

ENROLLED HOUSE
BILL NO. 2375

By: Gilbert and McClain of the
House

and

Cain of the Senate

An Act relating to children and youth; amending 10 O.S. 2001, Section 601.4, which relates to duties and responsibilities of the Oklahoma Commission on Children and Youth; expanding duties and responsibilities; amending 10 O.S. 2001, Section 601.6b, which relates to State Plan for Services to Children and Youth; modifying contents of plan; amending 10 O.S. 2001, Section 601.12, which relates to community partnership board interagency agreements; deleting responsibility for developing interagency agreements; amending 10 O.S. 2001, Section 601.30, which relates to Board of Child Abuse Examination; adding to membership; amending 10 O.S. 2001, Section 601.31, which relates to child abuse examiners; providing for distribution and effective date of rules; adding professions to those trained as child abuse examiners; providing for distribution and effective date of rules; amending 10 O.S. 2001, Section 1150.2, which relates to Child Death Review Board; clarifying terms; modifying and adding to certain duties of certain teams; amending 10 O.S. 2001, Section 1150.3, which relates to membership of Child Death Review Board; adding to and modifying membership; amending 10 O.S. 2001, Sections 7302-7.1, 7302-7.2, 7302-7.3, as amended by Section 2, Chapter 413, O.S.L. 2002, 7302-7.4 and 7302-7.5 (10 O.S. Supp. 2003, Section 7302-7.3), which relate to Delinquency and Youth Gang Intervention and Prevention Act; modifying purpose of act; modifying definitions; modifying duties of the Office of Juvenile Affairs; modifying program requirements; modifying procedures for grant proposals; modifying eligibility for grant proposals; modifying minimum contents of proposal; requiring certain outcome-based performance report; stating contents of report; requiring certain annual report; stating contents of report; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 601.4, is amended to read as follows:

Section 601.4 The Oklahoma Commission on Children and Youth is further authorized to:

1. Facilitate joint planning and service coordination among public and private agencies that provide services to children and youth;

2. Prepare and publish reports;

3. Review the programs, policies and services for children and youth provided by public and private agencies for compliance with established state policies and progress towards goals identified in planning documents relating to children and youth services and to make reports regarding ~~said~~ such compliance and progress;

4. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

5. Enter into agreements or contracts for the development of test models or demonstration programs and projects and for programs of practical research for effective services to children and youth; provided that the administration of contract for such model programs and projects shall, within five (5) years of their inception, be transferred to an appropriate agency or the program or project shall be discontinued;

6. Secure necessary statistical, technical, administrative, operational and staff services by interagency agreement or contract;

7. Examine all records, plans, budgets and budget documents pertaining to the children and youth service system;

8. Exercise all incidental powers as necessary and proper for the performance of the duties and responsibilities of the Commission; ~~and~~

9. Promulgate rules ~~and regulations~~ as necessary to carry out the duties and responsibilities assigned to the Oklahoma Commission on Children and Youth; and

10. Recommend that a facility providing services to children and youth be closed or that its contract with the state be terminated.

SECTION 2. AMENDATORY 10 O.S. 2001, Section 601.6b, is amended to read as follows:

Section 601.6b A. Beginning July 1, 1991, and on or before July 1 of each year thereafter, the Oklahoma Commission on Children and Youth shall transmit to the Director of State Finance and to the director of each affected agency a copy of the State Plan for Services to Children and Youth for the next fiscal year.

B. The Director of the Office of State Finance, in accordance with procedures mutually agreed upon by the Office of State Finance and the Commission, shall regularly compile and transmit to the Office of Planning and Coordination for Services to Children and Youth, by agency and appropriate service category, past, current and projected expenditures, budget requests, and other fiscal

information related to state and state-supported services to children, youth and families.

~~C. Beginning on September 1, 1991, and on or before September 1 of each year thereafter, the Director of State Finance shall compile, in a form agreed upon by the Office of State Finance and the Commission, and provide to the Office of Planning and Coordination for Services to Children and Youth copies of the budget requests for the next fiscal year by state agencies that provide services to children, youth and families. The Office of Planning and Coordination for Services to Children and Youth shall review said budget requests and report to the Commission, the Governor, the Director of State Finance, and each affected agency director the extent to which the budget requests conform with or differ from the goals and priorities established in the State Plan for Services to Children and Youth, including but not limited to, specific areas of conformity or nonconformity.~~

~~D. The Office of Planning and Coordination shall annually monitor and evaluate the implementation of the goals, priorities and recommendations included in the State Plan for Services to Children and Youth and shall make reports and provide information to the Commission, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the chairmen of the appropriations committees of the Legislature and the affected agency directors as necessary and appropriate to provide assistance for the implementation of said Plan.~~

The Office of Planning and Coordination, with the assistance of the Office of State Finance, shall, on an annual basis, assemble past and current expenditures and future budget requests for services as they relate to the goals identified by the Commission in the State Plan for Services to Children and Youth.

D. The Office of Planning and Coordination, with the assistance of the Office of State Finance and affected agencies, may assemble topic-specific reports regarding services to children, youth, and families to include program descriptions, past and current expenditures, future budget requests, and a description of program outcomes as directed by the Legislature or the Commission.

SECTION 3. AMENDATORY 10 O.S. 2001, Section 601.12, is amended to read as follows:

Section 601.12 A. Each community partnership board shall, with the assistance of the Office of Planning and Coordination for Services to Children and Youth, prepare and implement a district plan for children and youth services and for the development and coordination of such services within its district. The district plans shall be transmitted to the Office of Planning and Coordination for Services to Children and Youth and the Oklahoma Commission on Children and Youth, for such entities' review and use in the preparation of the State Plan for Services to Children and Youth.

~~B. Each community partnership board shall assist in the development of interagency agreements that ensure that services provided to students pursuant to the Individuals with Disabilities Education Act (IDEA) are 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.~~

~~C.~~ Each community partnership board shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities and method of meeting those responsibilities.

~~D.~~ C. The district plan shall address the needs of children, youth and families as they relate to education, health, mental health, economic security, safety and human services issues, and shall contain:

1. Identified goals, intended outcomes, and priorities for serving children and families;

2. A description of specific needs to be addressed by the plan, as well as services and other support available through public, private, and community-based organizations;

3. A description of the amount of all federal, state and local government, and private funds needed to implement the local plan;

4. A plan for sharing data among agencies and across levels of government in accordance with state and federal law;

5. Recommendations for proposed policy or program changes and alternative funding strategies for meeting identified needs;

6. An implementation strategy and time line; and

7. A description of the resources, types of assistance or training needed ~~in order~~ to implement the plan.

SECTION 4. AMENDATORY 10 O.S. 2001, Section 601.30, is amended to read as follows:

Section 601.30 A. For the purpose of establishing a statewide system to provide expert medical evaluation for children suspected to be the victims of child abuse or neglect, there is hereby created the Board of Child Abuse Examination within the Oklahoma Commission on Children and Youth.

B. The Board shall consist of ~~seven (7)~~ ten (10) members as follows:

1. The Director of the State Bureau of Investigation, or his a designee;

2. The Commissioner of the State Department of Health, or his a designee;

3. The Director of the Department of Human Services, or his a designee;

4. The Director of the Oklahoma State District Attorneys Association, or his a designee;

5. The president of a statewide association of osteopathic physicians, or his a designee;

6. The president of a statewide association of allopathic physicians, or his a designee; ~~and~~

7. The Chief Executive Officer of the Oklahoma Health Care Authority, or a designee;

8. The Executive Director of the Oklahoma Board of Nursing, or a designee;

9. A representative of a statewide association of child advocacy centers; and

10. The Chief Child Abuse Examiner provided for by Section 2 601.31 of this act title. The Chief Child Abuse Examiner shall be a ~~non-voting~~ nonvoting member of the Board.

~~B. C.~~ 1. The Board shall annually elect one member to serve as ~~chairman~~ chair and one member to serve as ~~vice-chairman~~ vice-chair.

2. The members of the Board shall receive no compensation for their services on the Board, but may be reimbursed pursuant to the State Travel Reimbursement Act.

3. The Board shall meet not less than quarterly and may meet more frequently as necessary, as determined by the ~~chairman~~ chair. ~~Five~~ Six members shall constitute a quorum.

SECTION 5. AMENDATORY 10 O.S. 2001, Section 601.31, is amended to read as follows:

Section 601.31 A. The Oklahoma Commission on Children and Youth shall:

1. ~~Adopt~~ Promulgate rules providing for:

- a. the training and continuing training requirements for the certification of allopathic and osteopathic physicians, physicians' assistants, and registered nurses, in a manner consistent with their existing scopes of practice, as certified Child Abuse Examiners and for the renewal, nonrenewal, suspension and revocation of such certification. Rules promulgated pursuant to the provisions of this subparagraph shall be provided to the chair of the Senate Human Resources Committee and the chair of the House Public Health Committee prior to the beginning of the 1st Session of the 50th Legislature and shall not take effect prior to May 1, 2005,
- b. the duties and responsibilities of certified Child Abuse Examiners, and
- c. uniform standards for medical examinations and evaluations of children suspected to be victims of

child abuse or neglect and uniform forms for written reports of such examinations and evaluations;

2. Distribute an initial listing, and revised listings as often as necessary, of certified Child Abuse Examiners to:

- a. each county office of the Department of Human Services,
- b. each local county or city-county health department. Where there is no local health department, the listing shall be sent to the local county board of health,
- c. each district attorney, and
- d. other persons as necessary and advisable, upon the recommendation of the Board of Child Abuse Examiners; and

3. With funds appropriated or otherwise available for such purpose, provide by contract for:

- a. the services of a physician to serve as Chief Child Abuse Examiner, and
- b. the establishment and implementation of a training program and continuing training program for the certification of physicians as Child Abuse Examiners and for consultation services to physicians in matters relating to child abuse and neglect through contracts with the medical schools of the University of Oklahoma and Oklahoma State University.

B. The Board of Child Abuse Examination shall:

1. Prepare the rules, standards and forms required by subsection A of this section, and amendments to ~~said~~ the rules, standards and forms as necessary, for the approval of the Commission;

2. In cooperation with the medical schools of the University of Oklahoma and Oklahoma State University, develop and maintain training programs and consultation services for physicians and certified Child Abuse Examiners;

3. In consultation and cooperation with the Department of Human Services, develop a uniform system of reimbursement for medical examinations and evaluations of cases of suspected child abuse or neglect which are compensable pursuant to Title XIX of the federal Social Security Act for adoption by the Department of Human Services;

4. Develop and maintain an accurate listing of certified Child Abuse Examiners for distribution by the Commission; and

5. Engage in such other activities as necessary and appropriate for the establishment and maintenance of a statewide system of expert medical examination and evaluation of children suspected to be victims of child abuse and neglect, subject to the approval and authorization of the Commission.

C. The Chief Child Abuse Examiner shall be a physician with experience in the area of child abuse and neglect and, as requested or directed by the Board, shall:

1. Provide consultant services to the Board as necessary for the preparation of the rules, standards and forms required by subsection A of this section;

2. Assist the Board and the medical schools of the University of Oklahoma and Oklahoma State University, with the development, implementation, maintenance and coordination of the training programs required by this section;

3. Prepare written reports for the Board and the Commission regarding progress of the system established by this act; and

4. As requested by the Board, perform other duties as necessary to assist the Board in the performance of its duties and responsibilities.

SECTION 6. AMENDATORY 10 O.S. 2001, Section 1150.2, is amended to read as follows:

Section 1150.2 A. There is hereby re-created until July 1, 2006, in accordance with the Oklahoma Sunset Law, ~~Section 3901 et seq. of Title 74 of the Oklahoma Statutes,~~ the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of deaths and near deaths of children in this state;

2. Develop accurate statistical information and identification of deaths of children due to abuse and neglect;

3. Improve the ability to provide protective services to the surviving siblings of a child or children who die of abuse or neglect and who may be living in a dangerous environment;

4. Improve policies, procedures and practices within the agencies that serve children, including the child protection system; and

5. Enter into agreements with ~~multidisciplinary~~ local teams established ~~pursuant to Section 7110 of this title by the Child Death Review Board~~ to carry out such duties and responsibilities as the Child Death Review Board shall designate, including reviewing cases assigned by the Board in the geographical area for that ~~multidisciplinary~~ local team. The Oklahoma Commission on Children and Youth, with the advice of the Child Death Review Board, shall promulgate rules as necessary for the implementation and administration of the provisions of this paragraph.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases involving the death or near death of a child subject to specific, in-depth review by the Board. As used in this section, the term "near death" means a child is in

serious or critical condition, as certified by a physician, as a result of abuse or neglect;

2. Conduct a specific case review of those cases where the cause of death or near death is or may be related to abuse or neglect of a child;

3. Establish and maintain statistical information related to the deaths and near deaths of children, including, but not limited to, demographic and medical diagnostic information;

4. Establish procedures for obtaining initial information regarding near deaths of children from the Department of Human Services and law enforcement agencies;

5. Review the policies, practices, and procedures of the child protection system and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of the system;

6. Review the extent to which the state child protection system is coordinated with foster care and adoption programs and evaluate whether the state is efficiently discharging its child protection responsibilities under the federal Child Abuse Prevention and Treatment Act state plan;

7. As necessary and appropriate, for the protection of the siblings of a child who dies and whose siblings are deemed to be living in a dangerous environment, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

8. Request and obtain a copy of all records and reports pertaining to a child whose case is under review including, but not limited to:

- a. the medical examiner's report,
- b. hospital records,
- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records, including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,

- k. emergency medical service records, and
- l. Department of Human Services' files.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board, its local boards or their members, not authorized by law, may maintain an action for damages, costs and attorney fees;

9. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

10. Conduct reviews of specific cases of deaths and near deaths of children and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies;

11. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or state employee, or any problem within the child protective services system discovered by the Board while performing its duties;

12. Recommend, when appropriate, amendment of the cause or manner of death listed on the death certificate; and

13. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act, ~~Section 1150 et seq. of this title.~~

C. The review and discussion of individual cases of death or near death of a child shall be conducted in executive session and in compliance with the confidentiality requirements of Section 7005-1.2 of this title. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of its remedial measure and recommended by the Board, as the result of a review of an individual case of the death or near death of a child, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. 1. The Board shall submit an annual statistical report on the incidence and causes of death and near death of children in this state for which the Board has completed its review during the past calendar year, including its recommendations, to the Oklahoma

Commission on Children and Youth on or before May 1 of each year. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of deaths and near deaths of children, the extent to which the state child protection system is coordinated with foster care and adoption programs, and an evaluation of whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

2. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into the annual Commission report and the State Plan for Services to Children and Youth.

SECTION 7. AMENDATORY 10 O.S. 2001, Section 1150.3, is amended to read as follows:

Section 1150.3 A. The Child Death Review Board shall be composed of twenty-seven (27) members, or their designees, as follows:

1. Fourteen of the members shall be:
 - a. the Chief Medical Examiner,
 - b. the Director of the Department of Human Services—~~The, or a designee, provided the~~ designee of the ~~Director of the Department of Human Services~~ shall be a person assigned to the Child Welfare Division of the Department,
 - c. the State Commissioner of Health,
 - d. the Director of the Office of Child Abuse Prevention,
 - e. the Director of the Oklahoma Commission on Children and Youth,
 - f. the Chief Child Abuse Medical Examiner,
 - g. the ~~Medical Director~~ Chief of Maternal and ~~Infant~~ Child Health Services of the State Department of Health,
 - h. the Commissioner of Mental Health and Substance Abuse Services,
 - i. the Chair of the Child Protection Committee of the Children's Hospital of Oklahoma,
 - j. the Director of the Office of Juvenile Affairs,
 - k. the Chief of Injury Prevention Services of the State Department of Health,
 - l. ~~a physician from Maternal and Infant Health Services within the State Department of Health,~~

- ~~m.~~ the State Epidemiologist of the State Department of Health, ~~and~~
- ~~n.~~ m. the Director of the Oklahoma State Bureau of Investigation, and
- n. the Chief Executive Officer of the Oklahoma Health Care Authority; and

2. Thirteen of the members shall be appointed by the Director of the Oklahoma Commission on Children and Youth, shall serve for terms of two (2) years, and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to the abuse or neglect of a child. The appointed members shall include:

- a. a law enforcement officer selected from lists submitted by the executive boards of organizations representing sheriffs and peace officers in this state,
- b. an attorney licensed in this state who is in private practice selected from a list submitted by the executive board of the Oklahoma Bar Association,
- c. a district attorney selected from a list submitted by the District Attorney's Council,
- d. a physician selected from lists submitted by statewide organizations representing physicians in this state,
- e. a physician selected from lists submitted by statewide organizations representing osteopathic physicians in this state,
- f. a member of the State Post-Adjudication Review Advisory Board,
- g. a social worker selected from a list submitted by each organization representing social workers,
- h. an individual selected from lists submitted by Oklahoma court-appointed special advocate associations,
- i. a psychologist selected from lists submitted by Oklahoma psychological associations,
- j. a member of a Native American Tribe involved in the area of protection of Native American children selected from a list submitted by the Oklahoma Indian Affairs Commission,
- k. an individual selected from lists submitted by Oklahoma coalitions or associations against domestic violence and sexual assault,
- l. a pediatric physician selected from lists submitted by organizations of pediatric physicians or osteopaths, and

m. a member of an emergency medical technicians association.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Commission pursuant to the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes~~; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Commission shall provide administrative assistance and services to the Child Death Review Board.

SECTION 8. AMENDATORY 10 O.S. 2001, Section 7302-7.1, is amended to read as follows:

Section 7302-7.1 A. Sections 7302-7.1 through 7302-7.5 of this title shall be known and may be cited as the "Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention 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,~~ who are determined to have the highest risk of involvement with gangs or delinquent behaviors or live in at-risk neighborhoods and communities in positive programs and opportunities at the local, neighborhood and community level.

C. For the purpose of reducing the likelihood of later or continued involvement in criminal or delinquent activities, the intent of the Legislature in enacting the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act is to provide ~~for school, school-related and after-school~~ programs for adjudicated delinquents and highest risk children in grades 1 through 12, and their families, ~~who live in at-risk school districts,~~ neighborhoods and communities, as defined in Section 7302-7.2 of this title, and to aid all communities in developing delinquency ~~prevention and gang intervention and early intervention~~ prevention programs and activities.

SECTION 9. AMENDATORY 10 O.S. 2001, Section 7302-7.2, is amended to read as follows:

Section 7302-7.2 For the purposes of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act:

1. ~~"At-risk school districts, neighborhoods and communities"~~ means a school district, neighborhood or community with residential and business areas within a specific political subdivision with a history of assault or battery offenses, shootings or firearm-related offenses, substance abuse-related offenses, property and theft-related offenses, and known gang activity that are documented by local law enforcement agencies, and 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 Department of Juvenile Justice and substantiated by local law enforcement agencies, that is significantly higher than the statewide statistical mean for such offenses, 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~~ "Children at highest risk of involvement with gangs or delinquent behaviors" means:

- a. children and their family members living in at-risk neighborhoods and communities as defined in this section,
- b. children living with family members who are gang members or associate with gang members,
- c. children living with family members who have been adjudicated or convicted of a criminal offense,
- d. children adjudicated delinquent and their family members, or
- e. children who use alcohol or controlled substances or who have behavioral problems in school, with peers, family members or authority figures, or some combination thereof; and

3. ~~"Delinquency prevention and early and gang intervention and prevention 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~~ family members of participating youth; and

4. "Family members" means children, siblings, parents and other persons living in the immediate household.

SECTION 10. AMENDATORY 10 O.S. 2001, Section 7302-7.3, as amended by Section 2, Chapter 413, O.S.L. 2002 (10 O.S. Supp. 2003, Section 7302-7.3), is amended to read as follows:

Section 7302-7.3 A. From funds appropriated for the Delinquency and Youth Gang Intervention and Prevention Act or otherwise available for that purpose, the Office of Juvenile Affairs through its Department of Juvenile Justice shall:

1. Issue requests for proposals and contract with eligible entities for delinquency ~~prevention and early~~ and gang intervention and prevention programs for children and their family members who live in at-risk neighborhoods and communities, as defined by Section 7302-7.2 of this title;

2. Provide information and technical assistance to ~~school districts~~ individuals and entities receiving grants or contracts pursuant to the Delinquency and Youth Gang Intervention and Prevention Act, schools, 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 such agencies in making application for federal, state and private grants for delinquency ~~prevention~~ and ~~early~~ gang intervention and prevention programs; and

3. Coordinate efforts among the Office of Juvenile Affairs, Department of Human Services, State Department of Education, State Department of Health, Department of Mental Health and Substance Abuse Services, State Arts Council, Oklahoma Commission on Children and Youth, the Oklahoma Health Care Authority, 4-H Clubs, Oklahoma Cooperative Extension Service and other organizations identified by the Department of Juvenile Justice that provide services to children and youth on the creation of an out-of-school resource center subject to the availability of funds.

B. The 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 and procedures for:

1. Identifying at-risk neighborhoods, ~~school districts, communities and specific areas within school districts~~ and communities, as defined by Section 7302-7.2 of this title, for the purposes of determining eligibility for any grants for at-risk areas available pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act; and

2. Determining eligibility ~~for communities~~ of individuals and other organizations seeking other grants pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act.

The Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation shall provide the Department of Juvenile Justice with information and assistance, as requested by the Department, for the purpose of establishing the criteria required by this section.

SECTION 11. AMENDATORY 10 O.S. 2001, Section 7302-7.4, is amended to read as follows:

Section 7302-7.4 A. The ~~Board~~ Office of Juvenile Affairs shall establish ~~the proposal submission and education~~ procedures and criteria and for selecting and implementing program models and issuing and submitting grant proposals. The Board of Juvenile Affairs shall promulgate rules as necessary for the implementation of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention 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~~ a grant contract in an at-risk neighborhood or community, as defined by Section 7302-7.2 of this title, pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act the proposal shall, at minimum:

1. Be a joint proposal made by an ~~at-risk school district, individual or organization,~~ a neighborhood or community organization, a municipality or county or a municipal or county agency from the at-risk neighborhood or community, and one or more agencies or organizations within the children and youth service system. If a school ~~district or local law enforcement agency~~ is not a joint participant in the proposal, the proposal shall document and describe the active participation in and support of either the local school district or local law enforcement agency in the program and activities for which the proposal is submitted;

2. Be ~~for programs and activities~~ a program or activity for children not less than six (6) years of age, or in grades 1 through 12, whichever is applicable at highest risk of involvement in gangs or delinquent behaviors, as defined by Section 7302-7.2 of this title, and their family members;

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~~ Prevention Act;

4. Specifically identify the ~~area within a school district or community or the at-risk~~ neighborhood or community where the programs and activities will be implemented and provide either statistical information concerning the at-risk area or a letter of support from a local school or local law enforcement agency;

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 other similar location within the identified at-risk neighborhood or identified area of the school district or community.

C. In order to be eligible for training or continuing education grants or any other contract grant pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act, the proposal shall, at a minimum:

1. Describe the respective roles and responsibilities for the administration and operation of the ~~program and activities~~ training or activity, 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 Prevention~~ Act; and

2. Describe how the ~~program~~ training or activity will coordinate and cooperate with existing 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~~ receiving a grant or contract pursuant to ~~this section~~ the Delinquency and Youth Gang Intervention and Prevention Act shall submit an annual evaluation report to the Department of 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~~ were met and any other information required by the Department.

SECTION 12. AMENDATORY 10 O.S. 2001, Section 7302-7.5, is amended to read as follows:

Section 7302-7.5 ~~Effective July 1, 1995,~~ A. The Department of Juvenile Justice shall have the responsibility for implementation and evaluation of the Delinquency and Youth Gang Intervention and Deterrence Prevention 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 and any modifications thereto.

B. Any contract executed by the Department of Juvenile Justice with an eligible entity on and after the effective date of this act for delinquency prevention and early intervention programs, subject to the Delinquency and Youth Gang Intervention and Prevention Act, shall require the eligible entity to prepare and submit to the Department, in a manner prescribed by the Department, an outcome-based performance report including, but not limited to, the following:

1. A description of the target population, service eligibility criteria, and risk factors;

2. A description of program services, the number of clients referred each year, the number of clients served each year, and the number of clients discharged each year;

3. The average cost per client participating in program services each year; and

4. Performance measures referencing service completion and recidivism which employ uniform definitions developed by the Department.

C. The Department of Juvenile Justice shall submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by January 15 of each year, an annual report, including a summary detailing the following information derived from the outcome-based performance reports

submitted by the eligible entities pursuant to the provisions of subsection A of this section and other information available to the Department:

1. Total amount of funds per state fiscal year expended for the delinquency prevention programs subject to the Delinquency and Youth Gang Intervention and Prevention Act;

2. Average expenditures per juvenile during the most recent state fiscal year;

3. Analyses of the nature and effectiveness of gang-related delinquency prevention and early intervention programs provided by eligible entities pursuant to contracts;

4. Effectiveness of each of the programs provided by the eligible entities;

5. Recommendations regarding distribution of the funds based upon the effectiveness of the programs provided by the eligible entities; and

6. Any other information or recommendations deemed necessary by the Board of Juvenile Affairs.

SECTION 13. 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 25th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 26th day of May, 2004.

Presiding Officer of the Senate