

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2924

By: Benson

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 1991, Section 603, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 4, Chapter 293, O.S.L. 1997 (10 O.S. Supp. 1991, Section 7302-3.3), which relates to community-based programs; modifying agencies with which Department of Juvenile Justice may contract; amending 10 O.S. 1991, Section 607, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 13, Chapter 247, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7302-3.5), which relates to agreements to maintain youth service programs; modifying agencies with which Department of Juvenile Justice may contract; requiring certain programs to be community-based; amending 10 O.S. 1991, Section 609, as last amended by Section 82, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7302-3.6), which relates designation of organizations as Youth Services Agencies; requiring agencies to obtain certain certifications; requiring certain programs to be community based; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 603, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 4, Chapter 293, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7302-3.3), is amended to read as follows:

Section 7302-3.3 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 with designated youth services agencies which may include, but are not limited to: Emergency shelter, diagnosis,

crisis intervention, counseling, group work, case supervision, job placement, alternative diversion programs for first-time offenders and for youth alleged or adjudicated to be in need of supervision, recruitment and training of volunteers, consultation, brokerage of services, agency coordination with emphasis on keeping youth with a high potential for delinquency out of the traditional juvenile justice process and community intervention centers. The Department shall enter into agreements based on need as indicated in the State Plan for Services to Children and Youth.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 607, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 13, Chapter 247, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7302-3.5), is amended to read as follows:

Section 7302-3.5 A. The Department of Juvenile Justice is authorized to enter into ~~agreements~~ contracts with designated youth services agencies to establish ~~or~~ and maintain community-based youth service programs, shelters and community intervention centers 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~~ community-based services, ~~community~~ community-based residential care and community intervention centers to children in the custody of the Department through financial agreements, as authorized in Sections 7302-3.3 and 7302-3.4 of this title.

2. The Department shall establish procedures for the development and letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based services, ~~community~~ community-based residential care and community intervention centers. A copy of such

procedures shall be made available to any member of the general public upon request.

C. 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.

D. The Department shall implement a pilot program for establishment of community intervention centers. The centers shall be established pursuant to interlocal agreements between one or more municipalities, a service provider and the Office of Juvenile Affairs pursuant to rules promulgated by the Office. The program shall provide for selection of the provider by the municipality, with the approval by the Office of Juvenile Affairs. The provider must have access to the management information system provided for in Section 7302-3.8 of this title. The community intervention center shall perform at least one of the following functions: assessment, information gathering, processing, service as a center for law enforcement to bring children who have been taken into custody, and service as a facility for limited short-term holding for a period not to exceed twenty-four (24) hours, unless extended by a court of competent jurisdiction for a period not to exceed forty-eight (48) additional hours. Community intervention centers also may work with community-based organizations, neighborhoods, and municipal organizations to implement violence prevention programs and programs to reduce violence in the community, if this function is provided for in the interlocal agreement.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 609, as last amended by Section 82, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1997, Section 7302-3.6), is amended to read as follows:

Section 7302-3.6 A. Funds specifically appropriated to the Office of Juvenile Affairs for designated community-based programs, Youth Services Agency programs for both the Department of Juvenile Justice and the Department of Human Services shall be made available through contracts negotiated by the Department of Juvenile Justice, to organizations designated by the Department of 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 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 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;

4. Adequate services in each county served by the agency;

5. Financial viability; ~~and~~

6. A documented need for the local services to be offered; and

~~B. The criteria for designation of Youth Services agencies also may include:~~

~~1.~~ 7. Successful completion of ~~peer review processes~~ an agency certification process by the Office of Juvenile Affairs.

The Oklahoma Association of Youth Services; and shall assist the Office of Juvenile Affairs with the certification process.

~~2. Such other criteria as the Board of Juvenile Affairs determines appropriate.~~

~~C. B.~~ Each youth service agency receiving, by grant or contract from the Department of Human Services on June 30, 1995, state funds specifically appropriated for community-based youth service programs, is hereby automatically designated a "Youth Services Agency".

~~D. C.~~ The Department of 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 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. D.~~ 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. E.~~ 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 4. This act shall become effective November 1, 1998.

46-2-9890

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