ENGROSSED HOUSE
BILL NO. 2999

By: Winchester, McMullen, Smithson and Brannon of the House

and

Johnson (Mike) of the Senate

( children - Department of Human Services - cooperative agreements - repealing nine sections in Title 10 - Department of Juvenile Justice - codification -

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 611 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2006, the Department of Human Services shall establish a new office to be designated the Office of Community-based Youth Services. The Office of Community-based Youth Services shall:

1. Be the state planning and coordinating agency for statewide juvenile justice and delinquency prevention services;

2. Collect and disseminate information and engage in juvenile justice or delinquency prevention activities relating to the provisions of the Oklahoma Juvenile Code; and

3. Review and recommend approval to the Department of the comprehensive state plan for the prevention of child abuse and

neglect as provided in Section 1-227.3 of Title 63 of the Oklahoma Statutes.

B. Effective July 1, 2006, the following programs are established within the Office of Community-based Youth Services:

1. Programs for community intervention and diversion projects to prevent juvenile delinquency;

2. State programs for children who are potentially delinquent or who are adjudicated delinquent, or both;

3. The Delinquency and Youth Gang Intervention and Deterrence Act; and

4. Such other programs prescribed by the Director or by law.

C. Beginning July 1, 2006, the Office of Community-based Youth Services, in cooperation with the courts, shall develop programs which can be used to divert juveniles at risk of becoming delinquent from the formal court process. Such programs shall include, but not be limited to:

1. Alternative diversion programs for first-time offenders as defined by Section 7303-4.6 of Title 10 of the Oklahoma Statutes;

2. Teen court programs, subject to the requirements and procedures provided in Section 7303-4.6 of Title 10 of the Oklahoma Statutes; and

3. Teen substance abuse schools. A teen substance abuse school shall include any program approved by the court that provides educational, motivational and behavior modification instruction for juveniles who have chemical dependency problems.

D. Beginning July 1, 2006, the Department, in its role as coordinator for delinquency prevention services, shall:

1. In cooperation with local communities, establish guidelines for juvenile delinquency prevention and diversion programs for use in local communities, including but not limited to:

a. counseling programs,

b. recreational programs,

c. job skills workshops,

d. community public improvement projects,

e. mediation programs,

f. programs to improve relationships between juveniles and law enforcement personnel,

g. diagnostic evaluation services,

h. substance abuse prevention programs, and

i. independent living skills and self-sufficiency planning programs; and

2. Provide that personnel shall be available in each county of the state to assist local communities in developing and implementing community programs to prevent delinquency and to divert juveniles who have committed delinquent acts from committing further delinquent or criminal acts. The Department shall provide this service in each county either directly or by contract.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 612 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, through its Office of Community-based Youth Services, as planner and coordinator for the children and youth service system, is hereby authorized to and shall enter into agreements for the establishment and maintenance of community-based prevention and diversionary youth services programs 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 613 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, through its Office of Community-based Youth Services, as planner and coordinator for the children and youth service system, is hereby authorized to enter into financial agreements with federal, state and local agencies or entities of government, or with any private agency, for juvenile delinquency prevention programs and juvenile treatment programs.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 614 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, through its Office of Community-based Youth Services, is authorized to enter into agreements to establish or maintain community-based youth service programs, shelters and community intervention centers out of local, state and federal monies.

B. The Department, through its Office of Community-based Youth Services, shall take all necessary steps to develop and implement a diversity of community services and twenty-four-hour emergency youth shelters and shelter homes, as needed to provide for adequate and appropriate community-based care, treatment and rehabilitation of children in its care and supervision and in the custody and supervision of the Office of Juvenile Affairs and the Department of Human Services. Such community services shall be consistent with the treatment needs of the child and the protection of the public.

1. The Department, through its Office of Community-based Youth Services shall, to the extent reasonable and practicable, provide community services and community intervention centers to children in

the custody of the Office of Juvenile Affairs through financial agreements, as authorized in Sections 2 and 3 of this act.

2. The Department, through its Office of Community-based Youth Services shall establish procedures for the letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based services, community 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. 1. The Department, through its Office of Community-based Youth Services shall establish and maintain continued operation of community intervention centers. The centers shall be established pursuant to interlocal agreements between one or more municipalities, a service provider and the Department pursuant to rules promulgated by the Department. If the municipality chooses not to operate the community intervention center, the Department shall enter into a contract with a local youth services agency to operate a community intervention center. The service provider, whether a municipality or youth services agency, must have access to the management information system provided for in Section 7302-3.8 of Title 10 of the Oklahoma Statutes and must employ qualified staff, as determined by the Department.

2. The community intervention center shall serve as a short-term reception facility to receive and hold juveniles who have been

taken into custody by law enforcement agencies for the alleged violation of a municipal ordinance or state law and for whom detention is inappropriate or unavailable. The community intervention center may be a secure facility. Juveniles held in the community intervention facility shall not be isolated from common areas other than for short-term protective holding for combative or self-destructive behavior, as defined by the Office of Juvenile Affairs.

3. Juveniles shall not be held in a community intervention center for more than twenty-four (24) hours.

4. The community intervention center shall perform the following functions:

a. enter demographic information into the management information system provided for in Section 7302-3.8 of Title 10 of the Oklahoma Statutes,

b. immediately notify the parents or parent, guardian, or other person legally responsible for the care of the juvenile, or if such legally responsible person is unavailable the adult with whom the juvenile resides, that the juvenile has been taken into custody and to pick up the juvenile,

c. hold juveniles until they can be released to a parent, guardian, or other responsible adult or until a temporary placement can be secured, but in no event for longer than twenty-four (24) hours,

d. gather information to determine if the juvenile is in need of immediate medical attention, and

e. conduct an initial assessment pursuant to rules promulgated by the Department. Such initial assessment may be given without parental consent if the juvenile agrees to participate in the assessment. The on-site assessment shall be used to develop

recommendations to address the behavior of the juvenile and to divert the progression of the juvenile into the juvenile justice system in a municipal or district court, to determine if the juvenile is in need of nonemergency medical treatment, and to determine if the juvenile is the victim of violence. Information derived from the initial on-site assessment shall not be used in any phase of prosecution but may be used by the court following adjudication for the dispositional order and may be used for referrals to social services.

5. A juvenile alleged to have committed an offense which would be a felony if committed by an adult may be fingerprinted at a community intervention center. No other juveniles shall be fingerprinted at community intervention centers.

6. Community intervention centers shall be certified pursuant to standards established by the Office of Community-based Youth Services and rules promulgated by the Department.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 615 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Funds specifically appropriated to the Department of Human Services for designated Youth Services Agency programs for children and youth entitled to receive services from the Office of Juvenile Affairs or the Department of Human Services shall be made available through contracts negotiated by the Office of Community-based Youth Services to organizations designated by the Department as "Youth Services Agencies". 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 Department after full consideration of any recommendations of the Department of Human Services, the Office of Juvenile Affairs, and the Oklahoma

Association of Youth Services. Until the criteria is established by the Department, the criteria established by the Office of Juvenile Affairs 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 3 of this act, 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 or the Office of Juvenile Affairs 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.

B. The Department may also consider whether the agency has successfully completed the standard and programs audit review process by the Oklahoma Association of Youth Services and such other criteria as it determines appropriate. For purposes of this section, financial viability means the reasonably foreseeable ability to deliver the services contracted for during the period of the contract when payment for the services is anticipated to be received within sixty (60) days of the date a claim for payment is made.

C. Each Youth Services Agency receiving, by grant or contract from the Office of Juvenile Affairs on June 30, 2006, state funds specifically appropriated for community-based youth services programs, is hereby automatically designated a "Youth Services Agency".

D. The Department 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, or any Youth Services Agency whose designation as a Youth Services Agency is being terminated is entitled to an individual proceeding as provided in Article II of the Administrative Procedures Act.

E. The Department, through its Office of Community-based Youth Services, shall be the sole administrator of Youth Services Agency contracts. Any contracting procedure shall include a procedure structuring all contracts in a manner that will allow for the receipt of all properly available federal funds without negatively affecting the services to children and youth.

F. In any dispute between the Department and a Youth Services Agency involving the payment or nonpayment of a claim in excess of Two Thousand Five Hundred Dollars ($2,500.00), the Youth Services Agency shall be entitled to an individual proceeding as provided in Article II of the Administrative Procedures Act.

G. The Department is authorized to contract with the Oklahoma Association of Youth Services for evaluation, peer review, training and materials, and for statewide office support, including rental of office space and general technical assistance for Youth Services Agencies with which the Department has contracts.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 616 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, through its Office of Community-based Youth Services and the Office of Juvenile Affairs

are hereby authorized to, and shall, enter into cooperative agreements for the use by each Department of existing community-based programs, management information and client tracking systems, facility certification systems, community intervention centers and other shared resources as deemed necessary or appropriate by each Department.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 617 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, through its Office of Community-based Youth Services, shall establish a planning process that provides for collaborative ongoing planning for the development of goals and priorities for community services to children and youth. Said planning process shall be developed with the assistance of the Office of Planning and Coordination for Services to Children and Youth, other state agencies and agencies with whom the Department contracts to provide services to children and youth, including Youth Service Agencies, and shall provide for identification and assessment of community needs, establishment of goals and priorities, and program implementation and monitoring.

B. Through its planning process, the Department shall develop a three-year State Plan for Community-based Youth Services which shall be included in the State Plan for Services to Children and Youth required by Section 601.6b of Title 10 of the Oklahoma Statutes. The plan should be regularly reviewed and modified as necessary.

C. The agency budget recommendations of the Department for services to children and youth shall be based upon documented needs, and the development of budget recommendations and priorities shall be closely integrated with agency and interagency program planning and management.

D. As a part of the program planning and monitoring processes of the Department, it shall examine its programs and services to

children and youth to ensure that the practices within them do not operate to the detriment of minority children and youth.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 618 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, through its Office of Community-based Youth Services, shall carefully define and monitor the services and programs of the Department as to their purpose, the population served and performance expectations. In order to maintain a stable network of services to children and youth, new programs and services and major modifications to existing programs and services shall be made only after evaluation of their effect on other existing programs and services and communication and coordination with other existing public and private children and youth service providers in order to assure successful and cost-effective implementation of the program. An evaluation component that includes monitoring and evaluation of client outcomes shall be incorporated into all of the Commission's programs and services to children and youth, whether provided directly by the agency or through a contract.

1. All programs and services shall be designed to ensure the accessibility of the program to the persons served. Provision for transportation, child care and similar services necessary in order to assist persons to access the services shall be made. If the service is provided in an office setting, the service shall be available at times that will minimize disruption with school or work activities.

2. Programs and services shall be targeted to the areas of the state having the greatest need for them. The programs and services shall be designed to meet the needs of the area in which they are located. Programs and services intended for statewide

implementation shall be implemented first in those areas that have the greatest need for them.

3. Requests for proposals developed by the Commission shall be based upon documented service needs and identified priorities. The request for proposals shall clearly identify the program or service requirements, the population to be served, and performance expectations. The agency shall adopt clear, written guidelines to ensure uniformity in the management, monitoring and enforcement of contracts for services. If in-state private providers are unable or unwilling to respond to the proposal, then out-of-state providers should be encouraged to respond.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 619 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall from time to time, but not less often than annually, review its Community-based Youth Services programs and services and submit a report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Supreme Court of the State of Oklahoma, the Board of Juvenile Affairs, and the Human Services Commission. Such report shall include, but not be limited to:

1. An analysis and evaluation of programs and services continued, established and discontinued during the period covered by the report;

2. A description of programs and services which should be implemented; and

3. Relevant information concerning the demographics of the children comprising the population served by the Office of Community-based Youth Services during the period covered by the report.

SECTION 10. REPEALER 10 O.S. 2001, Sections 7302-3.3, 7302-3.4, 7302-3.5, 7302-3.7, 7302-3.8, 7302-3.9, 7302-3.10, 7302-

3.11 and Section 4, Chapter 4, O.S.L. 2002 (10 O.S. Supp. 2005, Section 7302-3.6a), are hereby repealed.

SECTION 11. This act shall become effective November 1, 2006.

Passed the House of Representatives the 15th day of March, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2006.

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Presiding Officer of the Senate