

CS for EHB 1295

1 THE STATE SENATE
2 Tuesday, April 12, 2005

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 1295

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1295 - By: PETERS
7 and LAMONS of the House and CRUTCHFIELD of the Senate.

8 [juveniles - modifying definitions - agreements for certain
9 youth service programs - designation as youth services
10 agencies - Department of Juvenile Justice - effective date -
11 emergency]

12 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7301-1.3, is
13 amended to read as follows:

14 Section 7301-1.3 When used in the Oklahoma Juvenile Code,
15 unless the context otherwise requires:

16 1. "Adjudicatory hearing" means a hearing to determine whether
17 the allegations of a petition filed pursuant to the provisions of
18 Article III of the Oklahoma Juvenile Code are supported by the
19 evidence and whether a juvenile should be adjudged to be a ward of
20 the court;

21 2. "Alternatives to secure detention" means those services and
22 facilities which are included in the State Plan for the
23 Establishment of Juvenile Detention Services adopted by the Board of
24 Juvenile Affairs and which are used for the temporary detention of

1 juveniles in lieu of secure detention in a juvenile detention
2 facility;

3 3. "Board" means the Board of Juvenile Affairs;

4 4. "Child" or "juvenile" means any person under eighteen (18)
5 years of age, except for any person sixteen (16) or seventeen (17)
6 years of age who is charged with any crime specified in subsection A
7 of Section 7306-1.1 of this title, or any person thirteen (13),
8 fourteen (14) or fifteen (15) years of age who is charged with
9 murder in the first degree pursuant to subsection B of Section 7306-
10 1.1 of this title or Section 7306-2.5 of this title, or any
11 individual who has been certified as an adult pursuant to Section
12 7303-4.3 of this title, or any individual against whom the
13 imposition of judgment and sentence has been deferred for any crime
14 specified in subsection A or B of Section 7306-1.1 of this title,
15 any individual against whom the imposition of judgment and sentence
16 has been deferred after certification as an adult pursuant to
17 Section 7303-4.3 of this title, or any person fifteen (15) years of
18 age or older and charged or certified as a youthful offender
19 pursuant to the Youthful Offender Act; provided that any person
20 under eighteen (18) years of age who is not convicted after being
21 charged with a crime pursuant to Section 7306-1.1 of this title, or
22 any individual who is not convicted after certification as an adult
23 pursuant to Section 7303-4.3 of this title, or any individual who is

1 not convicted as a youthful offender pursuant to the Youthful
2 Offender Act, shall continue to be subject to the jurisdiction of
3 the juvenile court;

4 5. "Child or juvenile in need of mental health treatment" means
5 a juvenile in need of mental health treatment as defined by the
6 Inpatient Mental Health Treatment of Children Act;

7 6. "Child or juvenile in need of supervision" means a juvenile
8 who:

- 9 a. has repeatedly disobeyed reasonable and lawful
10 commands or directives of the parent, legal guardian,
11 or other custodian,
- 12 b. is willfully and voluntarily absent from his home
13 without the consent of the parent, legal guardian, or
14 other custodian for a substantial length of time or
15 without intent to return,
- 16 c. is willfully and voluntarily absent from school, as
17 specified in Section 10-106 of Title 70 of the
18 Oklahoma Statutes, if the juvenile is subject to
19 compulsory school attendance, or
- 20 d. has been served with an ex parte or final protective
21 order pursuant to the Protection from Domestic Abuse
22 Act;

1 7. "Community-based" means a facility, program or service, or
2 open group home or other suitable place located near the home or
3 family of the juvenile, and programs of community supervision and
4 service which maintain community participation in their planning,
5 operation, and evaluation. These programs may include but are not
6 limited to medical, educational, vocational, social, and
7 psychological guidance, training, counseling, alcoholism treatment,
8 drug treatment, diversion programs for first-time offenders,
9 transitional living, independent living and other rehabilitative
10 services;

11 8. "Community intervention center" means a facility which
12 serves as a ~~short-term reception facility to receive and hold~~
13 juveniles and assessment center for children who are taken into
14 custody by law enforcement for an alleged violation of a probation
15 or parole agreement, municipal ordinance or state law, as provided
16 for in subsection D of Section 7302-3.5 of this title;

17 9. "Community residential center" means a residential facility
18 for no more than twenty juveniles which offers a range of services
19 including personal and social services, and emphasizes normal group
20 living, school attendance, securing employment, and general
21 participation in the community;

22 10. "Day treatment" means a program which provides intensive
23 services to juveniles who reside in their own home, the home of a

1 relative, or a foster home. Day treatment programs include
2 educational services and may be operated as a part of a residential
3 facility;

4 11. "Delinquent child or juvenile" means a juvenile who:

5 a. has violated any federal or state law or municipal
6 ordinance except a traffic statute or traffic
7 ordinance or any provision of the Oklahoma Wildlife
8 Conservation Code, the Oklahoma Vessel and Motor
9 Regulation Act or the Oklahoma Boating Safety
10 Regulation Act, or has violated any lawful order of
11 the court made pursuant to the provisions of the
12 Oklahoma Juvenile Code, or

13 b. has habitually violated traffic laws, traffic
14 ordinances or boating safety laws or rules;

15 12. "Department" means the Department of Juvenile Justice;

16 13. "Deputy Director" means the Deputy Director of the
17 Department of Juvenile Justice;

18 14. "Dispositional hearing" means a hearing to determine the
19 order of disposition which should be made with respect to a juvenile
20 adjudged to be a ward of the court;

21 15. "Executive Director" means the Executive Director of the
22 Office of Juvenile Affairs;

1 16. "Facility" means a place, an institution, a building or
2 part thereof, a set of buildings, or an area whether or not
3 enclosing a building or set of buildings which is used for the
4 lawful custody and treatment of juveniles. A facility shall not be
5 considered a correctional facility subject to the provisions of
6 Title 57 of the Oklahoma Statutes;

7 17. "Graduated sanctions" means a calibrated system of
8 sanctions designed to ensure that juvenile offenders face uniform,
9 immediate, and consistent consequences that correspond to the
10 seriousness of each offender's current offense, prior delinquent
11 history, and compliance with prior interventions;

12 18. "Group home" means a residential facility housing no more
13 than twelve juveniles with a program which emphasizes family-style
14 living in a homelike environment. Said group home may also offer a
15 program within the community to meet the specialized treatment needs
16 of its residents. A group home shall not be considered a
17 correctional facility subject to the provisions of Title 57 of the
18 Oklahoma Statutes;

19 19. "Independent living program" means a program designed to
20 assist a juvenile to enhance skills and abilities necessary for
21 successful adult living and may include but shall not be limited to
22 minimal direct staff supervision and supportive services in making
23 the arrangements necessary for an appropriate place of residence,

1 completing an education, vocational training, obtaining employment
2 or other similar services;

3 20. "Institution" means a residential facility offering care
4 and treatment for more than twenty residents. An institution shall
5 not be considered a correctional facility subject to the provisions
6 of Title 57 of the Oklahoma Statutes. Said institution may:

7 a. have a program which includes community participation
8 and community-based services, or

9 b. be a secure facility with a program exclusively
10 designed for a particular category of resident;

11 21. "Juvenile detention facility" means a secure facility which
12 meets the certification standards of the Department and which is
13 entirely separate from any prison, jail, adult lockup, or other
14 adult facility, for the temporary care of children. A juvenile
15 detention facility shall not be considered a correctional facility
16 subject to the provisions of Title 57 of the Oklahoma Statutes;

17 22. "Mental health facility" means a mental health facility as
18 defined by the Inpatient Mental Health Treatment of Children Act;

19 23. "Municipal juvenile facility" means a facility other than a
20 community intervention center that accepts a child under eighteen
21 (18) years of age charged with violating a municipal ordinance and
22 meets the requirements of Section 7303-1.2 of this title;

23 24. "Office" means the Office of Juvenile Affairs;

1 25. "Person responsible for a juvenile's health or welfare"
2 includes a parent, a legal guardian, custodian, a foster parent, a
3 person eighteen (18) years of age or older with whom the juvenile's
4 parent cohabitates or any other adult residing in the home of the
5 child, an agent or employee of a public or private residential home,
6 institution or facility, or an owner, operator, or employee of a
7 child care facility as defined by Section 402 of this title;

8 26. "Preliminary inquiry" or "intake" means a mandatory,
9 preadjudicatory interview of the juvenile and, if available, the
10 parents, legal guardian, or other custodian of the juvenile, which
11 is performed by a duly authorized individual to determine whether a
12 juvenile comes within the purview of the Oklahoma Juvenile Code,
13 whether nonadjudicatory alternatives are available and appropriate,
14 and if the filing of a petition is necessary;

15 27. "Probation" means a legal status created by court order
16 whereby a delinquent juvenile is permitted to remain outside a
17 Department of Juvenile Justice facility directly or by contract
18 under prescribed conditions and under supervision by the Department,
19 subject to return to the court for violation of any of the
20 conditions prescribed;

21 28. "Rehabilitative facility" means a facility maintained by
22 the state exclusively for the care, education, training, treatment,
23 and rehabilitation of juveniles in need of supervision;

1 29. "Secure detention" means the temporary care of juveniles
2 who require secure custody in physically restricting facilities:

- 3 a. while under the continuing jurisdiction of the court
4 pending court disposition, or
5 b. pending placement by the Department of Juvenile
6 Justice after adjudication;

7 30. "Training school" or "secure facility" means a facility,
8 maintained by the state exclusively for the care, education,
9 training, treatment, and rehabilitation of delinquent juveniles or
10 youthful offenders which relies on locked rooms and buildings, and
11 fences for physical restraint in order to control behavior of its
12 residents. A training school or secure facility shall not be
13 considered a correctional facility subject to the provisions of
14 Title 57 of the Oklahoma Statutes; and

15 31. "Transitional living program" means a residential program
16 that may be attached to an existing facility or operated solely for
17 the purpose of assisting juveniles to develop the skills and
18 abilities necessary for successful adult living. Said program may
19 include but shall not be limited to reduced staff supervision,
20 vocational training, educational services, employment and employment
21 training, and other appropriate independent living skills training
22 as a part of the transitional living program.

1 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7302-3.5, is
2 amended to read as follows:

3 Section 7302-3.5 A. The Department of Juvenile Justice is
4 authorized to enter into agreements to establish or maintain
5 community-based youth service programs, shelters and community
6 intervention centers out of local, state and federal monies.

7 B. The Department shall take all necessary steps to develop and
8 implement a diversity of community services and community
9 residential care as needed to provide for adequate and appropriate
10 community-based care, treatment and rehabilitation of children in
11 the custody of the Department. Such community services and
12 residential care shall be consistent with the treatment needs of the
13 child and the protection of the public.

14 1. The Department shall, to the extent reasonable and
15 practicable, provide community services, community residential care
16 and community intervention centers to children in the custody of the
17 Department through financial agreements, as authorized in Sections
18 7302-3.3 and 7302-3.4 of this title.

19 2. The Department shall establish procedures for the letting of
20 grants or contracts, and the conditions and requirements for the
21 receipt of such grants or contracts, for community-based services,
22 community residential care and community intervention centers. A

1 copy of such procedures shall be made available to any member of the
2 general public upon request.

3 C. Any state agency letting grants or contracts for the
4 establishment of community residential care or treatment facilities
5 for children shall require, as a condition for receipt of such
6 grants or contracts, documented assurance from the agency or
7 organization establishing such facility that appropriate
8 arrangements have been made for providing the educational services
9 to which residents of the facility are entitled pursuant to state
10 and federal law.

11 D. 1. The Department shall ~~implement a pilot program for~~
12 ~~establishment and~~ maintain continued operation of community
13 intervention centers. The centers shall be established pursuant to
14 interlocal agreements between one or more municipalities and the
15 Office of Juvenile Affairs pursuant to rules promulgated by the
16 Office. The municipality may enter into subcontracts with one or
17 more service providers, subject to the approval by the Office of
18 Juvenile Affairs. The service provider, whether a municipality or
19 other entity, must have access to the management information system
20 provided for in Section 7302-3.8 of this title and must employ
21 qualified staff, as determined by the Office of Juvenile Affairs.

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

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

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

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

- 13 a. enter demographic information into the management
14 information system provided for in Section 7302-3.8 of
15 this title,
16 b. immediately notify the parents or parent, guardian, or
17 other person legally responsible for the juvenile's
18 care, or if such legally responsible person is
19 unavailable the adult with whom the juvenile resides,
20 that the juvenile has been taken into custody and to
21 pick up the juvenile, and
22 c. hold juveniles until they can be released to a parent,
23 guardian, or other responsible adult or until a

1 temporary placement can be secured, but in no event
2 for longer than twenty-four (24) hours.

3 ~~5. The community intervention center may perform the following~~
4 ~~functions:~~

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

7 ~~b. e.~~ conduct an initial on-site assessment pursuant to
8 rules promulgated by the Office of Juvenile Affairs.
9 Such initial assessment may be given without parental
10 consent if the juvenile agrees to participate in the
11 assessment, ~~and~~

12 ~~e.~~ ~~conduct an assessment pursuant to a Problem Behavior~~
13 ~~Inventory or a Mental Status Checklist or an~~
14 ~~equivalent assessment instrument authorized by rules~~
15 ~~promulgated by the Office of Juvenile Affairs, if~~
16 ~~written permission to do so is obtained from the~~
17 ~~parent, guardian or other person legally responsible~~
18 ~~for the juvenile's care. Such person and the juvenile~~
19 ~~may review the assessment instrument prior to the~~
20 ~~assessment process, must be informed that~~
21 ~~participation in the assessment is voluntary and that~~
22 ~~refusal to participate shall not result in any~~
23 ~~penalty, and must sign a written acknowledgment that~~

1 ~~they were given an opportunity to review the~~
2 ~~assessment instrument.~~ The on-site assessment shall
3 be used to develop a service plan or recommendations
4 to correct the behavior of the juvenile, to divert the
5 progression of the juvenile into the juvenile justice
6 system in a municipal or district court, to determine
7 if the juvenile is in need of nonemergency medical
8 treatment, and to determine if the juvenile is the
9 victim of violence. Information derived from the
10 initial on-site assessment shall not be used in any
11 phase of prosecution but ~~may~~ shall be made available
12 to be used by the court following adjudication for the
13 dispositional order and may be used for referrals to
14 social services.

15 ~~6.~~ 5. A juvenile alleged to have committed an offense which
16 would be a felony if committed by an adult may be fingerprinted at a
17 community intervention center. No other juveniles shall be
18 fingerprinted at community intervention centers.

19 ~~7.~~ 6. Community intervention centers shall be certified
20 pursuant to standards established and rules promulgated by the
21 ~~Office~~ Board of Juvenile Affairs.

1 SECTION 3. AMENDATORY Section 4, Chapter 4, O.S.L. 2002
2 (10 O.S. Supp. 2004, Section 7302-3.6a), is amended to read as
3 follows:

4 Section 7302-3.6a A. Funds specifically appropriated to the
5 Office of Juvenile Affairs for designated Youth Services Agency
6 programs for both the Department of Juvenile Justice and the
7 Department of Human Services shall be made available through
8 contracts negotiated by the Department of Juvenile Justice, to
9 organizations designated by the Department of Juvenile Justice as
10 "Youth Services Agencies". ~~Such designations~~ Designations shall be
11 granted based on need, as indicated in the State Plan for Services
12 to Children and Youth, and in accordance with criteria approved by
13 the Board of Juvenile Affairs after full consideration of any
14 recommendations of the Department of Human Services and the Oklahoma
15 Association of Youth Services. Until the criteria is established by
16 the Board, the criteria established by the Commission for Human
17 Services shall remain in effect. The criteria for designation of
18 Youth Services Agencies shall include but shall not be limited to:

- 19 1. Capability to deliver all or part of the compensable
20 services enumerated in Section 7302-3.3 of Title 10 of the Oklahoma
21 Statutes, if the Youth Services Agency is to provide such services;
- 22 2. Capability to deliver all or part of the compensable
23 children's services that the Department of Human Services is

1 authorized to provide for by contract with a private agency, if the
2 Youth Services Agency is to provide such services;

3 3. Adequate and qualified staff who are available as needed,
4 within a reasonable time after being contacted for services in each
5 county served by the agency;

6 4. Adequate services in each county served by the agency;

7 5. Financial viability; and

8 6. A documented need for the local services to be offered.

9 B. The criteria for designation of Youth Services Agencies also
10 may include:

11 1. Successful completion of peer review processes by the
12 Oklahoma Association of Youth Services; and

13 2. Such other criteria as the Board of Juvenile Affairs
14 determines appropriate.

15 C. Each Youth Services Agency receiving, by grant or contract
16 from the Department of Human Services on June 30, 1995, state funds
17 specifically appropriated for community-based youth services
18 programs, is hereby automatically designated a "Youth Services
19 Agency".

20 D. The Department of Juvenile Justice, after the opportunity
21 for an administrative hearing, may terminate the designation of a
22 Youth Services Agency that:

23 1. Is seriously deficient in the administration of its program;

1 2. Loses financial viability; or
2 3. Fails to successfully complete the peer review process by
3 the Oklahoma Association of Youth Services.

4 Any applicant organization denied designation as a Youth
5 Services Agency may request an administrative hearing from the
6 Department. The Board of Juvenile Affairs shall establish an
7 administrative hearing and appeal process. Until the administrative
8 hearing and appeal process is established, the hearing and appeal
9 process established for this section by the Commission for Human
10 Services shall remain in effect.

11 E. The Department of Juvenile Justice shall be the sole
12 administrator of Youth Services Agency contracts. Any contracting
13 procedure shall include a procedure for converting all contracts to
14 a system of payment which will be structured in a manner that will
15 allow for the receipt of all available federal funds.

16 F. The Department of Juvenile Justice and the Department of
17 Human Services shall enter into a cooperative agreement that
18 establishes procedures to ensure the continuation of services
19 provided for in paragraph 2 of subsection A of this section by Youth
20 Services Agencies. The Department of Juvenile Justice shall consult
21 with the Department of Human Services when assessing the capability
22 of a Youth Services Agency to deliver services pursuant to paragraph
23 2 of subsection A of this section.

1 G. The Office of Juvenile Affairs is authorized to contract
2 with the Oklahoma Association of Youth Services for evaluation,
3 training and materials for the First Time Offender Program and for
4 statewide office support, including rental of office space and
5 general technical assistance for Youth Services Agencies with which
6 the Office of Juvenile Affairs has contracts.

7 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7302-5.1, is
8 amended to read as follows:

9 Section 7302-5.1 A. The Department of Juvenile Justice shall
10 provide intake, probation and parole services for juveniles and may
11 enter into agreements to supplement probationary services to
12 juveniles in any county. The Department may participate in federal
13 programs for juvenile probation officers, and may apply for,
14 receive, use and administer federal funds for such purpose.

15 B. A pre-adjudicatory substance abuse assessment of a child may
16 be conducted in conjunction with a court intake or preliminary
17 inquiry pursuant to an alleged delinquent act or upon admission to a
18 juvenile detention facility through the use of diagnostic tools
19 including, but not limited to, urinalysis, structured interviews or
20 substance abuse projective testing instruments.

21 1. Information gained from the substance abuse assessment
22 pursuant to this subsection shall be used only for substance abuse
23 treatment and for no other purpose. The results shall not be used

1 in any evidentiary or fact-finding hearing in a juvenile proceeding
2 or as the sole basis for the revocation of a community-based
3 placement or participation in a community-based program.

4 2. The results of the substance abuse assessment may be given
5 to the child's intake, probation or parole counselor, the parent or
6 guardian of the child or to the child's attorney. In accordance
7 with the guidelines established pursuant to the Serious and Habitual
8 Juvenile Offender Program and Section 620.6 of this title, the
9 counselor may also provide the results of the substance abuse
10 assessment to medical personnel, therapists, school personnel or
11 others for use in the treatment and rehabilitation of the child.

12 C. In accordance with the guidelines adopted pursuant to the
13 Serious and Habitual Juvenile Offender Program, the Department of
14 Juvenile Justice and the juvenile bureaus shall implement:

15 1. Court intake risk-assessment for children alleged or
16 adjudicated to be delinquent;

17 2. The imposition of administrative sanctions for the violation
18 of a condition of probation or parole;

19 3. A case management system for ensuring appropriate:

20 a. diversion of youth from the juvenile justice system,

21 b. services for and supervision of all youth on pre-
22 adjudicatory or postadjudicatory probation or on

1 parole, and for juvenile offenders in the custody of
2 the Department of Juvenile Justice, and
3 c. intensive supervision of serious and habitual
4 offenders and communication between law enforcement
5 and juvenile court personnel and others regarding such
6 offenders; and

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

10 D. 1. The Department of Juvenile Justice shall establish
11 directly and by contract, the services necessary to implement the
12 Serious and Habitual Juvenile Offender Program including, but not
13 limited to:

- 14 a. misdemeanor and non-serious first-time offender
15 programs,
- 16 b. tracking and mentor services,
- 17 c. weekend detention,
- 18 d. five-day out-of-home sanction placements,
- 19 e. short-term thirty-day intensive, highly structured
20 placements,
- 21 f. transitional programs,
- 22 g. substance abuse treatment and diagnostic and
23 evaluation programs, and

1 h. day treatment programs.

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

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

- 9 a. the Department of Juvenile Justice,
- 10 b. a first-time offender program within a designated
11 youth services agency,
- 12 c. any metropolitan county juvenile bureau, or
- 13 d. any county operating a juvenile bureau.

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

- 16 a. structured interviews,
- 17 b. standardized literacy testing instruments which
18 measure the educational proficiency of the child, and
- 19 c. any other measure used to determine:
 - 20 (1) whether a child is reading at an age-appropriate
21 level, and
 - 22 (2) the child's capacity to read at such level.

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

- 10 4. a. Upon request, the results of the literacy skills
11 assessment shall be given to the following:
- 12 (1) the child's intake, probation or parole
13 counselor,
 - 14 (2) the parent or guardian of the child, or
 - 15 (3) the child's attorney.
- 16 b. In accordance with the guidelines established pursuant
17 to the Serious and Habitual Juvenile Offender Program
18 and Section 620.6 of this title, the counselor may
19 also provide the results of the literacy skills
20 assessment to therapists, school personnel or others
21 for use in the training and rehabilitation of the
22 child.

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

6 b. If the child is adjudicated delinquent or in need of
7 supervision or is being detained as part of a deferral
8 of prosecution agreement, deferral to file agreement
9 or a deferral sentence agreement, and the results of
10 the literacy skills assessment show that the child is
11 not reading at an age-appropriate level but has the
12 capacity to improve his or her reading skills, the
13 child shall be required to actively participate in a
14 literacy skills improvement program which may include,
15 but not be limited to, a program of instruction
16 through a public or private school, including any
17 technology center school, of this state or any other
18 state. The child shall provide documentation of
19 substantial quantifiable literacy improvement,
20 sufficient to demonstrate reading proficiency at an
21 age-appropriate or developmentally appropriate level;
22 provided, however, failure to demonstrate substantial

1 quantifiable literacy improvement shall not be the
2 sole basis for not dismissing a case against a child.

3 F. The Department of Juvenile Justice shall implement and
4 provide appropriate reintegration and transitional services for
5 juveniles transitioning from out-of-home placements to home.
6 Reintegration and transitional services shall include Community-at-
7 Risk Services, sanctions and surveillance. These services shall be
8 coordinated with all existing services available for juveniles under
9 probation and parole, and in addition may include, but not be
10 limited to:

11 1. Services for additional assessment, classification,
12 screening and selection criteria for program placements, case
13 management and services to the family;

14 2. Individualized case planning and management including, but
15 not limited to, family evaluations and services and community
16 involvement;

17 3. A balanced continuum of incentives and sanctions for
18 juveniles;

19 4. A network and linkage to all existing community resources
20 and social networks; and

21 5. Various methods and levels of supervision, tracking,
22 mentoring and monitoring.

1 G. Any time within four (4) months, but not less than thirty
2 (30) days, before the juvenile is released from an institution to
3 probation or parole and who is in need of reintegration or
4 transitional services in the determination of the Department, the
5 Department shall begin working with the person or persons
6 responsible for the juvenile's health and welfare, and any other
7 persons who will be present in the home environment where the
8 juvenile will be transitioned. The prerelease evaluations and
9 services may further coordinate with any community resources and
10 will be considered part of the individualized case plan and
11 management for a successful reintegration and transition to the home
12 environment and community.

13 H. Community intervention centers may be used for sanction
14 services.

15 I. As used in this section:

16 1. "Community-at-Risk Services" means a community-based program
17 provided to juveniles in custody or under the supervision of the
18 Department of Juvenile Justice to prevent out-of-home placement and
19 to reintegrate juveniles returning from placements. The program
20 shall include, but not be limited to: treatment plan development,
21 counseling, diagnostic and evaluation services, mentoring, tutoring
22 and supervision of youth in independent living;

1 2. "Sanctions" means a consequence imposed upon a juvenile
2 offender as a result of a criminal act or as a result of a violation
3 of a condition of probation or parole; and

4 3. "Surveillance" means tracking, electronic monitoring, face-
5 to-face contact or other services provided to a juvenile designed to
6 account for their activities.

7 SECTION 5. This act shall become effective July 1, 2005.

8 SECTION 6. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO
13 PASS, As Amended.