ juvenile bureau for salaries and expenses of the director, counselors and other employees shall be established and funded as follows:

1. All expenses incurred in complying with the provisions of this ~~act~~ article shall be a county charge;

2. The salaries and other compensation of all employees of the ~~Juvenile Bureau~~ juvenile bureau shall be fixed by the judge within the limit of the total appropriations therefor; and

3. It is made the duty of the county excise board to make the necessary appropriation and levy for the payment of salaries of the director and all other employees, together with the expenses of administering ~~said Bureau~~ the bureau, consistent with the duty to do likewise with the budget estimates of other county officers under the board's jurisdiction, as required by the Constitution and laws of this state.

E. All expenses incurred by the director and counselor in carrying out the orders of the judge of the court shall be reported to the judge of the Juvenile Division under oath, and such expenses shall not be paid by the board of county commissioners until such judge shall, by order entered of record, approve such accounts, and such judge may hear testimony as to the correctness thereof. A

certified copy of the order of approval shall be filed in the office of the county clerk and shall be authority to the board of county commissioners to disburse the necessary funds in payment thereof, provided payment of the same comes within the budgetary provisions of the ~~Bureau~~ bureau as established in subsection D ~~hereof~~ of this section.

SECTION 160. AMENDATORY 10 O.S. 1991, Section 1208, is amended to read as follows:

Section 1208. A detention home may be established as a part of the ~~Juvenile Bureau~~ juvenile bureau of the court. Judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District, may appoint necessary technicians and other employees for such home in the same manner as is provided herein for the appointment of other employees of the ~~Bureau~~ bureau, their salaries to be fixed and paid in the same manner as the salaries of other employees.

SECTION 161. AMENDATORY 10 O.S. 1991, Section 1209, is amended to read as follows:

Section 1209. ~~(a)~~ A. To aid in the more effective administration of the statutes relating to juveniles and for the purpose of counsel and advice, there is created a citizens' advisory committee consisting of a minimum of seven ~~(7)~~ members, to serve without pay, appointed by the judge of the Juvenile Division assigned to try juvenile cases, who shall serve for a period of four (4) years and until their successors are appointed.

~~(b)~~ B. The membership of such committee shall contain an official or employee of the public schools of the county, a professional social worker employed by any recognized social agency in the county, a member of the board of county commissioners of the county, an attorney licensed to practice in the State of Oklahoma to be selected by the members of the County Bar Association of the county, and three other members selected at will by the judge of the Juvenile Division; and of the seven members, three shall be women, and all members shall, at the date of their appointment, be legal residents of the county.

SECTION 162. AMENDATORY 10 O.S. 1991, Section 1210, is amended to read as follows:

Section 1210. The provisions of this ~~Article~~ article shall govern the appointment of all personnel for the Juvenile Docket of the district court in any county referred to in Section ~~201~~ 7305-1.1 of this title. Provided, employees now holding positions in a Juvenile or Children's Court shall remain in similar positions in the ~~Juvenile Bureau~~ juvenile bureau until such time as the judge of the Juvenile Division, subject to the general administrative authority of the Presiding Judge of the Judicial Administrative District, shall otherwise direct, and any balances in appropriations for the maintenance and operation of the administrative personnel and organization under a Juvenile Court Act or Children's Court Act shall continue to be appropriated and shall be used for the operation of the ~~Juvenile Bureau~~ juvenile bureau in the performance of duties set forth ~~herein~~ in this article.

ARTICLE VI

Treatment of Serious Acts

Part 1. Reverse Certification

SECTION 163. AMENDATORY 10 O.S. 1991, Section 1104.2, as last amended by Section 32, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1104.2), is amended to read as follows:

Section 1104.2 A. Any person sixteen (16) or seventeen (17) years of age who is charged with murder, kidnapping, robbery with a dangerous weapon, robbery in the first degree if personal injury

results, rape in the first degree, rape by instrumentation, use of firearm or other offensive weapon while committing a felony, arson in the first degree, burglary with explosives, burglary in the first or second degree after three or more adjudications for committing either burglary in the first degree or burglary in the second degree, shooting with intent to kill, discharging a firearm, crossbow or other weapon from a vehicle pursuant to subsection B of Section 652 of Title 21 of the Oklahoma Statutes, intimidating a witness, manslaughter in the first degree, sodomy, trafficking in illegal drugs, manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled dangerous substance, or assault and battery with a deadly weapon, shall be considered as an adult.

B. Any person thirteen (13), fourteen (14) or fifteen (15) years of age who is charged with murder in the first degree shall be considered as an adult.

C. Upon the arrest and detention, such accused person shall have all the statutory and constitutional rights and protections of an adult accused of a crime, but shall be detained in a jail cell or ward entirely separate from prisoners who are eighteen (18) years of age or over.

D. 1. Upon the filing of an information against such accused person, a warrant shall be issued which shall set forth the rights of the accused person, and the rights of the parents, guardian or next friend of the accused person to be present at the preliminary hearing, to have an attorney present and to make application for certification of such accused person as a child to the juvenile division of the district court. The warrant shall be personally served together with a certified copy of the information on the accused person and on a custodial parent, guardian or next friend of the accused person.

2. When personal service of a custodial parent, guardian or next friend of the accused person cannot be effected, service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. If delivery is refused, notice may be given by mailing the warrant and a copy of the information on the accused person by regular first class mail to the address where the person to be notified refused delivery of the notice sent by certified mail. Where the address of a custodial parent, guardian or next friend is not known, or if the mailed warrant and copy of the information on the accused person is returned for any reason other than refusal of the addressee to accept delivery, after a distinct and meaningful search of all reasonably available sources to ascertain the whereabouts of a custodial parent, guardian or next friend has been conducted, the court may order that notice of the hearing be given by publication one time in a newspaper of general circulation in the county. In addition, the court may order other means of service of notice that the court deems advisable or in the interests of justice.

3. Before service by publication is ordered, the court shall conduct an inquiry to determine whether a distinct and meaningful search has been made of all reasonably available sources to ascertain the whereabouts of any party for whom notice by publication is sought.

E. The accused person shall file a motion for certification as a child before the start of the criminal preliminary hearing. Upon the filing of such motion, the complete juvenile record of the accused shall be made available to the district attorney and the accused person.

At the conclusion of the state's case at the criminal preliminary hearing, the accused person may offer evidence to support the motion for certification as a child.

The court shall rule on the certification motion of the accused person before ruling on whether to bind the accused over for trial. When ruling on the certification motion of the accused person, the court shall give consideration to the following guidelines, listed in order of importance:

1. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

2. Whether the offense was against persons or property, greater weight being given for retaining the accused person within the adult criminal system for offenses against persons, especially if personal injury resulted;

3. The record and past history of the accused person, including previous contacts with law enforcement agencies and juvenile or criminal courts, prior periods of probation and commitments to juvenile institutions; and

4. The prospects for adequate protection of the public if the accused person is processed through the juvenile system.

The court, in its decision on the certification motion of the accused person, need not detail responses to each of the above considerations, but shall state that the court has considered each of the guidelines in reaching its decision.

F. Upon completion of the criminal preliminary hearing, if the accused person is certified as a child to the juvenile division of the district court, then all adult court records relative to the accused person and this charge shall be expunged and any mention of the accused person shall be removed from public record.

G. An order certifying a person as a child or denying the request for certification as a child pursuant to subsection F of this section shall be a final order, appealable when entered.

Part 2. Youthful Offender Act

SECTION 164. AMENDATORY Section 18, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.15), is amended to read as follows:

Section 1507.15 Sections ~~18~~ 7306-2.1 through ~~29~~ 7306-2.13 of this ~~act~~ title shall be known and may be cited as the "Youthful Offender Act".

SECTION 165. AMENDATORY Section 19, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.16), is amended to read as follows:

Section 1507.16 A. For the purposes of the Youthful Offender Act:

1. "Youthful offender" means a person:

a. thirteen (13), fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with murder in the first degree and certified as a youthful offender as provided by Section ~~22~~ 7306-2.5 of this ~~act~~ title,

b. fifteen (15), sixteen (16), and seventeen (17) years of age and charged with a crime listed in subsection A of Section ~~23~~ 7306-2.6 of this ~~act~~ title, and

c. fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age and certified as a youthful offender as provided by Section ~~24~~ 7306-2.7 of this ~~act~~ title.

2. "Sentenced as a youthful offender" means the imposition of a court order making disposition of a youthful offender as provided by Section ~~26~~ 7306-2.9 of this ~~act~~ title.

B. It is the purpose of the Youthful Offender Act to better ensure the public safety by holding youths accountable for the commission of serious crimes, while affording courts methods of rehabilitation for those youths the courts determine, at their discretion, may be amenable to such methods. It is the further purpose of the Youthful Offender Act to allow those youthful offenders whom the courts find to be amenable to rehabilitation by the methods prescribed in ~~this act~~ the Youthful Offender Act to be placed in the custody or under the supervision of the Office of Juvenile Affairs for the purpose of accessing the rehabilitative programs provided by that Office and thereby, upon good conduct and successful completion of such programs, avoid conviction for a crime.

~~It is further the intention of the Legislature to extend the provisions of the Youthful Offender Act to provide for the continuation of a youthful offender in the custody of or under the supervision of the Office of Juvenile Affairs until age twenty-three (23) as resources become available for such purpose.~~

SECTION 166. AMENDATORY Section 20, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.17), is amended to read as follows:

Section 1507.17 A. Except as otherwise provided by the Youthful Offender Act, a child who is charged with having violated any state statute or municipal ordinance other than those enumerated in Sections ~~22~~ 7306-2.5 and ~~23~~ 7306-2.6 of this ~~act~~ title shall not be tried in a criminal action or a youthful offender proceeding but in a juvenile proceeding.

B. If, during the pendency of a criminal or quasi-criminal charge against any person, it shall be ascertained that the person was a child at the time of committing the alleged offense, the district court or municipal court shall transfer the case, together with all the papers, documents and testimony connected therewith, to the juvenile division of the district court. The division making such transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile division, to that division itself, or release such child to the custody of some suitable person to be brought before the juvenile division.

C. Nothing in this section shall be construed to prevent the exercise of concurrent jurisdiction by another division of the district court or by municipal courts in cases involving children wherein the child is charged with the violation of a state or municipal traffic law or ordinance.

SECTION 167. AMENDATORY Section 21, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.18), is amended to read as follows:

Section 1507.18 A. When a person is certified to stand trial as an adult or a youthful offender as provided by the Youthful Offender Act, the accused person shall have all the statutory and constitutional rights and protections of an adult accused of a crime. All proceedings shall be as for a criminal action and the provisions of Title 22 of the Oklahoma Statutes shall apply, except as provided for in the Youthful Offender Act.

B. Proceedings against a youthful offender shall be heard by a judge of the district court having juvenile docket responsibility, provided, the trial of a youthful offender may be heard by the judge of the district court having juvenile docket responsibility or by any other division of the court which would have trial jurisdiction of an adult charged with the same offense.

C. Upon arrest and detention of a person subject to the provisions of Section ~~22~~ 7306-2.5 or ~~23~~ 7306-2.6 of this ~~act~~ title,

or upon certification of a child as a youthful offender, the person has the same right to be released on bail as would an adult in the same circumstances and, if detained, ~~shall~~ may be detained in a juvenile detention facility.

D. Upon a verdict of guilty or entry of a plea of guilty or nolo contendere by a youthful offender who has been certified for the imposition of an adult sentence as provided by Section ~~25~~ 7306-2.8 of this ~~act~~ title the person may be detained as an adult and, if incarcerated, may be incarcerated with the adult population.

E. A child or youthful offender shall be tried as an adult in all subsequent criminal prosecutions, and shall not be subject to the jurisdiction of the juvenile court or youthful offender processes in any further proceedings if:

1. The child or youthful offender has been certified to stand trial as an adult pursuant to any certification procedure provided by law; or

2. The youthful offender has been certified for the imposition of an adult sentence as provided by Section ~~25~~ 7306-2.8 of this ~~act~~ title and is subsequently convicted of the alleged offense or against whom the imposition of judgment and sentencing has been deferred.

F. Except as provided by Section ~~23~~ 7306-2.6 of this ~~act~~ title, a person who has been prosecuted and sentenced as a youthful offender shall be prosecuted as a youthful offender in all subsequent criminal proceedings until the youthful offender has attained eighteen (18) years of age.

All proceedings for the commission of a crime committed after a youthful offender has reached eighteen (18) years of age shall be adult proceedings.

G. When a person who has been sentenced as a youthful offender is placed in the custody or under the supervision of the Office of Juvenile Affairs, if the youthful offender has not been previously discharged by the court, within the thirty (30) days immediately preceding the date on which the youthful offender becomes ~~twenty (20)~~ nineteen (19) years of age, the court shall hold a review hearing and shall make further orders regarding the youthful offender as provided by Section ~~27~~ 7306-2.10 of this ~~act~~ title.

SECTION 168. AMENDATORY Section 22, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.19), is amended to read as follows:

Section 1507.19 A. Any person thirteen (13), fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with murder in the first degree shall be held accountable for his acts as if he were an adult; provided, the person may be certified as a youthful offender as provided by this section.

B. 1. Upon the filing of an adult criminal information against such accused person, a warrant shall be issued which shall set forth the rights of the accused person, and the rights of the parents, guardian or next friend of the accused person to be present at the preliminary hearing, to have an attorney present and to make application for certification of such accused person as a youthful offender to the juvenile division of the district court for the purpose of prosecution as a youthful offender.

2. The warrant shall be personally served together with a certified copy of the information on the accused person and on a custodial parent, guardian or next friend of the accused person.

3. When personal service of a custodial parent, guardian or next friend of the accused person cannot be effected, service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. If delivery is

refused, notice may be given by mailing the warrant and a copy of the information on the accused person by regular first-class mail to the address where the person to be notified refused delivery of the notice sent by certified mail. Where the address of a custodial parent, guardian or next friend is not known, or if the mailed warrant and copy of the information on the accused person is returned for any reason other than refusal of the addressee to accept delivery, after a thorough search of all reasonably available sources to ascertain the whereabouts of a custodial parent, guardian or next friend has been conducted, the court may order that notice of the hearing be given by publication one time in a newspaper of general circulation in the county. In addition, the court may order other means of service of notice that the court deems advisable or in the interests of justice.

4. Before service by publication is ordered, the court shall conduct an inquiry to determine whether a thorough search has been made of all reasonably available sources to ascertain the whereabouts of any party for whom notice by publication is sought.

C. 1. The accused person shall file a motion for certification as a youthful offender before the start of the criminal preliminary hearing. Upon the filing of such motion, the complete juvenile record of the accused shall be made available to the district attorney and the accused person.

2. At the conclusion of the state's case at the criminal preliminary hearing, the accused person may offer evidence to support the motion for certification as a youthful offender.

D. The court shall rule on the certification motion of the accused person before ruling on whether to bind the accused over for trial. When ruling on the certification motion of the accused person, the court shall give consideration to the following guidelines:

1. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

2. Whether the offense was against persons, and, if personal injury resulted, the degree of personal injury;

3. The record and past history of the accused person, including previous contacts with law enforcement agencies and juvenile or criminal courts, prior periods of probation and commitments to juvenile institutions;

4. The sophistication and maturity of the accused person and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living;

5. The prospects for adequate protection of the public if the accused person is processed through the youthful offender system;

6. The likelihood of reasonable rehabilitation of the accused person if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the juvenile court; and

7. Whether the offense occurred while the accused person was escaping or on escape status from an institution for youthful offenders or delinquent children.

The court, in its decision on the certification motion of the accused person, need not detail responses to each of the above considerations, but shall state that the court has considered each of the guidelines in reaching its decision.

E. Upon completion of the criminal preliminary hearing, if the accused person is certified as a youthful offender to the juvenile division of the district court for the purpose of prosecution as a youthful offender, ~~then~~ all youthful offender court records relative

to the accused person and ~~this~~ the charge for which the accused person is certified as a youthful offender shall be expunged and any mention of the accused person shall be removed from public record.

F. An order certifying a person as a youthful offender or denying the request for certification as a youthful offender shall be a final order, appealable when entered.

G. If the accused person is prosecuted as an adult and is subsequently convicted of the alleged offense or against whom the imposition of judgment and sentencing has been deferred, the person may be incarcerated with the adult population and shall be prosecuted as an adult in all subsequent criminal proceedings.

SECTION 169. AMENDATORY Section 23, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.20), is amended to read as follows:

Section 1507.20 A. Any person fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with:

1. Murder in the second degree;
2. Kidnapping;
3. Manslaughter in the first degree;
4. Robbery with a dangerous weapon or attempt thereof;
5. Robbery with a firearm or attempt thereof;
6. Rape in the first degree or attempt thereof;
7. Rape by instrumentation or attempt thereof;
8. Sodomy;
9. Lewd molestation;
10. Arson in the first degree or attempt thereof;
11. Burglary in the first degree;
12. Shooting with intent to kill;
13. Aggravated assault and battery of a police officer;
14. Discharging a firearm, crossbow or other weapon from a vehicle pursuant to subsection B of Section 652 of Title 21 of the Oklahoma Statutes;
15. Intimidating a witness;
16. Trafficking in illegal drugs;
17. Assault and battery with a deadly weapon;
18. Maiming; and
19. The commission of a felony after three or more prior adjudications as a delinquent for felonies,

shall be held accountable for his acts as a youthful offender.

B. After a preliminary investigation conducted by the ~~Office of Juvenile Affairs~~ Department of Juvenile Justice or a juvenile bureau, whichever is applicable for the county, the district attorney may file a petition alleging the person to be a delinquent or may file a youthful offender information against the accused person.

C. 1. Upon the filing of youthful offender information against such alleged youthful offender, a warrant shall be issued which shall set forth the rights of the accused person, and the rights of the parents, guardian or next friend of the accused person to be present at the preliminary hearing, and to have an attorney present.

2. The warrant shall be personally served together with a certified copy of the information on the alleged youthful offender and on a custodial parent, guardian or next friend of the accused person.

3. When personal service of a custodial parent, guardian or next friend of the alleged youthful offender cannot be effected, service may be made by certified mail to such person's last-known address, requesting a return receipt from the addressee only. If delivery is refused, notice may be given by mailing the warrant and a copy of the information on the accused person by regular first-

class mail to the address where the person to be notified refused delivery of the notice sent by certified mail. Where the address of a custodial parent, guardian or next friend is not known, or if the mailed warrant and copy of the information on the accused person is returned for any reason other than refusal of the addressee to accept delivery, after a distinct and meaningful search of all reasonably available sources to ascertain the whereabouts of a custodial parent, guardian or next friend has been conducted, the court may order that notice of the hearing be given by publication one time in a newspaper of general circulation in the county. In addition, the court may order other means of service of notice that the court deems advisable or in the interests of justice.

4. Before service by publication is ordered, the court shall conduct an inquiry to determine whether a thorough search has been made of all reasonably available sources to ascertain the whereabouts of any party for whom notice by publication is sought.

D. 1. The accused person may file a motion for certification to the juvenile system before the start of the criminal preliminary hearing:

a. upon the filing of such motion, the complete juvenile record of the accused shall be made available to the district attorney and the accused person,

b. at the conclusion of the state's case at the criminal preliminary hearing, the accused person may offer evidence to support the motion for certification as a child.

2. If no motion to certify the accused person to the juvenile system has been filed, at the conclusion of the criminal preliminary hearing the court may on its own motion hold a hearing on the matter of the certification of the accused youthful offender to the juvenile system.

3. The court shall rule on the certification motion before ruling on whether to bind the accused over for trial. When ruling on the certification motion, the court shall give consideration to the following guidelines:

a. the seriousness of the alleged offense to the community, and whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner,

b. whether the offense was against persons or property, greater weight being given to offenses against persons, and if personal injury resulted, the degree of personal injury,

c. the sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living,

d. the record and previous history of the accused person, including previous contacts with community agencies, law enforcement agencies, schools, juvenile courts and other jurisdictions, prior periods of probation or prior commitments to juvenile institutions,

e. the prospects for adequate protection of the public,

f. the likelihood of reasonable rehabilitation of the juvenile if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the juvenile court, and

g. whether the offense occurred while the youthful offender was escaping or in an escape status from an institution for delinquent children.

4. In its decision on the certification of the accused person the court need not detail responses to each of the above considerations, but shall state that the court has considered each of the guidelines in reaching its decision.

5. An order certifying a person or denying such certification to the juvenile system shall be a final order, appealable when entered.

E. Upon conviction, sentence may be imposed as a sentence for a youthful offender as provided by Section ~~26~~ 7306-2.9 of this ~~act~~ title. If the youthful offender sentence is imposed as an adult sentence, the juvenile may be incarcerated with the adult population.

SECTION 170. AMENDATORY Section 24, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.21), is amended to read as follows:

Section 1507.21 A. If a child age fourteen (14) is charged with an offense listed in Section ~~23~~ 7306-2.6 of this ~~act~~ title, or a child age sixteen (16) or seventeen (17) years of age is charged with a felony weapons offense, possession of an illegal drug with intent to distribute, distribution of an illegal drug or rape in the second degree, the court on its own motion or at the request of the district attorney shall conduct a preliminary hearing to determine whether or not there is prosecutive merit to the complaint. If the court finds that prosecutive merit exists, it shall continue the hearing for a sufficient period of time to conduct an investigation and further hearing to determine if the child should be held accountable for his acts as if he were a youthful offender if he should be found to have committed the alleged act or omission.

Consideration shall be given to:

1. The seriousness of the alleged offense to the community, and whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

2. Whether the offense was against persons or property, greater weight being given to offenses against persons, and if personal injury resulted, the degree of personal injury;

3. The sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living;

4. The record and previous history of the accused person, including previous contacts with community agencies, law enforcement agencies, schools, juvenile courts and other jurisdictions, prior periods of probation or prior commitments to juvenile institutions;

5. The prospects for adequate protection of the public;

6. The likelihood of reasonable rehabilitation of the juvenile if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the juvenile court; and

7. Whether the offense occurred while the juvenile was escaping or in an escape status from an institution for delinquent children.

After such investigation and hearing, the court may in its discretion proceed with the juvenile proceeding, or it shall state its reasons in writing and shall certify that such child shall be held accountable for his acts as a youthful offender and shall be held for proper criminal proceedings for the specific offense charged. The trial of a youthful offender may be heard by the judge of the district court having juvenile docket responsibility or by

any other division of the court which would have trial jurisdiction of an adult charged with the same offense. The juvenile proceeding shall not be dismissed until the youthful offender proceeding has commenced and if no youthful offender proceeding commences within thirty (30) days of the date of such certification, unless stayed pending appeal, the court shall proceed with the juvenile proceeding and the certification shall lapse.

If not included in the original summons, notice of a hearing to consider whether a child should be certified for trial as a youthful offender shall be given to all persons who are required to be served with a summons at the commencement of a juvenile proceeding, but publication in a newspaper when the address of a person is unknown is not required. The purpose of the hearing shall be clearly stated in the notice.

B. Prior to the entry of any order of adjudication, any child in custody shall have the same right to be released upon bail as would an adult under the same circumstances. Subsequent to the entry of an order that a child stand trial as a youthful offender, said child shall have all the statutory and constitutional rights and protections of an adult accused of a crime but shall, while awaiting trial and for the duration of the trial, be detained in a juvenile detention facility. Upon conviction, the person may be sentenced as a youthful offender. If a child is certified to stand trial as a youthful offender, the court shall make every effort to avoid duplication of the preliminary hearing and the prosecutorial hearing in the juvenile certification process. The parties may jointly stipulate to the court that the record for the prosecutorial merit hearing in the juvenile proceeding be used for all or part of the preliminary hearing.

C. An order either certifying a person as a child pursuant to subsection A of this section or denying such certification shall be a final order, appealable when entered.

SECTION 171. AMENDATORY Section 25, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.22), is amended to read as follows:

Section 1507.22 A. Whenever the district attorney believes that there is no reasonable expectation that the accused person would reasonably complete a plan of rehabilitation and the public would not be adequately protected if the person were to be sentenced as a youthful offender, and should receive an adult sentence, the district attorney shall file a motion for consideration of the imposition of the sentence as for an adult if the person is convicted:

1. Not less than ten (10) days prior to the trial; or

2. At the time of a guilty plea or plea of nolo contendere.

B. Upon the filing of such motion and prior to the trial or before the entry of the plea of guilty or nolo contendere the court shall hold a hearing to determine the matter.

C. 1. The court shall order an investigation to be conducted unless waived by the ~~youthful offender~~ accused person with approval of the court. Any such investigation required shall be conducted by the Department of Juvenile Justice.

2. At the hearing the court shall consider:

a. whether the offense was committed in an aggressive, violent, premeditated or willful manner,

b. whether the offense was against persons or property, greater weight being given for offenses against persons and, if personal injury resulted, the degree of injury,

c. the sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living,

d. the record of the person including previous involvements with law enforcement agencies or courts, or prior periods of probation or prior commitments to institutions for delinquent behavior, and the previous history of the person with community agencies and schools,

e. the prospects for adequate protection of the public,

f. the likelihood of reasonable rehabilitation of the youthful offender if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the court if the accused person is processed through the youthful offender system, and

g. whether the offense occurred while the person was escaping from a secure facility for youthful offenders or delinquent children.

D. After the hearing and consideration of the report of the investigation, the court shall certify the person as eligible for the imposition of an adult sentence only if it finds by clear and convincing evidence that there is no reasonable expectation that the accused person would reasonably complete a plan of rehabilitation and the public would not be adequately protected if the person were to be sentenced as a youthful offender.

E. If the person has been certified as eligible to be sentenced as an adult, the court shall, upon a verdict of guilty or the entry of a plea of guilty or nolo contendere, impose sentence as provided by law for an adult for punishment of the offense committed, subject to the power and authority of the court to suspend or delay sentence, defer judgment, or otherwise structure, limit, or modify sentence as provided in Title 22 of the Oklahoma Statutes or the Youthful Offender Act. When sentence is imposed pursuant to this paragraph, the person shall be treated as an adult for purposes of supervision, incarceration and in all subsequent criminal proceedings.

SECTION 172. AMENDATORY Section 26, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.23), is amended to read as follows:

Section 1507.23 A. Upon a verdict of guilty or a plea of guilty or nolo contendere of a youthful offender and prior to the imposition of a youthful offender sentence by the court:

1. A youthful offender presentence investigation shall be conducted unless waived by the youthful offender with approval of the court. Any presentence investigation required shall be conducted by the Department of Juvenile Justice; and

2. The court shall conduct a hearing and shall consider:

a. whether the offense was committed in an aggressive, violent, premeditated or willful manner,

b. whether the offense was against persons or property, greater weight being given to offenses against persons when personal injury resulted and the degree of injury,

c. the sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological

evaluation, home, environmental situation, emotional attitude and pattern of living,

d. the record of the person including previous involvements with law enforcement agencies or courts, or prior periods of probation or prior commitments to institutions for delinquent behavior, and the previous history of the person with community agencies and schools,

e. the prospects for adequate protection of the public,

f. the likelihood of reasonable rehabilitation of the youthful offender by the use of procedures and facilities currently available to the court if the accused person is processed through the youthful offender system, and

g. whether the offense occurred while the person was escaping from a secure facility for youthful offenders or delinquent children.

B. After the hearing and consideration of the report of the presentence investigation, the court may defer, delay or sentence the person as a youthful offender and without entering a judgment of guilty, defer further proceedings for a period not to exceed ten (10) years and enter a dispositional order regarding the youthful offender. The court may make the following dispositional orders regarding a youthful offender:

1. Place the youthful offender under the supervision of the Office of Juvenile Affairs through its Department of Juvenile Justice; and

2. Place the youthful offender in the custody of the Office of Juvenile Affairs.

In addition to or in lieu of the placement of the youthful offender in the custody of or under the supervision of the Office of Juvenile Affairs, the court may issue orders with regard to the youthful offender as provided by law for the disposition of a child adjudicated delinquent.

C. Placement of a youthful offender in the custody or under the supervision of the Office of Juvenile Affairs as provided in this section shall be for a determinate period of time not to exceed ten (10) years provided, ~~said~~ the determinate period of custody or supervision shall not exceed the amount of time of a sentence of an adult convicted of the same offense.

SECTION 173. AMENDATORY Section 27, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.24), is amended to read as follows:

Section 1507.24 A. Whenever a youthful offender is placed in the custody of or under the supervision of the Office of Juvenile Affairs, the Office shall within thirty (30) days prepare and file with the court a written rehabilitation plan for the youthful offender. The rehabilitation plan shall include but not be limited to:

1. When the youthful offender is placed in the custody of the Office of Juvenile Affairs, the placement of the youthful offender;

2. Clearly stated, measurable objectives which the youthful offender is expected to achieve; and

3. The services that will be provided to the youthful offender by the Department of Juvenile Justice to assist the youthful offender to achieve the objectives.

B. Whenever a youthful offender is placed in the custody or under the supervision of the Office of Juvenile Affairs as provided by the Youthful Offender Act, the court shall conduct a semiannual review based upon written reports of the youth's conduct, progress

and condition. Written reports concerning the conduct, progress and condition of a youthful offender shall be submitted to the court prior to scheduled reviews by the Department of Juvenile Justice. Such reports shall include a written report of the youthful offender with respect to the rehabilitation plan. Copies of those reports shall be provided by the agency to the youthful offender, his counsel, parent or guardian if the youthful offender is less than eighteen (18) years of age, and the district attorney. The court shall consider any timely written response to the agency report before concluding its review.

C. The court may schedule a semiannual review for hearing in open court, after notice, at its discretion and may schedule such other hearings, after notice, as the court deems necessary. The court shall hold a review hearing for good cause shown, upon the motion of the district attorney, the Department of Juvenile Justice, or the youthful offender for the purpose of making a determination as to:

~~a. the~~ 1. The discharge of the youthful offender, or

~~b. a~~ 2. A change in the custody status of the youthful offender. For the purpose of this section, "change in the custody status" means a revocation of an order of probation or supervision, revocation of parole, or a transfer of custody or supervision to the Department of Corrections.

D. If the youthful offender has not been previously discharged, the court shall hold a review hearing within the thirty (30) days immediately preceding the date the youthful offender becomes ~~twenty (20)~~ nineteen (19) years of age.

E. A review hearing shall be conducted in open court after notice to the youth, his counsel, parent or guardian if the youthful offender is less than eighteen (18) years of age, the Department of Juvenile Justice, and the appropriate district attorney.

F. At the conclusion of any review hearing in open court and after consideration of all reports and other evidence properly submitted to the court, the court may:

1. Order the youthful offender discharged without a court judgment of guilt, and order the verdict or plea of guilty or plea of nolo contendere expunged from the record as provided in paragraphs 1 through 5 of subsection C of Section 991c of Title 22 of the Oklahoma Statutes and dismiss the charge with prejudice to any further action if the court finds that the youthful offender has reasonably completed the rehabilitation plan and objectives and that such dismissal will not jeopardize public safety;

2. Revoke an order of probation and place the youthful offender in the custody of the Office of Juvenile Affairs;

3. Revoke a community supervision placement by the Department of Juvenile Justice; or

4. Enter a judgment of guilt and proceed as provided in Section 991a of Title 22 of the Oklahoma Statutes, including transfer of the youthful offender to the custody or supervision of the Department of Corrections for the remainder of the youthful offender sentence, if the court finds that the youthful offender has:

a. injured or endangered the life or health of another person by his violent behavior,

b. escaped or attempted to escape from an institution or other secure facility,

c. committed a crime while in the custody or under the supervision of the Department of Juvenile Justice as shown by ~~a~~:

(1) a judgment entered following a verdict of guilty or a plea of guilty or nolo contendere, or

(2) ~~by~~ proof upon the motion of the district attorney and after a hearing sufficient to establish a preponderance of evidence that the youth committed a crime while in the custody or under the supervision of the Office of Juvenile Affairs, or

d. failed substantially to comply with a written plan of rehabilitation or failed substantially to achieve reasonable treatment objectives and is within thirty (30) days of his twentieth birthday.

G. For the purpose of calculating time served to be applied toward any sentence imposed upon a youthful offender, in the event a youthful offender has been placed in the custody of the Office of Juvenile Affairs, he shall receive credit for the time spent in the custody of the Office of Juvenile Affairs. Upon commitment to the Department of Corrections, a youthful offender shall also receive other credits as provided by law, ~~if any, as any~~ for an adult inmate.

SECTION 174. AMENDATORY Section 28, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.25), is amended to read as follows:

Section 1507.25 A. Whenever a youthful offender is committed to the custody of the Office of Juvenile Affairs, the Department of Juvenile Justice may:

1. Place the youthful offender in a state training school or other institution or facility maintained by the state for ~~delinquents or~~ youthful offenders;

2. Place the youthful offender in a group home or community residential facility for youthful offenders; or

3. Place the youthful offender under community supervision prior to or after a period of placement in one or more of the facilities referred to in paragraphs 1 and 2 of this subsection. The Department of Juvenile Justice may place a youthful offender in his own home, or an independent living or other similar living arrangement within the community of the residence of the youthful offender only upon the approval of the court; provided the court shall not prohibit the reintegration of the youthful offender into the community except upon finding that the youthful offender has not reasonably completed the rehabilitation plan objectives established as preconditions for reintegration into the community and that the public would not be adequately protected if the youthful offender is reintegrated into the community.

B. The Department of Juvenile Justice shall be responsible for the care and control of a youthful offender placed in the custody of the Office of Juvenile Affairs, and shall have the duty and the authority to provide food, clothing, shelter, ordinary medical care, education, discipline and in an emergency to authorize surgery or other extraordinary care. Said medical care, surgery and extraordinary care shall be charged to the appropriate agency where the youthful offender qualifies for said care under law, rule, regulation or administrative order or decision. Nothing in this section shall abrogate the right of a youthful offender to any benefits provided through public funds nor the parent's statutory duty or responsibility to provide said necessities; further, no person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in an emergency, as determined by competent medical authority.

C. A youthful offender in the custody of the Office of Juvenile Affairs shall:

1. Be entitled to all the rights afforded juvenile delinquents pertaining to the conditions and restrictions in facilities where delinquents may be placed, including any due process afforded delinquents in regard to movement from a nonsecure to a secure placement;

2. Have access to the same or comparable programs and services available to a delinquent in the custody of or under the supervision of the Office of Juvenile Affairs; and

3. As appropriate to the age and circumstances of the youthful offender, be provided education, employment, and employment skills and vocational and technical or higher education services, apprenticeship programs and similar opportunities.

SECTION 175. AMENDATORY Section 29, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.26), is amended to read as follows:

Section 1507.26 A. Upon the motion of a person who has been convicted and sentenced as a youthful offender, with the recommendation of the sentencing court, the Governor may grant a full and complete pardon and restore citizenship to any person who has been convicted and sentenced as a youthful offender and who has completed the sentence or been discharged from parole.

B. Upon the motion of a person convicted as a youthful offender, and three (3) years after the expiration of the sentence of the youthful offender, the court may set aside the conviction if:

1. The court has previously found that the person has reasonably complied with the rehabilitation plan and objectives;

2. The person was discharged from supervision by the Office of Juvenile Affairs, or was granted early discharge from such supervision by the court; or

3. The person has completed the sentence imposed as a result of his first conviction as a youthful offender and has no subsequent convictions.

If a conviction is set aside pursuant to this subsection, the ~~person~~ youthful offender shall thereafter be released from all penalties and disabilities resulting from the offense for which he was convicted, including but not limited to, any disqualification for any employment or occupational license, or both, created by any other provision of law. The court may in addition order any law enforcement agency to produce all files and records pertaining to said arrest and conviction of the youthful offender and shall order the clerk of the court to destroy or obliterate the entire file and record of the case, including docket sheets, index entries, court records, summons, warrants or records in the office of the clerk or which have been produced by a law enforcement agency in which the name of the youthful offender is mentioned. The court may order probation officers and counselors to destroy all records, reports, and social and clinical studies relating to said youthful offender that are in their possession except when said documents are necessary to maintain state or federal funding.

SECTION 176. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7306-2.13 of Title 10, unless there is created a duplication in numbering, reads as follows:

Prior to the implementation of the Youthful Offender Act, the Office of Juvenile Affairs shall establish at least one and not more than two secure facilities for persons certified as youthful offenders. Each facility shall provide for the housing of not more than one hundred twenty youthful offenders. It is the intent of the Legislature that the Office of Juvenile Affairs locate existing

facilities that can be remodeled and used for this purpose. The Department of Juvenile Justice shall be responsible for operating the facilities.

ARTICLE VII

Records

SECTION 177. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7307-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The court shall make and keep records of all cases brought before the court pursuant to the Oklahoma Juvenile Code. The court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

B. As used in the Oklahoma Juvenile Code:

1. "Records" shall include but not be limited to written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include information entered into and maintained in an automated or computerized information system;

2. "Juvenile court record" means legal and social records other than adoption records, including but not limited to agency, law enforcement and district attorney's records, filed with the court that are related to a child who is the subject of a court proceeding pursuant to the Oklahoma Juvenile Code;

3. "Agency record" means records prepared, obtained or maintained by a public or private agency with regard to a child who is or has been under its care, custody or supervision or to a family member or other person living in the home of such child and shall include but not be limited to:

a. any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such child, or

b. any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision;

4. "District attorney's records" means any records prepared or obtained by an office of a district attorney relating to juvenile cases and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child;

5. "Law enforcement records" means any contact, incident or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a child and shall include but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a child is or may be subject to the provisions of this chapter as a delinquent child or a child in need of supervision. Law enforcement records pertaining to juveniles shall be maintained separately from records pertaining to adults;

6. "Nondirectory education records" means any records maintained by a public or private school, including a vocational-technical school, regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974 and any rules promulgated pursuant to said act;

7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court;

8. "Social record" means social studies and medical, psychological, clinical or other treatment reports or studies, educational records and agency records other than legal records filed with the court; and

9. "Participating agency" means any public or private agency that has entered into a contract or an interagency agreement under the Interlocal Cooperation Act in accordance with the rules and guidelines adopted pursuant to Section 620.6 of this title or the Serious and Habitual Juvenile Offender Act for the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 178. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7307-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as provided by this section and except as otherwise specifically provided by state and federal laws, the following records are confidential and shall not be open to the general public or inspected or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records; and
6. Social records.

B. The limitation of subsection A of this section shall not apply to statistical information and information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code.

C. 1. The confidentiality restrictions required by subsection A of this section for juvenile court records and law enforcement records shall not apply:

a. upon the certification of a juvenile as an adult pursuant to Section 7303-4.3 of Title 10 of the Oklahoma Statutes,
b. upon the charging of an individual pursuant to Section 7306-1.1 of Title 10 of the Oklahoma Statutes,
c. to a violation, by a child fourteen (14) or more years of age, of any provision of Title 47 of the Oklahoma Statutes or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind in this state,
d. to a juvenile who has been previously adjudicated delinquent and who is subsequently adjudicated delinquent after July 1, 1995, or
e. to a juvenile adjudicated a delinquent for committing a delinquent act which, if committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon.

2. The court having jurisdiction shall note on the juvenile court record of such juvenile offenders that said records are no longer confidential.

3. The provisions of this subsection shall only apply to the juvenile court records and law enforcement records of juvenile offenders certified, charged or adjudicated on and after July 1, 1995.

D. When a delinquent child has escaped or run away from a training school or other institutional placement for delinquents, the name and description of the child may be released to the public

by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the child.

E. Except as authorized by state or federal law, the records listed in subsection A of this section shall be confidential and shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court. Except as otherwise provided in Section 601.6 of Title 10 of the Oklahoma Statutes or this article, no subpoena or subpoena duces tecum purporting to compel disclosure of such information or record shall be valid.

F. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

1. Except for district attorney records, any order authorizing the disclosure, release or inspection of said records pursuant to this subsection may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

2. Upon the filing of a petition for an order of the court pursuant to this section, the court shall set a date for a hearing and shall provide for reasonable notice to the agency holding the records and the person who is the subject of the record if said person is eighteen (18) years of age or older or to the parents of a child less than age eighteen (18) who is the subject of the record, to the attorneys, if any, of such person, child or parents and any other interested party as ordered by the court. The hearing may be closed at the discretion of the court.

G. Any agency or person may seek an order from the juvenile court prohibiting the release of information subject to disclosure without an order of the court pursuant to Sections 620.6 of Title 10 of the Oklahoma Statutes and this article. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

H. In accordance with the provisions of the Serious and Habitual Juvenile Offender Act and Section 620.6 of Title 10 of the Oklahoma Statutes:

1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth; and

2. Said information systems may be accessed by participating agencies as defined by this article or as otherwise provided by this section.

I. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and state specifically the type of information which may be reviewed.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents and such other persons required by the court to be confidential will remain confidential.

J. Nothing in Section 620.6 of Title 10 of the Oklahoma Statutes or this article shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of information required to be kept confidential by Sections 55.1, 57, 60.17 or 60.29 of Title 10 of the Oklahoma Statutes;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a juvenile proceeding to records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency;

6. Prohibiting the Department of Juvenile Justice from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect; and

7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such and the terms of any agreement entered into by the child for payment of restitution, including but not limited to community services.

SECTION 179. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7307-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In accordance with the rules adopted for such purpose pursuant to the Serious and Habitual Juvenile Offender Act and Section 620.6 of Title 10 of the Oklahoma Statutes, the records listed in subsection A of Section 7307-1.2 of Title 10 of the Oklahoma Statues may be inspected and their contents disclosed without a court order to:

1. Participating agencies;

2. The following, provided that the inspection of records and disclosure authorized by this paragraph may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure:

a. pursuant to the provisions of this title, a person, agency, hospital or clinic authorized or directed by the court or the Department of Juvenile Justice to care for, treat, examine, evaluate or supervise a child or to treat, examine or evaluate the parent, legal guardian or other adult person living in the home of the child,

b. a legally recognized school that is not a participating agency in which the child who is the subject of the record is currently enrolled, and

c. individuals or agencies engaged in legitimate research for educational, scientific or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 180. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7307-1.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Juvenile court records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The judge having the child currently before the court in any proceeding pursuant to the Oklahoma Juvenile Code, any judge of the district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court;

2. Members of review boards established pursuant to Sections 1116.2 and 1116.6 of Title 10 of the Oklahoma Statutes. In addition to juvenile court records, members of such review boards may inspect, without a court order, information including but not be limited to:

a. psychological and medical records,

b. placement history and information, including the names and addresses of foster parents,

c. family assessments,

d. treatment or service plans, and

e. school records;

3. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this chapter;

4. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this chapter. Said attorney may also access other records listed in subsection A of Section 7307-1.2 of Title 10 of the Oklahoma Statutes for use in the legal representation of the child;

5. Employees of juvenile bureaus in the course of their official duties and employees of the Department of Juvenile Justice in the course of their official duties;

6. Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this paragraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed;

7. The Oklahoma Commission on Children and Youth;

8. The Department of Juvenile Justice or other public or private agency or individual having court-ordered custody or custody pursuant to Department of Juvenile Justice placement of the child who is the subject of the record;

9. The Department of Human Services;

10. The child who is the subject of the record and the parents, legal guardian, legal custodian or foster parent of said child; and

11. A federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the biological child of a member of an Indian tribe pursuant to the Federal Indian Child Welfare Act, P.L. 95-608, and the Oklahoma Indian Child Welfare Act; provided such Indian tribe, in the course of its official duties, is:

a. investigating a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody, or

b. providing services to or for the benefit of a child including but not limited to protective, emergency, social and medical services, or

c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this subsection shall include all case records, reports and documents as defined in this article;

12. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services; and

13. The chairman of any standing or special committee of the Legislature where a subpoena, authorized by law, has been issued by the committee requesting the records.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 181. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7307-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Department of Juvenile Justice agency records pertaining to a child may be inspected and their contents disclosed without a court order to the following upon showing of proper credentials:

1. The court having the child currently before it in any proceeding pursuant to Title 10 of the Oklahoma Statutes, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, and members of review boards established pursuant to the Oklahoma Children's Code;

2. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to Title 10 of the Oklahoma Statutes or the prosecution of crimes against children;

3. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of Title 10 of the Oklahoma Statutes. The attorney also may access other records listed in subsection A of Section 7307-1.2 of Title 10 of the Oklahoma Statutes for use in the legal representation of the child;

4. Employees of juvenile bureaus in the course of their official duties;

5. Employees of a law enforcement agency of this or another state and employees of a child protective service of another state or federally recognized Indian tribe in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

6. Employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under eighteen (18) years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation; provided, records pertaining to any alleged or adjudicated abuse or neglect of the person shall not be inspected or disclosed;

7. The Oklahoma Commission on Children and Youth;

8. The Department of Human Services;

9. Any public or private agency or person authorized by the Department of Juvenile Justice to diagnose, or provide care, treatment, supervision or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

10. Any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision or other services provided such child;

11. The parents of the child who is the subject of such records;

12. Any person or agency for research purposes, if all of the following conditions are met:

a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and

b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed; and

13. The Governor or to any person the Governor designates, in writing, and any federal official of the United States Department of Health and Human Services.

B. Records and their contents disclosed without an order of the court as provided by this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for commercial, political or any other unauthorized purpose.

SECTION 182. AMENDATORY 10 O.S. 1991, Section 1125.3, is amended to read as follows:

Section 1125.3 ~~A. The confidentiality restrictions otherwise provided by law for juvenile court records shall not apply:~~

~~1. Upon the adjudication of a juvenile offender for a serious act or for habitual criminal acts as defined in Section 2 of this act. The court having jurisdiction shall note on the juvenile court record of such juvenile offenders that said record is no longer confidential;~~

~~2. Upon the certification of a juvenile pursuant to Section 1112 of Title 10 of the Oklahoma Statutes; or~~

~~3. Upon the charging or certification of a juvenile pursuant to Section 1104.2 of Title 10 of the Oklahoma Statutes.~~

~~B. The confidentiality restrictions provided by law for law enforcement records pertaining to juveniles shall not apply to the arrest records of juveniles defined by Section 2 of this act as serious offenders or habitual juvenile offenders or to juveniles charged or certified pursuant to Section 1104.2 of Title 10 of the Oklahoma Statutes or certified pursuant to Section 1112 of Title 10 of the Oklahoma Statutes.~~

~~C.~~ Except as provided by this ~~subsection~~ section, the fingerprinting of persons under the age of eighteen (18) shall be as otherwise provided by law for the fingerprinting of adults.

1. When a child is detained or arrested in the course of an investigation of a criminal offense and:

a. a comparison of the fingerprints of the child with fingerprints found during the investigation of the offense is negative, or

b. a court finds that the child did not commit the alleged offense,

all law enforcement records of the arrest and, if applicable, juvenile court and agency records shall be amended to reflect said facts immediately after the comparison or court finding;

2. Fingerprints obtained pursuant to this ~~subsection~~ section shall be retained in a central state depository and in a local depository maintained by a duly constituted law enforcement agency;

3. Fingerprints obtained and maintained pursuant to this ~~subsection~~ section may be used only by law enforcement officers for comparison purposes in connection with the investigation of a crime or to establish identity in instances of death, serious illness, runaways, or emergency; and

4. If a child is reported to a law enforcement agency as a missing child or a custodial parent, legal guardian or legal custodian of a child requests the issuance of a fingerprint card pursuant to the provisions of the Oklahoma Minor Identification Act, the provisions of the Oklahoma Minor Identification Act shall apply. With the voluntary and informed consent of the parent, legal guardian or legal custodian of the child, fingerprints obtained and maintained pursuant to the Oklahoma Minor Identification Act may be used by law enforcement officers as provided by paragraph 3 of this ~~subsection~~ section.

~~D. When a delinquent child has escaped or run away from a training school or other institutional placement for delinquents, the name and description of the child may be released to the public by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the child.~~

SECTION 183. AMENDATORY 10 O.S. 1991, Section 1125.4, as amended by Section 1, Chapter 178, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.4), is amended to read as follows:

Section 1125.4 A. No adjudication by the court upon the status of a child in a juvenile proceeding shall operate to impose any of the civil disabilities ordinarily resulting from conviction of a crime, nor shall a child be deemed a criminal by reason of such

adjudication, nor shall any arrest or detention under ~~this title~~ the Oklahoma Juvenile Code or any adjudication in a juvenile proceeding be deemed a detention or an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire, application, or any other public or private purposes.

B. The court shall order the records of a person alleged or adjudicated to be delinquent to be sealed in accordance with the provisions of this section.

1. When the person has been adjudicated to be delinquent~~, the record shall be sealed when~~ and:

a. one (1) year has elapsed from the later of:

(1) dismissal or closure of the case by the court, or

(2) notice to the court by the Department of ~~Human Services~~ Juvenile Justice or a juvenile bureau of final discharge of such person from the supervision of the Department of ~~Human Services~~ Juvenile Justice or juvenile bureau, and

b. the person has not been found guilty of or admitted to or not contested the commission of a subsequent criminal offense in either a juvenile or adult proceeding, and

c. no juvenile or adult proceeding for a criminal offense is pending~~.~~;

2. When a juvenile court intake has been completed and:

a. the case has been dismissed, or

b. no petition has been filed pending fulfillment of conditions of a voluntary probation, or

c. a petition has been filed but no adjudication has occurred pending the fulfillment of conditions of a preadjudicatory probation~~,~~;

3. When a juvenile participates in a court-approved alternative diversion program for first-time offenders and:

a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and

b. the court dismisses the case at the conclusion of the deferral period;

4. When a juvenile participates in a court-approved military mentor program and:

a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and

b. the court dismisses the case at the conclusion of the deferral period,

the records shall be sealed one (1) year after such dismissal or completion of the conditions of a voluntary or preadjudicatory probation, alternative diversion program for first-time offenders, or military mentor program.

C. The Administrative Office of the Courts shall establish on or before January 1, 1994, a system for sealing records as required by subsection B of this section and order that said records be sealed in accordance with the procedures established pursuant to said system.

D. Upon the sealing of the records, or any part of the records, of a person alleged or adjudicated to be delinquent pursuant to this title, all sealed records and official actions subject to the order shall be deemed never to have occurred, and the person who is the subject of said records and all juvenile justice agencies may properly reply upon any inquiry in the matter that no such action ever occurred and no such record exists with respect to such person.

E. Upon the entry of an order to seal the records of a juvenile:

1. The court clerk shall seal all juvenile court records pertaining to the person, except that a confidential index shall be maintained for the purpose of locating records subject to inspection or release pursuant to subsection F of this section.

a. All law enforcement ~~and district attorney~~ records pertaining to said person, except basic identification information, shall be sealed, and

b. Except where such documents are necessary to maintain state or federal funding, all juvenile court personnel records pertaining to said person shall be sealed.

2. Members of the judiciary, district attorneys, the defendant, the defendant's counsel and employees of juvenile bureaus and the Department of ~~Human Services~~ Juvenile Justice assigned juvenile court intake responsibilities may access records that have been sealed pursuant to this section without a court order for the purpose of determining whether to dismiss, seek a voluntary probation or file a petition in a case where the person who is the subject of the sealed record is alleged to have committed a subsequent juvenile delinquent act. Provided, records sealed pursuant to this section may be used in a subsequent juvenile delinquent prosecution of the case only after the issuance of a court order unsealing the records.

F. A record of any child alleged or adjudicated to be delinquent pursuant to this title, or any evidence given in such cause, or any records sealed pursuant to this section, shall not in any civil, criminal or other cause or proceeding in any court be lawful or proper evidence against the child for any purpose whatever, except as provided by this subsection. Unsealed records of a person alleged or adjudicated to be delinquent may be inspected without a court order, and the court shall issue an order unsealing sealed records, for use for the following purposes:

1. In subsequent cases against the same child pursuant to this title;

2. In an adult criminal proceeding pursuant to ~~Sections 1104.2 and 1112~~ Section 7303-4.3 or 7306-1.1 of Title 10 of the Oklahoma Statutes;

3. Upon conviction of a criminal offense in an adult proceeding, in connection with the sentencing of such person;

4. If the person is placed in the custody or under the supervision of the Department of Corrections, by the Department of Corrections personnel for the treatment and classification of such person; or

5. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Act and Section ~~14~~ 620.6 of this ~~act~~ title, for maintaining juvenile justice and criminal justice statistical information.

G. 1. Records of a delinquency proceeding may be used to show the bias, if any, should the person who is the subject of the records be a witness in a civil or criminal proceeding either while a child or after he becomes an adult. If the record has been sealed, the court may enter an order authorizing the inspection or release of said records upon the request of the district attorney or said person.

2. Subsequent to a record being sealed as provided by this section:

a. the district attorney, the arresting agency, and the Oklahoma State Bureau of Investigation may request the court to unseal the records for the purpose of a

criminal investigation. When the court finds that there is a compelling reason and it is in the interest of justice to do so, the court may order the record unsealed.

b. any person or agency having a legitimate interest in a delinquency case or proceeding may petition the court for an order unsealing the record of the case. Upon the filing of a petition, the court shall set a date for a hearing and shall provide thirty (30) days' notice to all interested parties. The hearing may be closed at the court's discretion. If, after a hearing, the court determines that there is a compelling reason and it is necessary for the protection of a legitimate public or private interest to unseal the records, the court may order all or a portion of the record unsealed.

H. Any record ordered to be sealed pursuant to this section, if not unsealed within ten (10) years of the order, shall be obliterated or destroyed at the end of the ten-year period.

SECTION 184. Sections 185 through 198 of this act shall not constitute part of either the Oklahoma Children's Code or the Oklahoma Juvenile Code.

SECTION 185. AMENDATORY 10 O.S. 1991, Section 601.1, as amended by Section 5, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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 of Juvenile Justice~~ Executive Director of the Office of Juvenile Affairs or a designee. A designee shall be a person knowledgeable regarding programs and services for children and youth provided by the Office of Juvenile ~~Justice of the Department of Human Services~~ Affairs and shall have authority to act on the Commission for the ~~Administrator of Juvenile Justice~~ Executive Director of the Office of Juvenile Affairs;

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 186. AMENDATORY 10 O.S. 1991, Section 601.7, as amended by Section 6, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, 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 of the Office of Juvenile Justice~~ Executive Director of the Office of Juvenile Affairs or the Deputy Director for the Department of Juvenile Justice, as determined by the Executive Director and the Supervisors of Institutional Services, Youth Services, and Juvenile Services of ~~the Office~~ successor divisions of the Department 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 187. AMENDATORY 10 O.S. 1991, Section 601.8, is amended to read as follows:

Section 601.8 A. The Oklahoma Planning and Coordinating Council for Services to Children and Youth shall meet a minimum of four times a year and shall serve as an advisory body to the Office of Planning and Coordination for Services to Children and Youth for the planning, coordination, development and improvement of services to children and youth. The Council shall make recommendations <u>for such goals</u> and for the State Plan for Services to Children and Youth regarding services to children and youth to the Oklahoma Commission on Children and Youth; the Department of Human Services; <u>the Office of Juvenile Affairs;</u> the Department of Health; the Department of Mental Health and Substance Abuse Services; the Department of Education; and other appropriate public and private agencies.

B. The Council shall elect from among its membership an individual who is not an employee of a state agency represented on the Commission to serve as a member of the Commission. Said elected member shall serve for a term of two (2) years and may be reelected.

C. Prior to July 1 of each year, the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall forward to the members of the Oklahoma Commission on Children and Youth and to each agency affected by the report, a report of its recommendations for inclusion in the annual State Plan for Services to Children and Youth and shall also make other reports and recommendations to the Commission as necessary and appropriate for inclusion in the annual report of the Commission.

SECTION 188. AMENDATORY 10 O.S. 1991, Section 601.11, is amended to read as follows:

Section 601.11 A. There are hereby created regional and district planning and coordination boards for services to children and youth:

1. Each district board shall be composed of representatives of public and private agencies and organizations, representatives of local health departments and private individuals in accordance with the guidelines established by the Oklahoma Commission on Children and Youth. Each district board shall include but not be limited to representatives of the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, local school districts, representatives of private child and family services and programs within the district and representatives of other private agencies and organizations;

2. The membership of each regional board shall be composed of the elected representatives of each of the district boards within the respective regions.

B. The Commission on Children and Youth shall designate regional planning and coordination areas for services to children and youth within the state and shall designate local district planning and coordination areas within each region.

C. ~~Prior to January 1, 1991, the Commission shall appoint the members and shall select and appoint a coordinator for each regional and district board and shall appoint successors for said members and coordinators if vacancies should occur.~~

~~D. After January 1, 1991~~ Selection of a coordinator and membership of regional and district boards shall be determined as follows:

1. Each regional and district board shall elect a coordinator from among its membership. The elected coordinators shall serve two-year terms and may be reelected;

2. Membership shall be in accordance with the bylaws of the district board and guidelines of the Commission. The members of the district boards shall serve a two-year term and may be reappointed;

3. Each district board shall elect two individuals from among its membership, one to serve as its representative on the regional board for that area and one to serve as an alternate representative. Said representative may be, but shall not be required to be, the coordinator for that district; and

4. Each regional board shall elect an individual from among its membership to serve as its representative on the Oklahoma Planning and Coordinating Council for Services to Children and Youth. Said representative may be, but shall not be required to be, the coordinator for that region.

~~E.~~ D. The Oklahoma Commission on Children and Youth shall:

1. Establish guidelines for the election of coordinators of the regional and district boards;

2. Establish guidelines for the membership of the district planning and coordination boards for services to children and youth which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process;

3. Establish guidelines for the coordination, preparation and implementation of the regional and district plans for children and youth services; and

4. Provide administrative support and technical assistance to the regional and district boards as otherwise provided by this act.

~~F.~~ E. Nothing in this act shall prohibit local municipalities or counties from establishing planning and coordinating bodies for services to children and youth and providing information and recommendations to the regional and district boards established by this ~~act~~ section.

SECTION 189. AMENDATORY Section 2, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 601.13), is amended to read as follows:

Section 601.13 A. In order to aid and assist the Department of Human Services 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 concerning juveniles and make recommendations concerning those policies and programs to the Commission for Human Services;

2. To review services provided by the Office of Juvenile ~~Justice~~ Affairs 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~~ state 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~~ either Article V of the Oklahoma Children's Code or Article VII of the Oklahoma Juvenile Code 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 of Juvenile ~~Justice~~ Affairs and to fulfill its other duties. The Committee shall formulate recommendations to be submitted to the ~~Administrator of Juvenile Justice~~ Executive Director of the Office of Juvenile Affairs, 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~~ Board of Juvenile Affairs at which the budget request for the ~~agency~~ Office of Juvenile Affairs 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~~ Board of Juvenile Affairs 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 of Juvenile ~~Justice~~ Affairs.

SECTION 190. AMENDATORY 10 O.S. 1991, Section 601.43, as last amended by Section 1 of Enrolled Senate Bill No. 416 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 601.43 A. It is the purpose of the Act for Coordination of Special Services to Children and Youth~~, Section 601.41 et seq. of this title,~~ to provide for related services to the eligible population through a system of services that:

1. Is comprehensive, coordinated, multi-disciplinary and interagency and that, in accordance with the funding plan requirements in Section 601.46 of this title, will reduce the direct costs to educational agencies for the provision of related services to the eligible population;

2. Is delivered cooperatively by local education agencies, the State Department of Education, the State Department of Vocational and Technical Education, the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, and other appropriate public agencies and private agencies supported in whole or in part with public funds;

3. Fulfills the requirements of the state and federal laws pertaining to the eligible population; and

4. Enhances the capacity of families to meet the needs of their children who are members of the eligible population.

B. It is the further purpose of the Act for Coordination of Special Services to Children and Youth to provide for the determination of responsibilities for timely delivery of educational services to the special services population and for the costs of said service delivery.

C. Nothing in ~~this act~~ the Act for Coordination of Special Services to Children and Youth shall be construed as relieving the public schools, the State Department of Education, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the Department of Human Services, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, or other publicly funded agencies or officers or employees thereof of their respective responsibilities to the eligible population or the special services population.

SECTION 191. AMENDATORY 10 O.S. 1991, Section 601.45, as last amended by Section 2 of Enrolled Senate Bill No. 416 of the 1st Session of the 45th Oklahoma Legislature, 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 twenty-one (21) 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,
   f. State Department of Health,
   g. State Department of Rehabilitation Services, and
   h. Oklahoma Health Care Authority;
7. The ~~Administrator of Juvenile Justice for the Office of Juvenile Justice of the Department of Human Services~~ Executive Director of the Office of Juvenile Affairs or the Deputy Director for the Department of Juvenile Justice, as determined by the Executive Director;
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 192. AMENDATORY 10 O.S. 1991, Section 601.46, as last amended by Section 3 of Enrolled Senate Bill No. 416 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 601.46 A. The State Plan for Special Education and Special Student Service Coordination and Assistance shall include but not ~~necessarily~~ be limited to:

1. Delineation of service responsibilities and coordination of delivery of services to the eligible population and the special services population by the agencies subject to the provisions of ~~this act~~ the Act for Coordination of Special Services to Children and Youth;

2. Guidelines for assigning responsibilities to appropriate agencies pursuant to IEP's, and means whereby appropriate agency personnel are involved in the development of IEP's which call for related services;

3. Establishment of service regions, and delineation of organizational structures or other means whereby coordination required by ~~Section 601.41 et seq. of this title~~ the Act for Coordination of Special Services to Children and Youth will be accomplished at the local and regional level;

4. Establishment for each region of a Regional Advisory Board comprised of school personnel, other agency personnel, and parents, and description of duties for said boards;

5. Procedures for monitoring and improving such service delivery on a continuing basis;

6. Methods for resolving disputes by mediation and other means; and

7. A funding and implementation plan which shall provide for the utilization of all financial resources from federal, state, local and private resources and the coordination of those resources, including but not limited to collaborative funding strategies, to fund related services. The funding and implementation plan shall include but not be limited to:

a. utilization of Special Education Assistance Fund monies pursuant to Section 13-114.1 et seq. of Title 70 of the Oklahoma Statutes and of State Aid funds to public schools provided pursuant to Section 18-200 et seq. of Title 70 of the Oklahoma Statutes for special education services to handicapped children,

b. publicly funded personnel and programs in the State Department of Education, the State Department of Vocational and Technical Education, the State Department of Health, the Department of Human Services, the Office of Juvenile Affairs, the Department of Mental Health and Substance Abuse Services, and the State Department of Rehabilitation Services who are currently serving the eligible population,

c. feasibility of utilization of federal Title V funds, and

d. modification of the Medicaid State Plan to include services for eligible children utilizing state funds for the purpose of matching federal funds, and methods of securing services and reimbursements through other third-party sources.

B. ~~On or before July 1, 1994, the~~ The agencies subject to the provisions of ~~this act~~ the Act for Coordination of Special Services to Children and Youth shall enter into interagency agreements for the purpose of implementing the State Plan and the provisions of ~~Section 601.41 et seq. of this title~~ the Act for Coordination of Special Services to Children and Youth. Said state and local interagency agreements shall delineate responsibility for local and regional procedural safeguards, provision of service and related issues.

C. On or before October 1 of each year, a joint funding plan shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by the agencies subject to the provisions of this act. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request

in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes.

D. The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the implementation of Section 601.41 et seq. of this title.

SECTION 193. AMENDATORY 10 O.S. 1991, Section 1144, is amended to read as follows:

Section 1144. Any person who knowingly and willfully:

1. Causes, aids, abets or encourages a minor to be, to remain or to become delinquent, in need of supervision or dependent and neglected, or

2. Omits the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision or dependent and neglected, within the purview of ~~paragraphs 2, 3 or 4 of Section 1101 of this title~~ the Oklahoma Children's Code or the Oklahoma Juvenile Code, upon conviction, shall be guilty of a misdemeanor and, as applicable, shall be punished pursuant to the provisions of Section 856, 858.1 or 858.2 of Title 21 of the Oklahoma Statutes.

SECTION 194. AMENDATORY 74 O.S. 1991, Section 18c, as last amended by Section 3 of Enrolled House Bill No. 1653 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 18c. ~~Subject to the exceptions hereinafter set out~~ A. 1. Except as otherwise provided by this subsection, no state officer, board or commission~~, except~~ shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission in any matter.

2. The provisions of this subsection shall not apply to the Corporation Commission, the Board of Managers of the State Insurance Fund, the Oklahoma Tax Commission, the Commissioners of the Land Office, the Oklahoma Public Welfare Commission also known as the Commission for Human Services, the Board of Corrections, the Oklahoma Health Care Authority, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, the Transportation Commission, the Oklahoma Energy Resources Board ~~and the Office of Public Affairs, shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission, in any matter~~, the Department of Central Services, the Oklahoma Merit Protection Commission, the Office of Personnel Management, the Oklahoma Water Resources Board and ~~all~~ the Office of Juvenile Affairs.

3. The provisions of paragraph 2 of this subsection shall not be construed to authorize the Office of Juvenile Affairs to employ any attorneys that are not specifically authorized by law.

4. All the legal duties of such officer, board or commission shall devolve upon and are hereby vested in the Attorney General; provided that:

a. the Governor shall have authority to employ special counsel to protect the rights or interest of the state as provided in Section 6 of this title~~;~~, and ~~provided further, that~~

b. liquidation agents of banks shall have the authority to employ local counsel, with the consent of the Bank Commissioner and the Attorney General and the approval of the district court.

B. At the request of any state officer, board or commission, except the Corporation Commission, the Board of Managers of the State Insurance Fund, Oklahoma Tax Commission and the Commissioners of the Land Office, the Grand River Dam Authority, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission and the Interstate Oil and Gas Compact Commission, the Attorney General shall defend any action in which they may be sued in their official capacity~~, and at their~~. At the request of any such state officer, board or commission, the Attorney General shall have authority to institute suits in the name of the State of Oklahoma on their relation, ~~provided~~ if after investigation ~~he~~ the Attorney General is convinced there is sufficient legal merit to justify the action. ~~Provided however, any~~

C. Any officer, board, or commission which has the authority to employ or appoint attorneys may request that the Attorney General defend any action arising pursuant to the provisions of the Governmental Tort Claims Act. ~~Provided further, that nothing~~

D. Nothing in this section shall be construed to repeal or affect the provisions of the statutes of this state pertaining to attorneys and legal advisors of the several commissions and departments of state ~~last hereinabove mentioned~~ specified in subsection B of this section, and all acts and parts of acts pertaining thereto shall be and remain in full force and effect.

SECTION 195. AMENDATORY 10 O.S. 1991, Section 1116.3, as last amended by Section 2, Chapter 72, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1116.3), is amended to read as follows:

Section 1116.3 A. Review boards shall function in an advisory capacity to the district court and, in accordance with subsection C of this section, the district planning and coordination boards for services to children and youth of the Commission on Children and Youth.

The duties of a review board shall be to:

1. Pursuant to the provisions of subsection G of this section, review the case of every adjudicated deprived child at least once every six (6) months and submit to the court within ten (10) days of any review hearing its findings and recommendations:

a. such review shall include but not be limited to consideration and evaluation of:

(1) the appropriateness of the goals and objectives of the treatment and service plan,

(2) the appropriateness of the services provided to the child, and to the parent, stepparent, or other adult living in the home of the child, or legal guardian, or custodian;

b. reviews of cases and reports to the court shall be scheduled to ensure that the court receives the findings and recommendations of the review board prior to each regularly scheduled six-month review of the case by the court;

2. Review the case of every child held in an out-of-home placement, other than a juvenile detention center, on a preadjudicatory or predisposition custody order for more than ~~the~~ ninety (90) days ~~authorized by Section 1107.1 of this title for such orders~~. Said cases shall be reviewed by a review board not more than forty-five (45) days after the expiration of the ninety days. Such review shall include but not be limited to consideration and evaluation of:

a. whether the continued out-of-home placement is in the best interests of the child in light of the child's

need for permanency and recognizing that permanency is in the best interests of the child,

b. the appropriateness of the continued out-of-home placement, and

~~b.~~ c. in the absence of a court-ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child; and

3. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, legal guardian, attorney representing the child, custodian of the child, agency supervising the case or legal custodian of the child and to any other interested party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly noted and affixed in the file of the child prior to the commencement of the review process by the review board and the bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall transmit the information necessary for the case reviews to the review board for that district.

B. The review board's report of its findings and recommendations shall be admitted into evidence in any dispositional hearing, and may be relied upon to the extent of its probative value, even though not competent for purposes of an adjudicatory hearing.

C. In addition to its reviewing function, a review board, as directed by the Commission on Children and Youth and in coordination with the district planning and coordination boards shall:

1. Promote and encourage all child placement agencies to maximize family stability and continuity for a child by discouraging unnecessary changes in placement and by recruiting persons to provide placement who may be suitable and willing to adopt;

2. Review the efforts of agencies and institutions to find permanent placement for eligible children and report to the court;

3. Encourage a meeting between the various responsible public and private agencies, institutions, and officers of the court in order to facilitate cooperation and coordination of efforts; and

4. Assess community resources, and develop, if not already available, a directory of responsible persons, agencies, and institutions.

D. A review board may solicit the attendance at its meetings of persons known to the board with information concerning the case of any child subject to its review.

E. A review board shall report annually its findings, recommendations, and assessments of the effectiveness of ~~Sections 1115.1, 1115.2~~ sections of law pertaining to individual treatment plans, information to accompany deprived children placed outside the home, and dispositional orders and Sections ~~1116.1~~ 1116.2 through 1116.6 of this title to the Administrator of the Courts, the Supreme Court, to the court having jurisdiction of the case, to the State Postadjudication Review Advisory Board, and the Commission on Children and Youth and provide such other reports as deemed proper or that may be requested from time to time by the Commission on Children and Youth, the Governor, the Legislature, or the Supreme Court.

F. It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

~~C. The Commission on Children and Youth, in consultation with the State Postadjudication Review Advisory Board and the Office of the Court Administrator, shall establish a phase-in schedule by adjudicatory category for the reviews of cases required by this section. The schedule shall provide for the review of the cases of all adjudicated children no later than December 31, 1993, and shall be implemented in the following order:~~

~~1. Review of the cases of all children adjudicated to be deprived and children adjudicated to be in need of treatment no later than December 31, 1992; and~~

~~2. Review of the cases of children adjudicated to be delinquent and children adjudicated to be in need of supervision no later than December 31, 1993.~~

SECTION 196. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-5.14 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated pursuant thereto. This section shall supersede and repeal any and all executive orders issued pursuant to the Oklahoma Personnel Act to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the Office of Juvenile Affairs may place a maximum of thirty-five (35) employees in the unclassified service.

SECTION 197. Pursuant to the authorization required by Section 7302-2.1 of Title 10 of the Oklahoma Statute, for fiscal year 1996, within the limits established for full-time-equivalent employees for the Office of Juvenile Affairs, the Office of Juvenile Affairs is authorized to employ the following personnel, in addition to the personnel authorized or mandated by statute:

1. One Executive Assistant;
2. One Comptroller I;
3. One Personnel Director;
4. One Budget Analyst II;
5. One Payroll Administrative Assistant;
6. Two Student Advocate Defenders; and
7. Six personnel transferred from the Department of Human Services as follows:
   a. Two Programs Field Representatives;
   b. One Personnel Assistant;
   c. One State Administrative Reviewer II;
   d. One Training Specialist; and
   e. One Benefits Officer.

SECTION 198. 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 treatment,~~ or are 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 are 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~~ out-of-home care, respite care, and attendant services to children in the custody of the Department.

E. 1. The Office of Juvenile Affairs 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 juveniles in the custody of the Office of Juvenile Affairs. Provided, however, that rates of payment and other terms and conditions of contracts entered into pursuant to this section shall be established by the Board of Juvenile Affairs and shall be no more favorable than contracts for such services with persons who were not employed by the Office of Juvenile Affairs nor related to an individual employed by the Office of Juvenile Affairs.

2. A state employee terminating state employment to provide direct care or treatment services to juveniles in the custody of the Office of Juvenile Affairs who are delinquent shall not return to state employment for a period of one hundred eighty (180) days after

date of termination from contracts with the Office of Juvenile Affairs for direct care or treatment services to juveniles in the custody of the Office of Juvenile Affairs who are delinquent or in need of supervision.

SECTION 199. RECODIFICATION 10 O.S. 1991, Section 1129, as last amended by Section 2 of this act, shall be recodified as Section 7001-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1101, as last amended by Section 3 of this act, shall be recodified as Section 7001-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1102.1, as amended by Section 5 of this act, shall be recodified as Section 7002-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1136, as last amended by Section 6 of this act, shall be recodified as Section 7002-2.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1145, as amended by Section 7 of this act, shall be recodified as Section 7002-2.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1405, as amended by Section 8 of this act, shall be recodified as Section 7002-3.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1107, as last amended by Section 10 of this act, shall be recodified as Section 7003-2.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1103, as last amended by Section 15 of this act, shall be recodified as Section 7003-3.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1104.1, as last amended by Section 16 of this act, shall be recodified as Section 7003-3.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1103.1, as amended by Section 17 of this act, shall be recodified as Section 7003-3.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1104, as last amended by Section 18 of this act, shall be recodified as Section 7003-3.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1105, as last amended by Section 19 of this act, shall be recodified as Section 7003-3.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1106, as amended by Section 20 of this act, shall be recodified as Section 7003-3.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1109, as last amended by Section 21 of this act, shall be recodified as Section 7003-3.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1110, as last amended by Section 22 of this act, shall be recodified as Section 7003-3.8 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1111, as last amended by Section 23 of this act, shall be recodified as Section 7003-4.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1147, as amended by Section 24 of this act, shall be recodified as Section 7003-4.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1148, as amended by Section 25 of this act, shall be recodified as Section 7003-4.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1113, as amended by Section 26 of this act, shall be

recodified as Section 7003-4.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1114, as last amended by Section 27 of this act, shall be recodified as Section 7003-4.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1115, as amended by Section 28 of this act, shall be recodified as Section 7003-5.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1120, as last amended by Section 29 of this act, shall be recodified as Section 7003-5.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1115.1, as last amended by Section 30 of this act, shall be recodified as Section 7003-5.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1115.2, as amended by Section 31 of this act, shall be recodified as Section 7003-5.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1116, as last amended by Section 32 of this act, shall be recodified as Section 7003-5.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1116.1, as last amended by Section 33 of this act, shall be recodified as Section 7003-5.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1118, as amended by Section 34 of this act, shall be recodified as Section 7003-6.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1123, as amended by Section 35 of this act, shall be recodified as Section 7003-6.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1123.1, as amended by Section 36 of this act, shall be recodified as Section 7003-6.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1123.2, as amended by Section 37 of this act, shall be recodified as Section 7003-6.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1117, as last amended by Section 38 of this act, shall be recodified as Section 7003-7.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1140, as amended by Section 39 of this act, shall be recodified as Section 7003-7.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1119, as amended by Section 40 of this act, shall be recodified as Section 7003-8.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1124, as amended by Section 41 of this act, shall be recodified as Section 7003-8.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1122, as amended by Section 42 of this act, shall be recodified as Section 7003-8.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1126, as amended by Section 45 of this act, shall be recodified as Section 7003-8.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1121, as last amended by Section 46 of this act, shall be recodified as Section 7003-8.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1404, as last amended by Section 47 of this act, shall be recodified as Section 7004-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 603.1, as last amended by Section 48 of this act, shall be

recodified as Section 7004-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 603.3, as amended by Section 49 of this act, shall be recodified as Section 7004-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1135.2, as last amended by Section 50 of this act, shall be recodified as Section 7004-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1403, as amended by Section 52 of this act, shall be recodified as Section 7004-3.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1403.1, as amended by Section 53 of this act, shall be recodified as Section 7004-3.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1403.2, as amended by Section 54 of this act, shall be recodified as Section 7004-3.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1403.3, as amended by Section 55 of this act, shall be recodified as Section 7004-3.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 607.1, as amended by Section 56 of this act, shall be recodified as Section 7004-3.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1125, as amended by Section 57 of this act, shall be recodified as Section 7005-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1125.1, as last amended by Section 58 of this act, shall be recodified as Section 7005-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1125.2, as last amended by Section 59 of this act, shall be recodified as Section 7005-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 3, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2A), as amended by Section 60 of this act, shall be recodified as Section 7005-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 2, Chapter 78, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1125.2B), as amended by Section 61 of this act, shall be recodified as Section 7005-1.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1130, as last amended by Section 65 of this act, shall be recodified as Section 7006-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1131, as amended by Section 66 of this act, shall be recodified as Section 7006-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1132, as last amended by Section 67 of this act, shall be recodified as Section 7006-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1133, as amended by Section 68 of this act, shall be recodified as Section 7006-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1134, as amended by Section 69 of this act, shall be recodified as Section 7006-1.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 6, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.3), as amended by Section 73 of this act, shall be recodified as Section 7302-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 7, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.4), as amended by Section 74 of this act, shall be recodified as Section

7302-2.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 8, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.5), as amended by Section 75 of this act, shall be recodified as Section 7302-2.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 602, as amended by Section 76 of this act, shall be recodified as Section 7302-2.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 9, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.6), as amended by Section 77 of this act, shall be recodified as Section 7302-3.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 10, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.7), as amended by Section 78 of this act, shall be recodified as Section 7302-3.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 603, as amended by Section 79 of this act, shall be recodified as Section 7302-3.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 604, as amended by Section 80 of this act, shall be recodified as Section 7302-3.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 607, as amended by Section 81 of this act, shall be recodified as Section 7302-3.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 609, as last amended by Section 82 of this act, shall be recodified as Section 7302-3.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 603.2, as amended by Section 85 of this act, shall be recodified as Section 7302-3.9 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 4, Chapter 299, O.S.L. 1992 (10 O.S. Supp. 1994, Section 610), as amended by Section 87 of this act, shall be recodified as Section 7302-3.11 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 56 O.S. 1991, Section 200.6, as last amended by Section 88 of this act, shall be recodified as Section 7302-4.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1141, as amended by Section 89 of this act, shall be recodified as Section 7302-5.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1137, as last amended by Section 90 of this act, shall be recodified as Section 7302-5.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1138, as last amended by Section 91 of this act, shall be recodified as Section 7302-5.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1139, as last amended by Section 92 of this act, shall be recodified as Section 7302-5.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1146, as amended by Section 97 of this act, shall be recodified as Section 7302-6.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1401, as last amended by Section 98 of this act, shall be recodified as Section 7302-6.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1407, as last amended by Section 99 of this act, shall be recodified as Section 7302-6.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 11, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.8), as amended by Section 100 of this act, shall

be recodified as Section 7302-6.8 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 12, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.9), as amended by Section 101 of this act, shall be recodified as Section 7302-6.9 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 13, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.10), as amended by Section 102 of this act, shall be recodified as Section 7302-7.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 14, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.11), as amended by Section 103 of this act, shall be recodified as Section 7302-7.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 15, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.12), as amended by Section 104 of this act, shall be recodified as Section 7302-7.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 16, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.13), as amended by Section 105 of this act, shall be recodified as Section 7302-7.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 17, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.14), as amended by Section 106 of this act, shall be recodified as Section 7302-7.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1401.1, as amended by Section 107 of this act, shall be recodified as Section 7302-8.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.1, as amended by Section 108 of this act, shall be recodified as Section 7302-9.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.2, as last amended by Section 109 of this act, shall be recodified as Section 7302-9.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.3, as amended by Section 110 of this act, shall be recodified as Section 7302-9.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.4, as last amended by Section 111 of this act, shall be recodified as Section 7302-9.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.5, as last amended by Section 112 of this act, shall be recodified as Section 7302-9.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1160.6, as last amended by Section 113 of this act, shall be recodified as Section 7302-9.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1102, as last amended by Section 115 of this act, shall be recodified as Section 7303-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1112, as last amended by Section 126 of this act, shall be recodified as Section 7303-4.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 5, Chapter 306, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1112.1), as amended by Section 127 of this act, shall be recodified as Section 7303-4.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1135.1, as amended by Section 146 of this act, shall be recodified as Section 7303-8.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1143, as last amended by Section 148 of this act, shall be recodified as

Section 7303-8.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1107.1, as last amended by Section 149 of this act, shall be recodified as Section 7304-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 1, Chapter 205, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1104.3), as last amended by Section 150 of this act, shall be recodified as Section 7304-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1108, as last amended by Section 151 of this act, shall be recodified as Section 7304-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1108.1, as amended by Section 152 of this act, shall be recodified as Section 7304-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1201, as amended by Section 153 of this act, shall be recodified as Section 7305-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1202, as amended by Section 154 of this act, shall be recodified as Section 7305-1.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1203, as last amended by Section 155 of this act, shall be recodified as Section 7305-1.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1204, as amended by Section 156 of this act, shall be recodified as Section 7305-1.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1205, as amended by Section 157 of this act, shall be recodified as Section 7305-1.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1206, as amended by Section 158 of this act, shall be recodified as Section 7305-1.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1207, as amended by Section 159 of this act, shall be recodified as Section 7305-1.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1208, as amended by Section 160 of this act, shall be recodified as Section 7305-1.8 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1209, as amended by Section 161 of this act, shall be recodified as Section 7305-1.9 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1210, as amended by Section 162 of this act, shall be recodified as Section 7305-1.10 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1104.2, as last amended by Section 163 of this act, shall be recodified as Section 7306-1.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 18, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.15), as amended by Section 164 of this act, shall be recodified as Section 7306-2.1 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 19, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.16), as amended by Section 165 of this act, shall be recodified as Section 7306-2.2 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 20, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.17), as amended by Section 166 of this act, shall be recodified as Section 7306-2.3 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 21, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section

1507.18), as amended by Section 167 of this act, shall be recodified as Section 7306-2.4 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 22, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.19), as amended by Section 168 of this act, shall be recodified as Section 7306-2.5 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 23, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.20), as amended by Section 169 of this act, shall be recodified as Section 7306-2.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 24, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.21), as amended by Section 170 of this act, shall be recodified as Section 7306-2.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 25, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.22), as amended by Section 171 of this act, shall be recodified as Section 7306-2.8 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 26, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.23), as amended by Section 172 of this act, shall be recodified as Section 7306-2.9 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 27, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.24), as amended by Section 173 of this act, shall be recodified as Section 7306-2.10 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 28, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.25), as amended by Section 174 of this act, shall be recodified as Section 7306-2.11 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 29, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 1994, Section 1507.26), as amended by Section 175 of this act, shall be recodified as Section 7306-2.12 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1125.3, as amended by Section 182 of this act, shall be recodified as Section 7307-1.6 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1125.4, as last amended by Section 183 of this act, shall be recodified as Section 7307-1.7 of Title 10 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 200. RECODIFICATION 10 O.S. 1991, Section 1144, as amended by Section 193 of this act, shall be recodified as Section 858.3 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 10 O.S. 1991, Section 1149, shall be recodified as Section 650.7 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 201. Sections 184 and 197 of this act shall not be codified in the Oklahoma Statutes.

SECTION 202. REPEALER 10 O.S. 1991, Sections 601, as amended by Section 1, Chapter 299, O.S.L. 1992, 1135, 1142 and 1403.4, and Sections 4 and 5, Chapter 290, O.S.L. 1994 (10 O.S. Supp. 994, Sections 601, 1507.1 and 1507.2), are hereby repealed.

SECTION 203. Sections 1 through 163 and 177 through 202 of this act shall become effective July 1, 1995.

SECTION 204. Sections 164 through 176 of this act shall become effective July 1, 1996.

SECTION 205. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of May, 1995.

Speaker of the House of Representatives

Passed the Senate the 25th day of May, 1995.

President of the Senate