STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 81 By: Hendrick

COMMITTEE SUBSTITUTE

An Act relating to juveniles and public assistance; amending 10 O.S. 1991, Section 1141, as amended by Section 89, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7302-5.1), which relates to the Department of Juvenile Justice's intake, probation and parole services; providing for literacy skills assessment and purpose; providing limited disclosure of assessment; amending Section 27, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.18), which relates to personal responsibility agreements; providing for literacy skills assessment and participation in literacy program as part of personal responsibility agreements; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. This act shall be known and may be cited as the "Literacy Improvement Act of 1997".

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1141, as amended by Section 89, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 7302-5.1), is amended to read as follows:

Section 7302-5.1 A. The Department of Juvenile Justice shall provide intake, probation and parole services for juveniles 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~~ the child's attorney. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the substance abuse assessment ~~with~~ to 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 Juvenile Justice and the juvenile bureaus 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 Juvenile Justice, and

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

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

D. 1. The Department of 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:

a. misdemeanor and non-serious first-time offender programs,

b. tracking and mentor services,

c. weekend detention,

d. five-day out-of-home sanction placements,

e. short-term thirty-day intensive, highly structured placements,

f. transitional programs,

g. substance abuse treatment and diagnostic and evaluation programs, and

h. day treatment programs.

2. In implementing these services, the Department shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

E. 1. The following entities shall conduct, upon intake of a child alleged to be delinquent or in need of supervision unless such child has been previously assessed within the six (6) months prior to such intake, a preadjudicatory literacy skills assessment:

a. the Department of Juvenile Justice,

b. a first-time offender program within a designated youth services agency,

c. any metropolitan county juvenile bureau, or

d. any county operating a juvenile bureau.

2. Such assessment shall be conducted through the use of diagnostic tools which include, but are not limited to:

a. structured interviews,

b. standardized literacy testing instruments which measure the educational proficiency of the child, and

c. any other measure used to determine:

(1) whether a child is reading at an age-appropriate level, and

(2) the child's capacity to read at such level.

3. The results of the literacy skills assessment required pursuant to this subsection shall be made available to the court by the district attorney for use in the disposition phase; provided, however, the results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding to determine whether a juvenile should be adjudicated. Provided, further, such results shall not be used as the sole basis for the revocation of a

community-based placement or participation in a community-based program.

4. a. Upon request, the results of the literacy skills assessment shall be given to the following:

(1) the child's intake, probation or parole counselor,

(2) the parent or guardian of the child, or

(3) the child's attorney.

b. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the literacy skills assessment to therapists, school personnel or others for use in the training and rehabilitation of the child.

5. a. If the child is a juvenile placed in an institution or facility operated by the Department, the child shall be assessed and a literacy improvement program shall be implemented in accordance with Sections 7302-6.1 and 7302-6.3 of this title.

b. If the child is adjudicated delinquent or in need of supervision or is being detained as part of a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, and the results of the literacy skills assessment show that the child is not reading at an age-appropriate level but has the capacity to improve his or her reading skills, the child shall be required to enroll and actively participate in a literacy skills improvement program. The child shall provide documentation of substantial quantifiable literacy improvement, sufficient to demonstrate reading proficiency at an age-appropriate

or developmentally appropriate level; provided, however, failure to demonstrate substantial quantifiable literacy improvement shall not be the sole basis for not dismissing a case against a child.

6. On or before December 31 of each year, the Office of Juvenile Affairs shall annually provide to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a written report outlining by age the number of children:

a. assessed for literacy skills,

b. who failed to demonstrate age-appropriate reading skills,

c. who were required to enroll and participate in a literacy skills improvement program, and

d. who provided documentation of substantial quantifiable literacy skills improvement.

SECTION 3. AMENDATORY Section 27, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.18), is amended to read as follows:

Section 230.18 A. The Department of Human Services shall require services to be provided to each applicant or recipient of benefits in any program according to a written personal responsibility agreement. The agreement shall be:

1. Written in English, Spanish or other language, according to the applicant's or recipient's needs;

2. Signed by the applicant or recipient;

3. Signed by the parent of the applicant or recipient, if the applicant or recipient is under eighteen (18) years of age;

4. Signed by the case manager, for the applicant or recipient and the recipient's family; and

5. Reviewed by both the applicant or recipient and the case manager at least once a year. The agreement may be revised from

time to time according to the needs of the recipient, the recipient's family and the program.

B. The personal responsibility agreement shall set forth the specific responsibilities of the recipient, at a minimum, to:

1. Develop a detailed plan for achieving self-sufficiency;

2. Acknowledge that additional benefits pursuant to the ~~Aid to~~ Temporary Assistance for Needy Families ~~with Dependent Children (AFDC)~~ (TANF) program will be paid for a child born more than ten (10) months after the recipient qualifies for assistance only pursuant to a voucher system;

3. If the recipient is a minor parent, live in a place maintained by the recipient's parents, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or live in a foster home, maternity home or other supportive living arrangement supervised by an adult in order to receive ~~AFDC~~ TANF benefits;

4. Accept responsibility for ensuring that the recipient's child complies with the attendance requirements of the local school district and attends school until the child of the recipient either:

a. graduates from high school or attains a high school equivalency certificate, or

b. becomes nineteen (19) years of age,

whichever occurs first~~,~~;

5. Accept responsibility for attending any classes required by a program at least ninety percent (90%) of the time;

6. Immunize the ~~recipients'~~ recipient's minor children pursuant to the State Department of Health's immunization schedule;

7. ~~Register and participate as funds are available, in the Job Opportunities and Basic Skills (JOBS) program;~~

~~8.~~ Be available for and actively seek and maintain employment and accept any reasonable employment as soon as it becomes available if required by the program;

~~9.~~ 8. Participate in any educational or training program required by the Department; ~~and~~

~~10.~~ 9. Participate in a community service, public works or private sector job for a minimum of twenty-four (24) hours per week regardless of the amount of the AFDC grant if the recipient has been unsuccessful in finding unsubsidized employment; provided, that this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program; and

10. a. Undergo a literacy skills assessment utilizing a testing instrument which measures whether such recipient is reading at a minimum of an eighth grade reading level, where the recipient has the capacity to read at such level or, regardless of reading level, which indicates that the recipient would benefit from compulsory participation in a literacy skills improvement program.

b. Based on the results of the assessment, the recipient shall agree to enroll and actively participate in a literacy skills improvement program and provide documentation of substantial quantifiable literacy improvement. Any recipient who is reading at less than an eighth grade level shall be required to continue to substantially and quantifiably improve his or her reading skills until such recipient demonstrates a level of reading proficiency that is at least equal to an eighth grade reading level.

c. On or before December 31 of each year, the Department of Human Services shall annually provide to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a written report outlining by age the number of recipients:

(1) assessed for literacy skills,

(2) who failed to demonstrate eighth grade reading level proficiency,

(3) who agreed to enroll and participate in a literacy skills improvement program, and

(4) who either provided documentation of substantial quantifiable literacy skills improvement or whose case was closed prior to completion.

C. ~~AFDC~~ TANF benefits shall be denied to a recipient who fails to comply with the requirements of the personal responsibility agreement pursuant to this section until such time as the Department determines that the recipient is once again in compliance with the personal responsibility agreement.

SECTION 4. NONCODIFICATION Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. This act shall become effective July 1, 1997.

SECTION 6. 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.

46-1-1167 CJ