

SHORT TITLE: Juveniles and public assistance; providing literacy skills assessment; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 81

By: Hendrick

AS INTRODUCED

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 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 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 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 offenders;

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

D. 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: ~~misdemeanor and non-serious first-time offender~~ 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.

E. Unless previously assessed within six (6) months prior to the intake, upon intake of a child by either the Department of Juvenile Justice, any Designated Youth Services Agency's First-Time Offender program, any metropolitan county juvenile bureau or any county operating a juvenile bureau, a pre-adjudicatory literacy skills assessment of a child shall be conducted in conjunction with

the intake proceeding pursuant to an alleged delinquent act or an alleged child in need of supervision through the use of diagnostic tools including, but not limited to, structured interviews or standardized literacy testing instruments to determine the education proficiency of the child and any other factor relevant to determining if the child is reading at an age-appropriate reading level and the child's capacity to read at the child's age-appropriate reading level.

1. Information gained from the literacy skills assessment pursuant to this subsection shall be made available to the court by the District Attorney for use in the disposition phase. The results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding to determine whether a juvenile shall be adjudicated or as the sole basis for the revocation of a community-based placement or participation in a community-based program.

2. Upon request, the results of the literacy skills assessment shall be given to any of the following: the child's intake, probation or parole counselor, the parent or guardian of the child and/or 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 literacy skills assessment to therapists, school personnel or others for use in the training and rehabilitation of the child.

3. If the child is a juvenile placed in a Department-operated institution or facility, 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.

4. If the child is adjudicated delinquent or in need of supervision or as part of any deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, and the results of the literacy assessment show that the child is not

reading at an age-appropriate level and has the capacity to improve the child's reading skills, the child shall agree to enroll and actively participate in a literacy improvement program and provide documentation of quantifiable literacy improvement sufficient to demonstrate reading proficiency at an age-appropriate or developmentally appropriate level. Failure to demonstrate substantial, quantifiable improvement in literacy shall not be the sole basis for not dismissing a case against a child.

5. On or before December 31 of each year, the Office of Juvenile Affairs will be responsible for providing a written annual report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives outlining the number of persons assessed, their respective ages, the number of persons who failed to demonstrate age-appropriate reading skills for each age, the number of children at each age who agreed to enroll and participate in a literacy improvement program, and the number of children for each age who provided documentation of quantifiable literacy 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 Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (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;i

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

6. Immunize the recipients' 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. Participate in any educational or training program required by the Department; ~~and~~

10. 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

11. a. Be formally assessed for literacy skills by using a literacy test instrument to determine whether the recipient is reading at a level at least equal to the reading skills of an eighth grader where the recipient has the capacity to read at least at an eighth grade reading level or, regardless of reading skill level, the recipient would benefit from compulsory participation in a literacy improvement program and, based on the results of said assessment, the recipient shall agree to enroll and actively participate in a literacy improvement program and provide documentation of substantial quantifiable literacy improvement.
Each recipient who does not read at least at an eighth grade level shall be required to continue to substantially and quantifiably improve the recipient's reading skills until said recipient demonstrates reading proficiency at least equal to an eighth grade reading level.

b. On or before December 31 of each year, the Department of Human Services will be responsible for providing a written annual report to the Governor, the President

Pro Tempore of the Senate and the Speaker of the House of Representatives outlining the number of recipients assessed, their respective ages, the number of recipients who failed to demonstrate eighth grade reading proficiency for each age, the number of recipients at each age who agreed to enroll and participate in a literacy improvement program, and the number of recipients for each age who either provided documentation of quantifiable literacy 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. This act shall become effective July 1, 1997.

SECTION 5. 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.

46-1-0523

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