

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 605

By: Smith

AS INTRODUCED

An Act relating to children; creating the Forgotten Youth Act; providing short title; defining terms; prohibiting admission of juveniles to facilities without court order; providing for out-of-state admissions to certain facilities; providing for emergency admissions to certain facilities; providing procedure for emergency admissions without court order; providing client receive guardian ad litem and written rights; requiring a review within certain time; requiring notice of all admissions on effective date of this act; providing exception to certain notification; requiring certain report to the Department of Human Services within certain time of admission; requiring certain collection and distribution of information within certain time for certain purpose; requiring information about certain admissions to certain facilities be provided for certain purpose; providing criminal misdemeanor penalty for failure to report certain information; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Forgotten Youth Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.7a of Title 10, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Client" means any minor child who is placed in a facility as the term is defined in paragraph 3 of this section, and includes

any minor child from this state or another state or the United States;

2. "Escort" means a referring service that is hired by any parent, guardian, or legal custodian to transport the client as defined in paragraph 1 of this section to a facility either voluntarily or when the client refuses to be transported; and

3. "Facility" means any kind of facility that the client is placed or housed on a full-time basis including, but not limited to: private boarding schools, private military academies, public military academies, public boarding schools, private juvenile detention or secure juvenile delinquency schools or academies, public juvenile detention or secure juvenile delinquency institutions, private psychiatric hospitals, public psychiatric hospitals, religious and faith-based boarding academies or schools.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-8.7b of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as provided by law for temporary or emergency shelter or pursuant to a crime or pursuant to court order, in order to admit a client to any kind of facility in this state, there shall first be a hearing before a juvenile judge with the client provided a guardian ad litem who shall represent the client and assure the client has due process in such hearing and evidence is presented for admission to such facility.

B. In the case of a client who is an out-of-state resident being admitted to a facility in this state by a parent, guardian or legal custodian, the client shall be accompanied by an order from a court of competent jurisdiction in the client's state of residence before such client may be admitted to any facility within this state.

C. Upon admittance to any facility in this state, the client shall be advised of his or her legal rights under the provisions of

this act, and shall be given a copy in writing of such rights relating to admission to any facility in this state.

D. Every one hundred twenty (120) days, the client shall have a court hearing upon motion of the juvenile judge with such client being provided legal representation by the court at the hearing. At the hearing, the court shall determine whether such client remains in need of placement or housing in such facility.

E. In the case of any emergency admission to a facility in this state for any client out-of-state or a resident of this state, if a juvenile judge cannot be reached for a hearing and court order, the client shall be allowed a hearing by any court of competent jurisdiction on the next business day to determine whether admission to such facility is needed by the client.

F. The provisions of this act shall apply to all facilities operating in this state that have clients currently admitted to such facility without a court order. Such facilities shall report such clients immediately to the Department of Human Services for a hearing by the Department to determine whether the facility has authority to retain such client and whether such client has need of continued admission to such facility. The provision of this subsection shall not apply when a parent, guardian, or legal custodian has signed a formal admission statement and is in contact routinely with such client.

G. On and after the effective date of this act, within forty-eight (48) hours of any admission of any client to a facility operating in this state, the director of such facility shall notify, in writing, the Department of Human Services of every client admitted without a court order from a court of competent jurisdiction in this state. Every client admitted to any facility in this state shall have an assigned caseworker to protect the client's rights and interests while retained in any facility in this state.

H. All information received from any hearing or notice of admission received by the Department of Human Services shall be collected in a court database for statewide distribution to law enforcement agencies to locate missing children, and for tracking any out-of-state clients retained in this state for any reason, and clients not adjudicated as neglected, deprived, delinquent or in need of treatment but held in facilities in this state.

I. Failure of any director of a facility to report any client's admission to a facility without a court order from a court of competent jurisdiction in this state or other state if nonresident as provided by law in this act or other provision of law, shall, upon conviction, be guilty of a misdemeanor punishable by a Ten Thousand Dollar (\$10,000.00) fine or imprisonment in the county jail for a term of not more than ninety (90) days, or both such fine and imprisonment.

SECTION 4. This act shall become effective November 1, 2003.

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