

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2741

By: Peters of the House

and

Burrage of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the children and juvenile code;
11 amending 10A O.S. 2011, Sections 2-1-102 and 2-1-103,
12 which relate to the Oklahoma Juvenile Code; modifying
13 legislative intent; clarifying definitions; amending
14 10A O.S. 2011, Sections 2-2-101, 2-2-102, 2-2-104 and
15 2-2-107, which relate to custody and court
16 proceedings; modifying circumstances that allow
17 taking a child into custody; clarifying juvenile
18 detention requirements and case transfer procedure;
19 providing preliminary inquiry procedures for intake
20 workers; directing district attorneys to determine
21 legal sufficiency of complaints; making diversion
22 services available for certain at-risk children;
23 providing for the use of diversion services after
24 supervision petition filed; prohibiting the filing of
supervision petition while participating in diversion
services; requiring notice when terminated from
diversion services program; construing certain
provision; amending 10A O.S. 2011, Section 2-2-301,
which relates to custodial interrogations and
appointment of counsel; clarifying manner in which
custodial interrogations may be conducted;
prohibiting certain information from being admitted
into evidence; providing representation for indigent
children; modifying guardian ad litem qualifications;
amending 10A O.S. 2011, Sections 2-2-402 and 2-2-404,
which relate to adjudicative hearings and delinquency

1 proceedings; clarifying privacy requirements for
2 adjudicative hearings; allowing open hearings under
3 certain circumstances; modifying circumstances that
4 allow for the deferral of delinquency proceedings;
5 amending 10A O.S. 2011, Sections 2-2-502 and 2-2-503,
6 which relate to treatment and service plans and
7 disposition orders; providing guidelines for
8 treatment and service plan assessment and evaluation
9 process; directing the Office of Juvenile Affairs to
10 identify risks and needs assessment instruments for
11 treatment and service plans; construing certain
12 provision; providing list of rights for disposition
13 hearings; authorizing use of sanctions under certain
14 circumstances; deleting certain redisposition
15 guidelines; prohibiting consideration of arrests,
16 detentions or adjudications for certain purposes;
17 amending 10A O.S. 2011, Section 2-2-701, which
18 relates to contempt of court violations; authorizing
19 issuance of bench warrants; defining terms;
20 describing contempt of court violations; modifying
21 punishment; amending 10A O.S. 2011, Section 2-3-101,
22 which relates to conditions of confinement; modifying
23 secure detention requirements; amending 10A O.S.
24 2011, Sections 2-6-101, 2-6-102 and 2-6-108, which
relate to records of juvenile cases; modifying
definitions; deleting and modifying exceptions to
confidentiality requirements; directing court to seal
records of delinquent proceedings; deleting directive
to establish certain records system; amending 10A
O.S. 2011, Sections 2-7-303 and 2-7-305, which relate
to community-based programs and youth shelters;
authorizing the use of school-based prevention
programs; allowing the Office of Juvenile Affairs to
enter into interlocal agreements with counties;
amending 10A O.S. 2011, Section 2-7-501, which
relates to probation services; directing the use of
common risk and needs assessments; amending 21 O.S.
2011, Section 1283, which relates to firearm
possession prohibitions; modifying certain prohibited
act; amending 43A O.S. 2011, Section 5-507, which
relates to the admission of deprived children;
clarifying manner in which minor children in state
custody may be admitted to hospital or treatment
facilities; amending 70 O.S. 2011, Section 24-101.3,
which relates to out-of-school suspensions; modifying
list of acts that provide for out-of-school

1 suspensions; repealing 10 O.S. 2011, Sections 22 and
2 24, which relate to personnel of state institutions
3 and the appointment of counsel; repealing 10 O.S.
4 2011, Sections 130.1, 130.2, 130.3, 130.4, 130.5,
5 130.6, 130.7, 130.8 and 130.9, which relate to
6 detention homes for juveniles; repealing 10 O.S.
7 2011, Section 1101.1, which relates to placement of
8 certain children in mental health facilities;
9 repealing 10A O.S. 2011, Section 2-2-806, which
10 relates to construction of certain juvenile custody
11 facility; providing for codification; and providing
12 an effective date.

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

10 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-1-102, is
11 amended to read as follows:

12 Section 2-1-102. It is the intent of the Oklahoma Legislature
13 ~~that Article 2 of this title shall be liberally construed, to the~~
14 ~~end that its purpose may be carried out.~~

15 ~~The purpose of the laws relating to juveniles alleged or~~
16 ~~adjudicated to be delinquent is to promote the public safety and~~
17 ~~reduce juvenile delinquency. This purpose should be pursued through~~
18 ~~means that are fair and just, that:~~

- 19 1. ~~Recognize the unique characteristics and needs of juveniles;~~
20 2. ~~Give juveniles access to opportunities for personal and~~
21 ~~social growth;~~

1 ~~3. Maintain the integrity of substantive law prohibiting~~
2 ~~certain behavior and developing individual responsibility for lawful~~
3 ~~behavior;~~

4 ~~4. Provide a system for the rehabilitation and reintegration of~~
5 ~~juvenile delinquents into society;~~

6 ~~5. Preserve and strengthen family ties whenever possible,~~
7 ~~including improvement of home environment;~~

8 ~~6. Remove a juvenile from the custody of parents if the welfare~~
9 ~~and safety of the juvenile or the protection of the public would~~
10 ~~otherwise be endangered;~~

11 ~~7. Secure for any juvenile removed from the custody of parents~~
12 ~~the necessary treatment, care, guidance and discipline to assist the~~
13 ~~juvenile in becoming a responsible and productive member of~~
14 ~~society; and~~

15 ~~8. Provide procedures through which the provisions of the law~~
16 ~~are executed and enforced and which will assure the parties fair~~
17 ~~hearings at which their rights as citizens are recognized and~~
18 ~~protected to recognize that children are different from adults.~~

19 Each child is unique and should be raised in a safe and secure
20 environment, allowing the child to mature and thrive as a successful
21 law-abiding citizen. All Oklahoma citizens and their property
22 should be protected from conduct by a child that would be a crime if
23 committed by an adult. All families and communities should create

1 environments that encourage children to complete an education
2 program, comply with state laws, develop job skills, practice good
3 citizenship, and establish a career. To serve these ends, the most
4 effective way of reducing juvenile delinquency and promoting public
5 safety is through prevention and rehabilitative programs that rely
6 upon individualized treatment and best practices. It is the intent
7 of the Legislature that state and local agencies collaborate and
8 maintain partnerships to meet the needs of children and their
9 families.

10 In accomplishing these goals, it is the purpose of the Oklahoma
11 Juvenile Code and the juvenile justice system to:

12 1. Protect the safety of the community through prevention
13 programs and rehabilitation of juvenile delinquents;

14 2. Hold children and their parents accountable for delinquent
15 behavior by requiring individualized treatment programs that correct
16 delinquent behavior and promote proper family support;

17 3. Require individual assessments for delinquent children and
18 their families and base individual treatment plans upon those
19 assessments;

20 4. Involve the family in the rehabilitation of a delinquent
21 child and, whenever possible and appropriate, maintain the child in
22 the home of the child;

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1 5. Involve and encourage the community in developing and
2 improving diversion, prevention, and treatment programs that keep
3 low-risk offenders out of court;

4 6. Develop probation programs that engage the community and the
5 family in preventing children from reoffending;

6 7. Develop individualized and effective treatment programs in
7 the community in order to provide rehabilitation for all juveniles
8 adjudicated as delinquent;

9 8. Develop a reintegration plan and program for every child
10 that is released back to the community after placement in a secure
11 facility. The reintegration plan and program shall involve the
12 family, the community, and the state so as to ensure that the
13 community is protected and to give the child the tools and resources
14 necessary to succeed;

15 9. Require the delivery of educational classes to juvenile
16 delinquents to keep the child engaged in school and enable the child
17 to graduate from high school;

18 10. Place children as close to their homes as possible when
19 effecting an out-of-home placement;

20 11. When appropriate, require the offender to make restitution
21 to the victim of the offense;

22 12. Require parents or guardians to participate to the best of
23 their ability in the rehabilitation of the juvenile; and

1 13. Develop criteria for admissions to out-of-home placements
2 that are based on assessments and evaluations of the likelihood of
3 the child to reoffend and the treatment needs of the child. Out-of-
4 home placements shall only be utilized when determined necessary for
5 the safety of the community or the rehabilitation of the child.

6 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-1-103, is
7 amended to read as follows:

8 Section 2-1-103. When used in the Oklahoma Juvenile Code,
9 unless the context otherwise requires:

10 1. "Adjudicatory hearing" means a hearing to determine whether
11 the allegations of a petition filed pursuant to the provisions of
12 Chapter 2 of the Oklahoma Juvenile Code are supported by the
13 evidence and whether a juvenile should be adjudged to be a ward of
14 the court;

15 2. "Alternatives to secure detention" means those services and
16 facilities which are included in the State Plan for the
17 Establishment of Juvenile Detention Services adopted by the Board of
18 Juvenile Affairs and which are used for the temporary detention of
19 juveniles in lieu of secure detention in a juvenile detention
20 facility;

21 3. "Behavioral health" means mental health, substance abuse or
22 co-occurring mental health and substance abuse diagnoses, and the
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1 continuum of mental health, substance abuse, or co-occurring mental
2 health and substance abuse treatment;

3 4. "Behavioral health facility" means a mental health or
4 substance abuse facility as provided for by the Inpatient Mental
5 Health and Substance Abuse Treatment of Minors Act;

6 5. "Board" means the Board of Juvenile Affairs;

7 6. "Child" or "juvenile" means any person under eighteen (18)
8 years of age, except for any person charged and convicted for any
9 offense specified in the Youthful Offender Act or against whom
10 judgment and sentence has been deferred for such offense, or any
11 person who is certified as an adult pursuant to any certification
12 procedure authorized in the Oklahoma Juvenile Code for any offense
13 which results in a conviction or against whom judgment and sentence
14 has been deferred for such offense;

15 7. "Child or juvenile in need of mental health and substance
16 abuse treatment" means a juvenile in need of mental health and
17 substance abuse treatment as defined by the Inpatient Mental Health
18 and Substance Abuse Treatment of Minors Act;

19 8. "Child or juvenile in need of supervision" means a juvenile
20 who:

21 a. has repeatedly disobeyed reasonable and lawful
22 commands or directives of the parent, legal guardian,
23 or other custodian,

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- 1 b. is willfully and voluntarily absent from his home
2 without the consent of the parent, legal guardian, or
3 other custodian for a substantial length of time or
4 without intent to return,
- 5 c. is willfully and voluntarily absent from school, as
6 specified in Section 10-106 of Title 70 of the
7 Oklahoma Statutes, if the juvenile is subject to
8 compulsory school attendance, or
- 9 d. has been served with an ex parte or final protective
10 order pursuant to the Protection from Domestic Abuse
11 Act;

12 9. "Community-based" means a facility, program or service
13 located near the home or family of the juvenile, and programs of
14 community prevention, diversion, supervision and service which
15 maintain community participation in their planning, operation, and
16 evaluation. These programs may include but are not limited to
17 medical, educational, vocational, social, and psychological
18 guidance, training, counseling, alcoholism treatment, drug
19 treatment, prevention and diversion programs, diversion programs for
20 first-time offenders, transitional living, independent living and
21 other rehabilitative services;

22 10. "Community intervention center" means a facility which
23 serves as a short-term reception facility to receive and hold
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1 juveniles for an alleged violation of a municipal ordinance ~~or,~~
2 state law or status offense, as provided for in subsection D of
3 Section 2-7-305 of this title;

4 11. "Core community-based" means the following community-based
5 facilities, programs or services provided through contract with the
6 Office of Juvenile Affairs as provided in Section 2-7-306 of this
7 title:

- 8 a. screening, evaluation and assessment which includes a
9 face-to-face screening and evaluation to establish
10 problem identification and to determine the risk level
11 of a child or adolescent and may result in clinical
12 diagnosis or diagnostic impression,
- 13 b. treatment planning which includes preparation of an
14 individualized treatment plan which is usually done as
15 part of the screening, evaluation and assessment,
- 16 c. treatment plan reviewing which includes a
17 comprehensive review and evaluation of the
18 effectiveness of the treatment plan,
- 19 d. individual counseling which includes face-to-face,
20 one-on-one interaction between a counselor and a
21 juvenile to promote emotional or psychological change
22 to alleviate the issues, problems, and difficulties
23 that led to a referral, including ongoing assessment

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 of the status and response of the juvenile to
2 treatment as well as psychoeducational intervention,
3 e. group counseling which includes a method of treating a
4 group of individuals using the interaction between a
5 counselor and two or more juveniles ~~and/or~~ or parents
6 or guardians to promote positive emotional or
7 behavioral change, not including social skills
8 development or daily living skills,
9 f. family counseling which includes a face-to-face
10 interaction between a counselor and the family of the
11 juvenile to facilitate emotional, psychological or
12 behavior changes and promote successful communication
13 and understanding,
14 g. crisis intervention counseling which includes
15 unanticipated, unscheduled face-to-face emergency
16 intervention provided by a licensed level or qualified
17 staff with immediate access to a licensed provider to
18 resolve immediate, overwhelming problems that severely
19 impair the ability of the juvenile to function or
20 maintain in the community,
21 h. crisis intervention telephone support which includes
22 supportive telephone assistance provided by a licensed
23 level provider or qualified staff with immediate

1 access to a licensed provider to resolve immediate,
2 overwhelming problems that severely impair the ability
3 of the juvenile to function or maintain in the
4 community,

5 i. case management which includes planned linkage,
6 advocacy and referral assistance provided in
7 partnership with a client to support that client in
8 self-sufficiency and community tenure,

9 j. case management and home-based services which includes
10 that part of case management services dedicated to
11 travel for the purpose of linkage, advocacy and
12 referral assistance and travel to provide counseling
13 and support services to families of children as needed
14 to support specific youth and families in self-
15 sufficiency and community tenure,

16 k. individual rehabilitative treatment which includes
17 face-to-face service provided one-on-one by qualified
18 staff to maintain or develop skills necessary to
19 perform activities of daily living and successful
20 integration into community life, including educational
21 and supportive services regarding independent living,
22 self-care, social skills regarding development,
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1 lifestyle changes and recovery principles and
2 practices,

3 1. group rehabilitative treatment which includes face-to-
4 face group services provided by qualified staff to
5 maintain or develop skills necessary to perform
6 activities of daily living and successful integration
7 into community life, including educational and
8 supportive services regarding independent living,
9 self-care, social skills regarding development,
10 lifestyle changes and recovery principles and
11 practices,

12 m. community-based prevention services which include
13 services delivered in an individual or group setting
14 by a qualified provider designed to meet the services
15 needs of a child or youth and family of the child or
16 youth who has been referred because of identified
17 problems in the family or community. The group
18 prevention planned activities must be focused on
19 reducing the risk that individuals will experience
20 behavioral, substance abuse or delinquency-related
21 problems. Appropriate curriculum-based group
22 activities include, but are not limited to, First
23 Offender groups, prevention and relationship
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1 enhancement groups, anger management groups, life
2 skills groups, substance abuse education groups,
3 smoking cessation groups, STD/HIV groups and parenting
4 groups,

5 n. individual paraprofessional services which include
6 services delineated in the treatment plan of the
7 juvenile which are necessary for full integration of
8 the juvenile into the home and community, but do not
9 require a professional level of education and
10 experience. Activities include assisting families
11 with Medicaid applications, assisting with school and
12 General Educational Development (GED) enrollment,
13 assisting youth with independent living arrangements,
14 providing assistance with educational problems and
15 deficiencies, acting as a role model for youth while
16 engaging them in community activities, assisting youth
17 in seeking and obtaining employment, providing
18 transportation for required appointments and
19 activities, participating in recreational activities
20 and accessing other required community support
21 services necessary for full community integration and
22 successful treatment,

- 1 o. tutoring which includes a tutor and student working
2 together as a learning team to bring about overall
3 academic success, improved self-esteem and increased
4 independence as a learner for the student,
- 5 p. community relations which include public or community
6 relations activities directed toward the community or
7 public at large or any segment of the public to
8 encourage understanding, accessibility and use of
9 community-based facilities, programs or services,
- 10 q. emergency shelter beds and shelter host homes which
11 include emergency shelter care for juveniles referred
12 to the program needing shelter care within the State
13 of Oklahoma,
- 14 r. transitional living programs which include a
15 structured program to help older homeless youth
16 achieve self-sufficiency and avoid long-term
17 dependence on social services,
- 18 s. community-at-risk services (C.A.R.S.) which include a
19 program provided to juveniles in custody or under the
20 supervision of the Office of Juvenile Affairs or a
21 juvenile bureau to prevent out-of-home placement and
22 to reintegrate juveniles returning from placements.
23 The program shall include, but not be limited to,

1 treatment plan development, counseling, diagnostic and
2 evaluation services, mentoring, tutoring, and
3 supervision of youth in independent living,

4 t. first offender programs which include alternative
5 diversion programs, as defined by Section 2-2-404 of
6 this title, and

7 u. other community-based facilities, programs or services
8 designated by the Board as core community-based
9 facilities, programs or services;

10 12. "Day treatment" means a program which provides intensive
11 services to juveniles who reside in their own home, the home of a
12 relative, or a foster home. Day treatment programs include
13 educational services and may be operated as a part of a residential
14 facility;

15 13. "Delinquent child or juvenile" means a juvenile who:

16 a. has violated any federal or state law or municipal
17 ordinance except a traffic statute or traffic
18 ordinance or any provision of the Oklahoma Wildlife
19 Conservation Code, the Oklahoma Vessel and Motor
20 Regulation Act or the Oklahoma Boating Safety
21 Regulation Act, or has violated any lawful order of
22 the court made pursuant to the provisions of the
23 Oklahoma Juvenile Code, or

1 b. has habitually violated traffic laws, traffic
2 ordinances or boating safety laws or rules;

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

6 15. "Executive Director" means the Executive Director of the
7 Office of Juvenile Affairs;

8 16. "Facility" means a place, an institution, a building or
9 part thereof, a set of buildings, or an area whether or not
10 enclosing a building or set of buildings which is used for the
11 lawful custody and treatment of juveniles. A facility shall not be
12 considered a correctional facility subject to the provisions of
13 Title 57 of the Oklahoma Statutes;

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

19 18. "Group home" means a residential facility with a program
20 which emphasizes family-style living in a homelike environment.
21 Said group home may also offer a program within the community to
22 meet the specialized treatment needs of its residents. A group home
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1 shall not be considered a correctional facility subject to the
2 provisions of Title 57 of the Oklahoma Statutes;

3 19. "Independent living program" means a program designed to
4 assist a juvenile to enhance skills and abilities necessary for
5 successful adult living and may include but shall not be limited to
6 minimal direct staff supervision and supportive services in making
7 the arrangements necessary for an appropriate place of residence,
8 completing an education, vocational training, obtaining employment
9 or other similar services;

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

- 14 a. have a program which includes community participation
15 and community-based services, or
16 b. be a secure facility with a program exclusively
17 designed for a particular category of resident;

18 21. "Juvenile detention facility" means a secure facility which
19 meets the certification standards of the Office and which is
20 entirely separate from any prison, jail, adult lockup, or other
21 adult facility, for the temporary care of children. A juvenile
22 detention facility shall not be considered a correctional facility
23 subject to the provisions of Title 57 of the Oklahoma Statutes;

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1 22. "Municipal juvenile facility" means a facility other than a
2 community intervention center that accepts a child under eighteen
3 (18) years of age charged with violating a municipal ordinance and
4 meets the requirements of Section 2-2-102 of this title;

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

6 24. "Peer Review" means an initial or annual review and report
7 to the Office of Juvenile Affairs of the organization, programs,
8 records and financial condition of a Youth Services Agency by the
9 Oklahoma Association of Youth Services, or another Oklahoma
10 nonprofit corporation whose membership consists solely of Youth
11 Services Agencies and of whom at least a majority of Youth Services
12 Agencies are members. An annual review may consist of a review of
13 one or more major areas of the operation of the Youth Services
14 Agency being reviewed;

15 25. "Person responsible for a juvenile's health or welfare"
16 includes a parent, a legal guardian, custodian, a foster parent, a
17 person eighteen (18) years of age or older with whom the juvenile's
18 parent cohabitates or any other adult residing in the home of the
19 child, an agent or employee of a public or private residential home,
20 institution or facility, or an owner, operator, or employee of a
21 child care facility as defined by Section 402 of Title 10 of the
22 Oklahoma Statutes;

1 26. "Preliminary inquiry" or "intake" means a mandatory,
2 preadjudicatory interview of the juvenile and, if available, the
3 parents, legal guardian, or other custodian of the juvenile, which
4 is performed by a duly authorized individual to determine whether a
5 juvenile comes within the purview of the Oklahoma Juvenile Code,
6 whether nonadjudicatory alternatives are available and appropriate,
7 and if the filing of a petition is necessary;

8 27. "Probation" means a legal status created by court order
9 whereby a delinquent juvenile is permitted to remain outside an
10 Office of Juvenile Affairs facility directly or by contract under
11 prescribed conditions and under supervision by the Office, subject
12 to return to the court for violation of any of the conditions
13 prescribed;

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

17 29. "Responsible adult" means a stepparent, foster parent,
18 person related to the juvenile in any manner who is eighteen (18)
19 years of age or older, or any person having an obligation and
20 authority to care for or safeguard the juvenile in the absence of
21 another person who is eighteen (18) years of age or older;

22 30. "Secure detention" means the temporary care of juveniles who
23 require secure custody in physically restricting facilities:

- 1 a. while under the continuing jurisdiction of the court
2 pending court disposition, or
3 b. pending placement by the Office of Juvenile Affairs
4 after adjudication;

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

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

21 33. "Youth Services Agency" means a nonprofit corporation with
22 a local board of directors, officers and staff that has been
23 designated by the Board as a Youth Services Agency, that is peer
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1 reviewed annually, and that provides community-based facilities,
2 programs or services to juveniles and their families in the youth
3 services service area in which it is located.

4 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-2-101, is
5 amended to read as follows:

6 Section 2-2-101. A. A child may be taken into custody prior to
7 the filing of a petition alleging that the child is delinquent or in
8 need of supervision:

9 1. By a peace officer, without a court order for any criminal
10 offense for which the officer is authorized to arrest an adult
11 without a warrant, ~~or if the child is willfully and voluntarily~~
12 ~~absent from the home of the child without the consent of the parent,~~
13 ~~legal guardian, legal custodian or other person having custody and~~
14 ~~control of the child for a substantial length of time or without~~
15 ~~intent to return,~~ or if the surroundings of the child are such as to
16 endanger the welfare of the child;

17 2. By a peace officer or an employee of the court without a
18 court order, if the child ~~is willfully and voluntarily absent~~ has
19 run away from the home ~~of the child~~ without the consent of the
20 ~~parent, legal guardian, legal custodian or other person having~~
21 ~~eustody and control of the child for a substantial length of time or~~
22 ~~without intent to return, or if the surroundings of the child are~~
23 ~~such as to endanger the welfare of the child~~ just cause or, in the

1 reasonable conclusion of the employee of the court or peace officer,
2 appears to have run away from home without just cause. For purposes
3 of this section, a peace officer may reasonably conclude that a
4 child has run away from home when the child refuses to give his or
5 her name or the name and address of a parent or other person legally
6 responsible for the care of the child or when the peace officer has
7 reason to doubt that the name and address given by the child are the
8 actual name and address of the parent or other person legally
9 responsible for the care of the child. A peace officer or court
10 employee is authorized by the court to take a child who has run away
11 from home or who, in the reasonable opinion of the peace officer,
12 appears to have run away from home, to a facility designated for
13 such purposes if the peace officer or court employee is unable to or
14 has determined that it is unsafe to return the child to the home of
15 the child or to the custody of his or her parent or other person
16 legally responsible for the care of the child. Any such facility
17 receiving a child shall inform a parent or other person responsible
18 for the care of the child;

19 3. Pursuant to an order of the district court issued on the
20 application of the office of the district attorney. The application
21 presented by the district attorney shall be supported by a sworn
22 affidavit which may be based upon information and belief. The
23 application shall state facts sufficient to demonstrate to the court

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1 that there is probable cause to believe the child has committed a
2 crime or is in violation of the terms of probation, parole or order
3 of the court;

4 4. By order of the district court pursuant to subsection ~~E~~ F of
5 this section when the child is in need of medical or behavioral
6 health treatment or other action in order to protect the health or
7 welfare of the child and the parent, legal guardian, legal custodian
8 or other person having custody or control of the child is unwilling
9 or unavailable to consent to such medical or behavioral health
10 treatment or other action; and

11 5. Pursuant to an emergency ex parte or a final protective
12 order of the district court issued at the request of a parent or
13 legal guardian pursuant to the Protection from Domestic Abuse Act.

14 Any child referred to in this subsection shall not be considered
15 to be in the custody of the Office of Juvenile Affairs.

16 B. Whenever a child is taken into custody as a delinquent child
17 ~~or a child in need of supervision pursuant to subsection A of this~~
18 ~~section~~, the child shall be detained, held temporarily in the
19 custodial care of a peace officer or other person employed by a
20 police department, or be released to the custody of the parent of
21 the child, legal guardian, legal custodian, attorney or other
22 responsible adult, upon the written promise of such person to bring
23 the child to the court at the time fixed if a petition is to be

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 filed and to assume responsibility for costs for damages caused by
2 the child if the child commits any delinquent acts after being
3 released regardless of whether or not a petition is to be filed. It
4 shall be a misdemeanor for any person to sign the written promise
5 and then fail to comply with the terms of the promise. Any person
6 convicted of violating the terms of the written promise shall be
7 subject to imprisonment in the county jail for not more than six (6)
8 months or a fine of not more than Five Hundred Dollars (\$500.00), or
9 by both such fine and imprisonment. In addition, if a parent, legal
10 guardian, legal custodian, attorney or other responsible adult is
11 notified that the child has been taken into custody, it shall be a
12 misdemeanor for such person to refuse to assume custody of the child
13 within a timely manner. If detained, the child shall be taken
14 immediately before a judge of the district court in the county in
15 which the child is sought to be detained, or to the place of
16 detention or shelter designated by the court. If no judge be
17 available locally, the person having the child in custody shall
18 immediately report the detention of the child to the presiding judge
19 of the judicial administrative district, provided that the child
20 shall not be detained in custody beyond the next judicial day or for
21 good cause shown due to problems of arranging for and transporting
22 the child to and from a secure juvenile detention center, beyond the
23 second judicial day unless the court shall so order after a

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1 detention hearing to determine if there exists probable cause to
2 detain the child. The child shall be present at the detention
3 hearing or the image of the child may be broadcast to the judge by
4 closed-circuit television or any other electronic means that
5 provides for a two-way communication of image and sound between the
6 child and the judge. If the latter judge cannot be reached, such
7 detention shall be reported immediately to any judge regularly
8 serving within the judicial administrative district. If detained, a
9 reasonable bond for release shall be set. Pending further
10 disposition of the case, a child whose custody has been assumed by
11 the court may be released to the custody of a parent, legal
12 guardian, legal custodian, or other responsible adult or to any
13 other person appointed by the court, or be detained pursuant to
14 Chapter 3 of the Oklahoma Juvenile Code in such place as shall be
15 designated by the court, subject to further order.

16 C. When a child is taken into custody as a child in need of
17 supervision, the child shall be detained and held temporarily in the
18 custodial care of a peace officer or placed within a community
19 intervention center as defined in subsection D of Section 2-7-305 of
20 this title, an emergency shelter, emergency shelter host home, or be
21 released to the custody of the parent of the child, legal guardian,
22 legal custodian, attorney or other responsible adult, upon the

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1 written promise of such person to bring the child to court at the
2 time fixed if a petition is to be filed.

3 1. A child who is alleged or adjudicated to be in need of
4 supervision shall not be detained in any jail, lockup, or other
5 place used for adults convicted of a crime or under arrest and
6 charged with a crime.

7 2. A child who is alleged to be in need of supervision shall
8 not be held in a secure juvenile detention facility for any period
9 of time; provided, however, in communities where a community
10 intervention center, emergency shelter or emergency shelter host
11 home is not available, a child alleged to be in need of supervision
12 as a runaway may be detained in a juvenile detention facility to
13 effect the return of the child to his or her home or place of abode
14 but such detention shall not last longer than twenty-four (24)
15 hours.

16 D. When any child is taken into custody pursuant to this title
17 and it reasonably appears to the peace officer, employee of the
18 court or person acting pursuant to court order that the child is in
19 need of medical treatment to preserve the health of the child, any
20 peace officer, any employee of the court or person acting pursuant
21 to court order shall have the authority to authorize medical
22 examination and medical treatment for any child found to be in need
23 of medical treatment as diagnosed by a competent medical authority

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1 in the absence of the parent of the child, legal guardian, legal
2 custodian, or other person having custody and control of the child
3 who is competent to authorize medical treatment. The officer or the
4 employee of the court or person acting pursuant to court order shall
5 authorize said medical treatment only after exercising due diligence
6 to locate the parent of the child, legal guardian, legal custodian,
7 or other person legally competent to authorize said medical
8 treatment. The parent of the child, legal guardian, legal
9 custodian, or other person having custody and control shall be
10 responsible for such medical expenses as ordered by the court. No
11 peace officer, any employee of the court or person acting pursuant
12 to court order authorizing such treatment in accordance with the
13 provisions of this section for any child found in need of such
14 medical treatment shall have any liability, civil or criminal, for
15 giving such authorization.

16 ~~D.~~ E. A child who has been taken into custody as otherwise
17 provided by this Code who appears to be a minor in need of
18 treatment, as defined by the Inpatient Mental Health and Substance
19 Abuse Treatment of Minors Act, may be admitted to a behavioral
20 health treatment facility in accordance with the provisions of the
21 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.
22 The parent of the child, legal guardian, legal custodian, or other
23 person having custody and control shall be responsible for such

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1 behavioral health expenses as ordered by the court. No peace
2 officer, any employee of the court or person acting pursuant to
3 court order authorizing such treatment in accordance with the
4 provisions of this section for any child found in need of such
5 behavioral health evaluation or treatment shall have any liability,
6 civil or criminal, for giving such authorization.

7 ~~E.~~ F. 1. A child may be taken into custody pursuant to an
8 order of the court specifying that the child is in need of medical
9 treatment or other action to protect the health or welfare of the
10 child and the parent, legal guardian, legal custodian, or other
11 responsible adult having custody or control of a child is unwilling
12 or unavailable to consent to such medical treatment or other action.

13 2. If the child is in need of immediate medical treatment or
14 other action to protect the health or welfare of the child, the
15 court may issue an emergency ex parte order upon application of the
16 district attorney of the county in which the child is located. The
17 application for an ex parte order may be verbal or in writing and
18 shall be supported by facts sufficient to demonstrate to the court
19 that there is reasonable cause to believe that the child is in need
20 of immediate medical treatment or other action to protect the health
21 or welfare of the child. The emergency ex parte order shall be in
22 effect until a full hearing is conducted. A copy of the
23 application, notice for full hearing and a copy of any ex parte

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1 order issued by the court shall be served upon such parent, legal
2 guardian, legal custodian, or other responsible adult having custody
3 or control of the child. Within twenty-four (24) hours of the
4 filing of the application the court shall schedule a full hearing on
5 the application, regardless of whether an emergency ex parte order
6 had been issued or denied.

7 3. Except as otherwise provided by paragraph 2 of this
8 subsection, whenever a child is in need of medical treatment to
9 protect the health or welfare of the child, or whenever any other
10 action is necessary to protect the health or welfare of the child,
11 and the parent of the child, legal guardian, legal custodian, or
12 other person having custody or control of the child is unwilling or
13 unavailable to consent to such medical treatment or other action,
14 the court, upon application of the district attorney of the county
15 in which the child is located, shall hold a full hearing within five
16 (5) days of filing the application. Notice of the hearing and a
17 copy of the application shall be served upon the parent, legal
18 guardian, legal custodian, or other person having custody or control
19 of the child.

20 4. At any hearing held pursuant to this subsection, the court
21 may grant any order or require such medical treatment or other
22 action as is necessary to protect the health or welfare of the
23 child.

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1 5. a. The parent, legal guardian, legal custodian, or other
2 person having custody or control of the child shall be
3 responsible for such medical expenses as ordered by
4 the court.

5 b. No peace officer, any employee of the court or person
6 acting pursuant to court order authorizing such
7 treatment in accordance with the provisions of this
8 subsection for any child found in need of such medical
9 treatment shall have any liability, civil or criminal.

10 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-2-102, is
11 amended to read as follows:

12 Section 2-2-102. A. 1. Upon the filing of a petition alleging
13 the child to be in need of supervision, or upon the assumption of
14 custody pursuant to Section 2-2-101 of this title, the district
15 court of the county shall have jurisdiction where a child:

- 16 a. resides,
- 17 b. is found, or
- 18 c. is alleged to be or is found to be in need of
19 supervision.

20 2. The court shall have jurisdiction of the parent, legal
21 custodian, legal guardian, stepparent of the child, or any adult
22 person living in the home of the child regardless of where the
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1 parent, legal custodian, legal guardian, stepparent, or adult person
2 living in the home of the child is found.

3 3. When jurisdiction has been obtained over a child who is or
4 is alleged to be in need of supervision, such may be retained until
5 the child becomes eighteen (18) years of age.

6 4. For the convenience of the parties and in the interest of
7 justice, a proceeding under the Oklahoma Juvenile Code, Article 2 of
8 this title, may be transferred to the district court in any other
9 county. However, prior to transferring a case to a different
10 county, the court shall contact the judge in the other county to
11 confirm that the judge will accept the transfer.

12 B. 1. Upon the filing of a petition alleging the child to be
13 delinquent or upon the assumption of custody pursuant to Section 2-
14 2-101 of this title, the district court of the county where the
15 delinquent act occurred shall have jurisdiction of the child and of
16 the parent, legal custodian, legal guardian, stepparent of the child
17 or any adult person living in the home of the child regardless of
18 where the parent, legal custodian, legal guardian, stepparent, or
19 adult person living in the home of the child is found.

20 2. When jurisdiction has been obtained over a child who is or
21 is alleged to be a delinquent, jurisdiction may be retained until
22 the child becomes nineteen (19) years of age upon the court's own
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1 motion, motion by the district attorney or motion by the Office of
2 Juvenile Affairs, as provided in Section 2-7-504 of this title.

3 3. The juvenile proceeding may be filed before the child
4 becomes eighteen (18) years of age; within one (1) year after the
5 date of the eighteenth birthday of the child if the underlying act
6 would constitute a felony if committed by an adult; or within six
7 (6) months after the date of the eighteenth birthday if the
8 underlying act would constitute a misdemeanor if committed by an
9 adult.

10 C. The district court in which a petition is filed or the
11 district court in which custody has been assumed pursuant to the
12 provisions of Section 2-2-101 of this title may retain jurisdiction
13 of a delinquent child in such proceeding notwithstanding the fact
14 that the child is subject to the jurisdiction of another district
15 court within the state. Any adjudication and disposition made by
16 the court in which said petition is filed shall control over prior
17 orders in regard to the child.

18 D. Except as otherwise provided in the Oklahoma Juvenile Code,
19 a child who is charged with having violated any state statute or
20 municipal ordinance, other than those enumerated in Section 2-5-101,
21 2-5-205 or 2-5-206 of this title, shall not be tried in a criminal
22 action but in a juvenile proceeding.

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1 E. If, during the pendency of a criminal charge against any
2 person, it shall be ascertained that the person was a child at the
3 time of committing the alleged offense, the district court or
4 municipal court shall transfer the case, together with all the
5 papers, documents and testimony connected therewith, to the juvenile
6 division of the district court. The division making the transfer
7 shall order the child to be taken forthwith to the place of
8 detention designated by the juvenile division, to that division
9 itself, or release the child to the custody of a suitable person to
10 be brought before the juvenile division.

11 F. Nothing in this act shall be construed to prevent the
12 exercise of concurrent jurisdiction by another division of the
13 district court or by the municipal courts in cases involving
14 children wherein the child is charged with the violation of a state
15 or municipal traffic law or ordinance.

16 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-2-104, is
17 amended to read as follows:

18 Section 2-2-104. A. A preliminary inquiry shall be conducted
19 to determine whether the interests of the public or of the child who
20 is within the purview of the Oklahoma Juvenile Code require that
21 further court action be taken. ~~If it is determined by the~~
22 ~~preliminary inquiry that no further action be taken and if agreed to~~
23 ~~by the district attorney, the~~ An intake worker may make such

1 ~~informal adjustment without a petition~~ shall receive and examine
2 complaints and written allegations of delinquency of a child for the
3 purpose of considering the commencement of proceedings under this
4 chapter.

5 B. In the course of the preliminary inquiry, the intake worker
6 may:

7 1. Hold conferences with the child and the parents, guardian or
8 custodian of the child for the purpose of discussing the disposition
9 of the referral made. No statements, admissions or confessions made
10 by a child or incriminating information obtained from a child in the
11 course of a conference with the child shall be admitted into
12 evidence against the child on the issue of whether the child
13 committed the delinquent act or on the issue of guilt in any
14 criminal proceeding;

15 2. Interview such persons as are necessary to determine whether
16 the filing of a petition would be in the best interests of the child
17 and the community;

18 3. Check existing records of any district court or tribal
19 court, law enforcement agencies, Office of Juvenile Affairs, and
20 Department of Human Services;

21 4. Obtain existing mental health, medical and educational
22 records of the child only with the consent of the child, the
23 parents, guardian or custodian of the child or by court order; and

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1 5. Administer any screening and assessment instruments or refer
2 for necessary screening and assessments to assist in the
3 determination of any immediate needs of the child as well as the
4 immediate risks to the community. All screening and assessment
5 instruments shall be uniformly used by all intake workers, including
6 those employed by juvenile bureaus, and shall be instruments
7 specifically prescribed by the Office of Juvenile Affairs.

8 C. The district attorney shall determine whether the complaint
9 made is legally sufficient for the filing of the petition. A
10 complaint shall be deemed legally sufficient for the filing of a
11 petition if the facts as alleged are sufficient to establish the
12 jurisdiction of the court and probable cause to believe that the
13 child has committed the delinquent act. If it is determined that
14 the complaint is legally sufficient to support the filing of a
15 petition the district attorney, in consultation with the intake
16 worker, shall determine whether the interests of the child and the
17 public will be best served by the dismissal of the complaint, the
18 information adjustment of the complaint, or the filing of the
19 petition.

20 D. Informal adjustment may be provided to the child by the
21 intake worker only where the facts reasonably appear to establish
22 prima facie jurisdiction ~~and are admitted~~ and where consent is
23 obtained from the district attorney, the parent of the child, legal
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1 guardian, legal custodian, or legal counsel, if any, and the child.

2 The informal adjustment is an agreement whereby the child agrees to

3 fulfill certain conditions in exchange for not having a petition

4 filed against the child. The informal adjustment shall be completed

5 within a period of time not to exceed six (6) months and shall:

6 1. Be voluntarily entered into by all parties;

7 2. Be revocable by the child at any time by a written

8 revocation;

9 3. Be revocable by the intake worker in the event there is

10 reasonable cause to believe the child has failed to carry out the

11 terms of the informal adjustment or has committed a subsequent

12 offense;

13 4. Not be used as evidence against the child at any

14 adjudication hearing;

15 5. Be executed in writing and expressed in language

16 understandable to the persons involved; and

17 6. Become part of the juvenile record of the child.

18 ~~C.~~ E. The informal adjustment agreement under this section may

19 include, among other suitable methods, programs and procedures, the

20 following:

21 1. Participation in or referral to counseling, a period of

22 community service, drug or alcohol education or treatment,

23 vocational training or any other legal activity which in the opinion

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UNDERLINED language denotes Amendments to present Statutes.
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~~Strike thru~~ language denotes deletion from present Statutes.

1 of the intake officer would be beneficial to the child and family of
2 the child;

3 2. Require the child to undergo a behavioral health evaluation
4 and, if warranted, undergo appropriate care or treatment;

5 3. Restitution providing for monetary payment by the parents or
6 child to the victim who was physically injured or who suffered loss
7 of or damage to property as a result of the conduct alleged. Before
8 setting the amount of restitution, the intake officer shall consult
9 with the victim concerning the amount of damages; or

10 4. Informal adjustment projects, programs and services may be
11 provided through public or private agencies.

12 If the intake worker has reasonable cause to believe that the child
13 has failed to carry out the terms of the adjustment agreement or has
14 committed a subsequent offense, in lieu of revoking the agreement,
15 the intake worker may modify the terms of the agreement and extend
16 the period of the agreement for an additional six (6) months from
17 the date on which the modification was made with the consent of the
18 child or counsel of the child, if any.

19 ~~D.~~ F. If an informal adjustment is agreed to pursuant to
20 subsection ~~B~~ D of this section, the informal adjustment agreement
21 may require the child to pay a fee equal to no more than what the
22 court costs would have been had a petition been filed. The child
23 shall remit the fee directly to the agency responsible for the

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1 monitoring and supervision of the child. If the supervising agency
2 is a juvenile bureau, then the fee shall be remitted to a revolving
3 fund of the county in which the juvenile bureau is located to be
4 designated the "Juvenile Deferral Fee Revolving Fund" and shall be
5 used by the juvenile bureau to defray costs for the operation of the
6 juvenile bureau. In those counties without juvenile bureaus and in
7 which the Office of Juvenile Affairs or one of their contracting
8 agencies provides the monitoring and supervision of the juvenile,
9 the fee shall be paid directly to the Office of Juvenile Affairs and
10 shall be used to defray the costs for the operation of the Office of
11 Juvenile Affairs.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-2-104.1 of Title 10A, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Diversion services shall be offered to children who are at
16 risk of being the subject of a child-in-need-of-supervision
17 petition. Diversion services shall be designed to provide an
18 immediate response to families in crisis and to divert children from
19 court proceedings. Diversion services may be provided by outside
20 agencies as designated by the district courts, juvenile bureaus,
21 court employees, or a combination thereof.

22 B. Diversion services shall clearly document diligent attempts
23 to provide appropriate services to the child and the family of the
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1 child unless it is determined that there is no substantial
2 likelihood that the child and family of the child will benefit from
3 further diversion attempts.

4 C. Where the primary issue is truancy, steps taken by the
5 school district to improve the attendance or conduct of the child in
6 school shall be reviewed and attempts to engage the school district
7 in further diversion attempts shall be made if it appears that such
8 attempts will be beneficial to the child.

9 D. Efforts to prevent the filing of the petition may extend
10 until it is determined that there is no substantial likelihood that
11 the child and family of the child will benefit from further
12 attempts. Efforts at diversion may continue after the filing of the
13 petition where it is determined that the child and family of the
14 child will benefit therefrom.

15 E. A child-in-need-of-supervision petition shall not be filed
16 during the period that the designated agency, juvenile bureau, or
17 court employee is providing the diversion services. A finding that
18 the case has been successfully diverted shall constitute presumptive
19 evidence that the underlying allegations have been successfully
20 resolved.

21 F. The designated agency, juvenile bureau, or court employee
22 shall promptly give written notice to the child and family of the
23 child whenever attempts to prevent the filing of the petition have
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1 terminated and shall indicate in the notice whether the efforts were
2 successful or whether a child-in-need-of-supervision petition should
3 be filed with the court. A petition shall not be filed where
4 diversion services have been terminated because the parent or other
5 person legally responsible for the child failed to consent to the
6 diversion plan or failed to actively participate in the services
7 provided.

8 SECTION 7. AMENDATORY 10A O.S. 2011, Section 2-2-107, is
9 amended to read as follows:

10 Section 2-2-107. A. After a petition shall have been filed,
11 unless the parties provided for in this section shall voluntarily
12 appear, a summons shall be issued which shall recite briefly the
13 nature of the proceeding with the phrase "as described more fully in
14 the attached petition" and requiring the person or persons who have
15 the custody or control of the child to appear personally and bring
16 the child before the court at a time and place stated. The summons
17 shall state the relief requested, and shall set forth the right of
18 the child, parents and other interested parties to have an attorney
19 present at the hearing on the petition.

20 B. The summons shall be served on the person who has actual
21 custody of the child, and if the child has reached the age of twelve
22 (12) years, a copy shall be served on the child. If the person who
23 has actual custody of the child shall be other than a parent or
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1 guardian of the child, a copy of the summons shall be served on the
2 parent or guardian, or both. A copy of the summons shall be served
3 on a custodial parent, guardian or next friend. If no parent or
4 guardian can be found, a summons shall be served on such other
5 person or persons as the court shall designate.

6 Summons may be issued requiring the appearance of any other
7 person whose presence is necessary.

8 C. If it subsequently appears that a person who should have
9 been served was not served and has not entered an appearance, the
10 court shall immediately order the issuance of a summons which shall
11 be served on said person.

12 D. Service of summons shall be made as provided for service in
13 civil actions.

14 1. The court shall not hold the hearing until at least forty-
15 eight (48) hours after the service of the summons, except with the
16 consent of the parent or guardian of the child.

17 2. If the parent of the child is not served within the state,
18 the court shall not hold the hearing until at least five (5) days
19 after the date of mailing the summons, except with the consent of
20 the parent.

21 E. If after a petition has been filed, it appears that the
22 child is in such condition or surroundings that the welfare of the
23 child requires that custody be immediately assumed by the court, the
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 judge may immediately issue a detention order or warrant authorizing
2 the taking of said child into emergency custody. Any such child
3 shall not be considered to be in the custody of the Office of
4 Juvenile Affairs.

5 F. In a delinquency proceeding, whenever a warrant for the
6 arrest of a child shall issue, it shall state the offense the child
7 is being charged with having committed; in a child in need of
8 supervision proceeding, whenever a warrant for detention of a child
9 shall issue, it shall state the reason for detention. Warrants for
10 the arrest or detention of a child shall comport with all other
11 requirements of issuance of arrest warrants for adult criminal
12 offenders.

13 G. In case the summons cannot be served, or the parties served
14 fail to obey the same, or in any case when it shall be made to
15 appear to the judge that the service will be ineffectual or that the
16 welfare of the child requires that the child should be brought into
17 the custody of the court, a warrant may be issued against the parent
18 or guardian or against the child. Nothing in this section shall be
19 construed to authorize placement of a child in secure detention who
20 is not eligible for secure detention pursuant to Section 2-3-101 of
21 this title.

22 SECTION 8. AMENDATORY 10A O.S. 2011, Section 2-2-301, is
23 amended to read as follows:

1 Section 2-2-301. A. No information gained by a custodial
2 interrogation of a ~~youthful offender under sixteen (16) years of age~~
3 ~~or a~~ child nor any evidence subsequently obtained as a result of
4 such interrogation shall be admissible into evidence against the
5 ~~youthful offender or~~ child unless the custodial interrogation about
6 any alleged offense by any law enforcement officer or investigative
7 agency, or employee of the court, or employee of the Office of
8 Juvenile Affairs is done in the presence of the parents, guardian,
9 attorney, adult relative, adult caretaker, or legal custodian of the
10 ~~youthful offender or~~ child. No such custodial interrogation shall
11 commence until the ~~youthful offender or~~ child and the parents,
12 guardian, attorney, adult relative, adult caretaker, or legal
13 custodian of the ~~youthful offender or~~ child have been fully advised
14 of the constitutional and legal rights of the ~~youthful offender or~~
15 child, including the right to be represented by counsel ~~at every~~
16 ~~stage of the proceedings,~~ and the right to have counsel appointed by
17 the court if the parties are without sufficient financial means;
18 provided, however, that no legal aid or other public or charitable
19 legal service shall make claim for compensation as contemplated
20 herein. ~~It is further provided that where private counsel is~~
21 ~~appointed in such cases, the court shall set reasonable compensation~~
22 ~~and order the payment out of the court fund.~~ As used in this
23 section, "custodial interrogation" means questioning of a youthful
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1 ~~offender under sixteen (16) years of age or child while that~~
2 ~~youthful offender or child is in law enforcement custody or while~~
3 ~~that youthful offender or child is being deprived of freedom of~~
4 ~~action in any significant way by a law enforcement officer, employee~~
5 ~~of the court, or employee of the Office. Custodial interrogation~~
6 ~~shall conform with all requirements for interrogation of adult~~
7 ~~criminal offenders. The term "custodial interrogation" shall not be~~
8 ~~deemed to mean questioning of a youthful offender or child by a~~
9 ~~public school administrator or teacher, so long as such questioning~~
10 ~~is not being conducted on behalf of a law enforcement officer, an~~
11 ~~employee of the court or an employee of the Office. Any information~~
12 ~~gained from noncustodial questioning of a child or youthful offender~~
13 ~~by a public school administrator or teacher concerning a wrongful~~
14 ~~act committed on public school property shall be admissible into~~
15 ~~evidence against the youthful offender or child.~~

16 B. ~~A custodial interrogation of a youthful offender over~~
17 ~~sixteen (16) years of age shall conform with all the requirements~~
18 ~~for the interrogation of an adult~~ No statements, admissions,
19 confessions, or incriminating information obtained from a child in
20 the course of a screening, intake or assessment that is undertaken
21 in conjunction with any proceedings under this chapter including,
22 but not limited to, that which is court ordered, shall be admitted
23 into evidence against the child on the issue of whether the child

1 committed a delinquent act or on the issue of guilt in any criminal
2 proceeding.

3 C. If the ~~youthful offender or~~ child is not otherwise
4 represented by counsel, whenever a petition is filed pursuant to the
5 provisions of Section 2-2-104 of this title, the court shall appoint
6 an attorney, who shall not be a district attorney, for the ~~youthful~~
7 ~~offender or~~ child regardless of any attempted waiver by the parent
8 or other legal custodian of the ~~youthful offender or~~ child of the
9 right of the ~~youthful offender or~~ child to be represented by
10 counsel. Counsel shall be appointed by the court only upon
11 determination by the court that the parent, legal guardian or legal
12 custodian is found to be indigent. If indigency is established, the
13 Oklahoma Indigent Defense System shall represent the child in
14 accordance with Section 1355.6 of Title 22 of the Oklahoma Statutes
15 or the applicable office of the county indigent defender shall
16 represent the child in accordance with Section 138.5 of Title 19 of
17 the Oklahoma Statutes. Provided, if the parent or legal guardian of
18 a child is not indigent but refuses to employ counsel, the court
19 shall appoint counsel to represent the child at detention hearings
20 until counsel is provided. Costs of representation shall be imposed
21 on the parent or other legal custodian as provided by Section 138.10
22 of Title 19 of the Oklahoma Statutes. Thereafter, the court shall
23 not appoint counsel for a child with a nonindigent parent or legal

1 custodian and shall order the parent or legal custodian to obtain
2 private counsel. A parent or legal custodian of an indigent child
3 who has been ordered to obtain private counsel for the child and who
4 willfully fails to follow the court order shall be subject to
5 indirect contempt of court.

6 ~~D. Whenever a petition is filed alleging that a child is a~~
7 ~~delinquent child or a child in need of supervision, the court may~~
8 ~~appoint a guardian ad litem for the child at any time subsequent to~~
9 ~~the filing of the petition and shall appoint a guardian ad litem~~
10 ~~upon the request of the child or the attorney of the child. The~~
11 ~~guardian ad litem shall not be a district attorney, an employee of~~
12 ~~the office of the district attorney, an employee of the court, an~~
13 ~~employee of a juvenile bureau, or an employee of any public agency~~
14 ~~having duties or responsibilities towards the child~~ In all cases of
15 juvenile delinquency proceedings and appeals, adult certification
16 proceedings and appeals, reverse certification proceedings and
17 appeals, youthful offender proceedings and appeals, and any other
18 proceedings and appeals pursuant to the Oklahoma Juvenile Code,
19 except mental health proceedings and appeals, in-need-of-supervision
20 proceedings and appeals, and any other juvenile proceedings that are
21 civil in nature, and other than in counties where the office of the
22 county indigent defender is appointed, the Oklahoma Indigent Defense
23 System shall be appointed to represent indigent juveniles as

1 provided for in the Indigent Defense Act. In all other cases
2 pursuant to this title, including juvenile proceedings that are
3 civil in nature, juvenile mental health proceedings and appeals, and
4 in-need-of-supervision proceedings and appeals, with the exception
5 of proceedings in counties where the office of the county indigent
6 defender is appointed, the court shall, if counsel is appointed and
7 assigned, allow and direct to be paid from the local court fund a
8 reasonable and just compensation to the attorney or attorneys for
9 such services as they may render; provided, that any attorney
10 appointed pursuant to this subsection shall not be paid a sum in
11 excess of One Hundred Dollars (\$100.00) for services rendered in
12 preliminary proceedings, Five Hundred Dollars (\$500.00) for services
13 rendered during trial, and One Hundred Dollars (\$100.00) for
14 services rendered at each subsequent post-disposition hearing.

15 E. Counsel for the child shall advise the child and advocate
16 the expressed wishes of the child, as much as reasonably possible,
17 under the same ethical obligations as if the client were an adult.
18 Upon motion by the state, the child, the attorney for the child, or
19 a parent or legal custodian of the child, the court shall appoint a
20 guardian ad litem.

21 F. The guardian ad litem shall not be a district attorney, an
22 employee of the office of the district attorney, an employee of the
23 court, an employee of a juvenile bureau, or an employee of any

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1 public agency having duties or responsibilities towards the child.

2 The guardian ad litem shall be given access to the court file and
3 access to all records and reports relevant to the case and to any
4 records and reports of examination of the child's parent or other
5 custodian, made pursuant to this section or Section ~~846~~ 1-2-101 of
6 ~~Title 21 of the Oklahoma Statutes~~ this title. Provided, nothing in
7 this subsection shall obligate counsel for the child to breach
8 attorney-client confidentiality with the child.

9 SECTION 9. AMENDATORY 10A O.S. 2011, Section 2-2-402, is
10 amended to read as follows:

11 Section 2-2-402. A. All cases of children shall be heard
12 separately from the trial of cases against adults. The adjudicative
13 hearings shall be conducted according to the rules of evidence, and
14 may be adjourned from time to time.

15 1. Except as provided by paragraph 2 of this subsection, the
16 hearings shall be private ~~unless specifically ordered by the judge~~
17 ~~to be conducted in public, and;~~ however, all persons having a direct
18 interest in the case as provided in this paragraph shall be
19 admitted. Any victim, relative, legal guardian of a victim, or a
20 person designated by the victim who is not subject to the rule of
21 sequestration as a witness of a delinquent act shall be considered
22 to have a direct interest in the case ~~and,~~ and, shall be notified of all
23 court hearings involving that particular delinquent act ~~as provided~~

1 ~~by Section 215.33 of Title 19 of the Oklahoma Statutes,~~ and shall be
2 admitted to the proceedings. The court shall, however, remove all
3 persons having a direct interest in the case that are not the
4 parents or legal guardian of the child from any hearing where
5 evidence of the medical or behavioral health condition of the child
6 or specific instances of deprivation are being presented.

7 Stenographic notes or other transcript of the hearings shall be kept
8 as in other cases, but they shall not be open to inspection except
9 by order of the court or as otherwise provided by law.

10 2. ~~Hearings related to the second or subsequent delinquency~~
11 ~~adjudication of a child shall be public proceedings. The~~
12 ~~adjudications relied upon to determine whether a hearing is a public~~
13 ~~proceeding pursuant to this paragraph shall not have arisen out of~~
14 ~~the same transaction or occurrence or series of events closely~~
15 ~~related in time and location. Upon its own motion or the motion of~~
16 ~~any of the parties to the hearing and for good cause shown, the~~
17 ~~court may order specific testimony or evidence to be heard in~~
18 ~~private; provided, the court shall not exclude any relative, legal~~
19 ~~guardian of a victim, or a person designated by the victim who is~~
20 ~~not subject to the rule of sequestration as a witness from the~~
21 ~~hearing during testimony of the victim. For the purposes of this~~
22 ~~paragraph, "good cause" shall mean a showing that it would be~~
23 ~~substantially harmful to the mental or physical well-being of the~~

1 ~~child if such testimony or evidence were presented at a public~~
2 ~~hearing~~ The judge may, for good cause shown, open the court hearings
3 to educate members of the public about juvenile justice issues;
4 however, the identities of the juvenile respondents shall not be
5 published in any reports or articles of general circulation.

6 B. The child may remain silent as a matter of right in
7 delinquency hearings and in need of supervision hearings, and before
8 the child testifies, the child shall be so advised.

9 C. A decision determining a child to come within the purview of
10 the Oklahoma Juvenile Code shall be based on sworn testimony and the
11 child shall have the opportunity for cross-examination unless the
12 facts are stipulated or unless the child enters into a stipulation
13 that the allegations of the petition are true or that sufficient
14 evidence exists to meet the burden of proof required for the court
15 to sustain the allegations of the petition. In proceedings pursuant
16 to the Oklahoma Juvenile Code, the court may allow mileage as in
17 civil actions to witnesses and reimbursement for expert witnesses
18 but such shall not be tendered in advance of the hearing. If a
19 child is alleged to be delinquent and the facts are stipulated, the
20 judge shall ascertain from the child if the child agrees with the
21 stipulation and if the child understands the consequences of
22 stipulating the facts.

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1 D. If the court finds that the allegations of a petition
2 alleging a child to be delinquent or in need of supervision are
3 supported by the evidence, the court shall sustain the petition, and
4 shall make an order of adjudication setting forth whether the child
5 is delinquent or in need of supervision and shall adjudge the child
6 as a ward of the court.

7 E. If the court finds that the allegations of the petition are
8 not supported by the evidence, the court shall order the petition
9 dismissed and shall order the child discharged from any detention or
10 restriction previously ordered. The parents, legal guardian or
11 other legal custodian of the child shall also be discharged from any
12 restriction or other previous temporary order.

13 SECTION 10. AMENDATORY 10A O.S. 2011, Section 2-2-404,
14 is amended to read as follows:

15 Section 2-2-404. A. A court may defer delinquency adjudication
16 proceedings or proceedings to determine if a child is in need of
17 supervision for one hundred eighty (180) days if the child:

18 1. Is alleged to have committed or attempted to commit a
19 delinquent offense ~~that if committed by an adult would be a~~
20 ~~misdemeanor or that if committed by an adult would be grand larceny~~
21 ~~of property valued at One Hundred Dollars (\$100.00) or less;~~

22 2. ~~Waives the privilege against self-incrimination and~~
23 ~~testifies, under oath,~~ Enters into a stipulation that the

1 allegations are true or that sufficient evidence exists to meet the
2 burden of proof required for the court to sustain the allegations of
3 the petition; and

4 3. Has not been previously adjudicated a delinquent.

5 B. During such period of deferral, the court may require the
6 following:

7 1. Participation in or referral to counseling, a period of
8 community service, drug or alcohol education or treatment,
9 vocational training or any other legal activity which would be
10 beneficial to the child and the family of the child;

11 2. Require the child to undergo a behavioral health evaluation
12 and, if warranted by the mental condition of the child, undergo
13 appropriate care or treatment;

14 3. Restitution providing for monetary payment by the parents or
15 child, or both, to the victim who was physically injured or who
16 suffered loss of or damage to property as a result of the conduct
17 alleged;

18 4. An alternative diversion program; or

19 5. Any other programs and services that may be provided through
20 public or private agencies and as approved by the court.

21 C. The court shall dismiss the case with prejudice at the
22 conclusion of the deferral period if the child presents satisfactory
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1 evidence that the requirements of the court have been successfully
2 completed.

3 D. As used in this section, "alternative diversion program"
4 means a program for juveniles who have been identified by law
5 enforcement personnel, the district attorney, or the court as having
6 committed acts which are not serious enough to warrant adjudication
7 through the juvenile court process, but which do indicate a need for
8 intervention to prevent further development toward juvenile
9 delinquency. The program shall be administered, pursuant to
10 contract with the Office of Juvenile Affairs, by organizations
11 designated as youth services agencies by law.

12 SECTION 11. AMENDATORY 10A O.S. 2011, Section 2-2-502,
13 is amended to read as follows:

14 Section 2-2-502. A. An individual treatment and service plan
15 shall be ~~filed with~~ provided to the court and counsel for the
16 parties within the thirty (30) days after any child has been
17 adjudicated to be delinquent or in need of supervision. Said plan
18 shall be ~~filed~~ prepared by the person, department or agency
19 responsible for the supervision of the case or by the legal
20 custodian if the child has been removed from the custody of its
21 lawful parent or parents. The treatment and service plan shall be
22 based on a comprehensive assessment and evaluation process of the
23 child and family ~~and~~ that identifies the priority needs of the child

1 for rehabilitation and treatment and identifies any needs of the
2 parent or legal guardian of the child for services that would
3 enhance their ability to provide adequate support, guidance, and
4 supervision of the child. This process should take into account the
5 detention risk assessment decision, the intake preliminary
6 assessment, any comprehensive assessment for substance abuse
7 treatment services, behavioral health services, intellectual
8 disabilities, literary services, and other educational and treatment
9 services as components. The completed assessment process shall
10 result in an individual treatment and service plan which shall
11 include, but not be limited to:

12 1. A history of the child and family, including identification
13 of the problems leading to the adjudication;

14 2. The eligibility of the child for disposition of probation,
15 placement in community residential treatment, commitment with the
16 Office of Juvenile Affairs and, if appropriate, assignment of a
17 residential commitment level;

18 3. Identification of the specific services available to the
19 child to remediate or alleviate the conditions that led to the
20 adjudication, including but not limited to educational, vocational-
21 educational, medical, drug or alcohol abuse treatment or counseling
22 or other treatment services;

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1 ~~3.~~ 4. Identification of the services to be provided to the
2 parent, legal guardian, legal custodian, stepparent, other adult
3 person living in the home or other family members, to remediate or
4 alleviate the conditions that led to the adjudication, including
5 services needed to assist the family to provide proper care and
6 supervision of the child;

7 ~~4.~~ 5. Performance criteria that will measure the progress of
8 the child and family toward completion of the treatment and service
9 plan;

10 ~~5.~~ 6. A projected date for the completion of the treatment and
11 service plan; and

12 ~~6.~~ 7. The name and business address of the attorney
13 representing the child, if any.

14 B. The Office of Juvenile Affairs shall identify the
15 appropriate risk and needs assessment instruments used to develop
16 the recommendations of the individualized treatment and service
17 plan. The juvenile probation counselor shall be responsible for
18 making informed decisions and recommendations to other agencies, the
19 district attorney, and the courts so that the child and family of
20 the child may receive the least intrusive service alternative
21 throughout the court process.

22 C. The individual treatment and service plan shall be amended
23 as necessary and appropriate to reflect the disposition of the
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1 court. The amended plan shall be filed with the court within thirty
2 (30) days of the order of disposition removing the child from the
3 home and shall state:

4 1. The reasons for such placement and a statement as to the
5 unavailability or inappropriateness of local placement, or other
6 good cause, for any placement more than fifty (50) miles from the
7 home of the child;

8 2. The services to be provided to the child while in such
9 placement and the projected date of discharge;

10 3. The services necessary to assist the child to reintegrate
11 with the family of the child or other community-based placement; and

12 4. If the child is age sixteen (16) or older, the services
13 necessary to make the transition from community placement to
14 independent living.

15 ~~C.~~ D. Whenever a child who is subject to the provisions of this
16 section is committed for inpatient mental health or substance abuse
17 treatment pursuant to the Inpatient Mental Health and Substance
18 Abuse Treatment of Minors Act, the individual treatment and service
19 plan shall be amended as necessary and appropriate, including but
20 not limited to identification of the treatment and services to be
21 provided to the child and his family upon discharge of the child
22 from inpatient mental health or substance abuse treatment.

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1 SECTION 12. AMENDATORY 10A O.S. 2011, Section 2-2-503,
2 is amended to read as follows:

3 Section 2-2-503. A. The following kinds of orders of
4 disposition may be made in respect to children adjudicated in need
5 of supervision or delinquent:

6 1. The court may place the child on probation with or without
7 supervision in the home of the child, or in the custody of a
8 suitable person, upon such conditions as the court shall determine.
9 If the child is placed on probation, the court may impose a
10 probation fee of not more than Twenty-five Dollars (\$25.00) per
11 month, if the court finds that the child or parent or legal guardian
12 of the child has the ability to pay the fee. In counties having a
13 juvenile bureau, the fee shall be paid to the juvenile bureau; in
14 all other counties, the fee shall be paid to the Office of Juvenile
15 Affairs~~;~~;

16 2. If it is consistent with the welfare of the child, the child
17 shall be placed with the parent or legal guardian of the child, but
18 if it appears to the court that the conduct of such parent,
19 guardian, legal guardian, stepparent or other adult person living in
20 the home has contributed to the child becoming delinquent or in need
21 of supervision, the court may issue a written order specifying
22 conduct to be followed by such parent, guardian, legal custodian,
23 stepparent or other adult person living in the home with respect to

1 such child. The conduct specified shall be such as would reasonably
2 prevent the child from continuing to be delinquent or in need of
3 supervision.

4 a. If it is consistent with the welfare of the child, in
5 cases where the child has been adjudicated to be in
6 need of supervision due to repeated absence from
7 school, the court may order counseling and treatment
8 for the child and the parents of the child to be
9 provided by the local school district, the county, the
10 Office or a private individual or entity. Prior to
11 final disposition, the court shall require that it be
12 shown by the appropriate school district that a child
13 found to be truant has been evaluated for learning
14 disabilities, hearing and visual impairments and other
15 impediments which could constitute an educational
16 handicap or has been evaluated to determine whether
17 the child has a disability if it is suspected that the
18 child may require special education services in
19 accordance with the Individuals with Disabilities
20 Education Act (IDEA). The results of such tests shall
21 be made available to the court for use by the court in
22 determining the disposition of the case.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 b. In issuing orders to a parent, guardian, legal
2 guardian, stepparent or other adult person living in
3 the home of a child adjudicated to be a delinquent
4 child or in making other disposition of said
5 delinquent child, the court may consider the testimony
6 of said parent, guardian, legal guardian, stepparent
7 or other adult person concerning the behavior of the
8 juvenile and the ability of such person to exercise
9 parental control over the behavior of the juvenile.

10 c. In any dispositional order involving a child age
11 sixteen (16) or older, the court shall make a
12 determination, where appropriate, of the services
13 needed to assist the child to make the transition to
14 independent living.

15 d. No child who has been adjudicated in need of
16 supervision only upon the basis of truancy or
17 noncompliance with the mandatory school attendance law
18 shall be placed in a public or private institutional
19 facility or be removed from the custody of the lawful
20 parent, guardian or custodian of the child.

21 e. Nothing in the Oklahoma Juvenile Code or the Oklahoma
22 Children's Code may be construed to prevent a child

1 from being found both deprived and delinquent if there
2 exists a factual basis for such a finding;

3 3. The court may commit the child to the custody of a private
4 institution or agency, including any institution established and
5 operated by the county, authorized to care for children or to place
6 them in family homes. In committing a child to a private
7 institution or agency, the court shall select one that is licensed
8 by any state department supervising or licensing private
9 institutions and agencies; or, if such institution or agency is in
10 another state, by the analogous department of that state. Whenever
11 the court shall commit a child to any institution or agency, it
12 shall transmit with the order of commitment a summary of its
13 information concerning the child, and such institution or agency
14 shall give to the court such information concerning the child as the
15 court may at any time require-;

16 4. The court may order the child to receive counseling or other
17 community-based services as necessary-;

18 5. The court may commit the child to the custody of the Office
19 of Juvenile Affairs. Any order adjudicating the child to be
20 delinquent and committing the child to the Office of Juvenile
21 Affairs shall be for an indeterminate period of time-;

22 6. If the child has been placed outside the home, and it
23 appears to the court that the parent, guardian, legal custodian, or
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1 stepparent, or other adult person living in the home has contributed
2 to the child becoming delinquent or in need of supervision, the
3 court may order that the parent, guardian, legal custodian,
4 stepparent, or other adult living in the home be made subject to any
5 treatment or placement plan prescribed by the Office or other person
6 or agency receiving custody of the child~~;~~;

7 7. With respect to a child adjudicated a delinquent child, the
8 court may:

9 a. for acts involving criminally injurious conduct as
10 defined in Section 142.3 of Title 21 of the Oklahoma
11 Statutes, order the child to pay a victim compensation
12 assessment in an amount not to exceed that amount
13 specified in Section 142.18 of Title 21 of the
14 Oklahoma Statutes. The court shall forward a copy of
15 the adjudication order to the Crime Victims
16 Compensation Board for purposes of Section 142.11 of
17 Title 21 of the Oklahoma Statutes. Except as
18 otherwise provided by law, such adjudication order
19 shall be kept confidential by the Board,

20 b. order the child to engage in a term of community
21 service without compensation. The state or any
22 political subdivision shall not be liable if a loss or
23 claim results from any acts or omission of a child

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1 ordered to engage in a term of community service
2 pursuant to the provisions of this paragraph,

3 c. order the child, the parent or parents of the child,
4 legal guardian of the child, or both the child and the
5 parent or parents of the child or legal guardian at
6 the time of the delinquent act of the child to make
7 full or partial restitution to the victim of the
8 offense which resulted in property damage or personal
9 injury.

10 (1) The court shall notify the victim of the
11 dispositional hearing. The court may consider a
12 verified statement from the victim concerning
13 damages for injury or loss of property and actual
14 expenses of medical treatment for personal
15 injury, excluding pain and suffering. If
16 contested, a restitution hearing to determine the
17 liability of the child, the parent or parents of
18 the child, or legal guardian shall be held not
19 later than thirty (30) days after the disposition
20 hearing and may be extended by the court for good
21 cause. The parent or parents of the child or
22 legal guardian may be represented by an attorney
23 in the matter of the order for remittance of the

1 restitution by the parent or parents of the child
2 or legal guardian. The burden of proving that
3 the amount indicated on the verified statement is
4 not fair and reasonable shall be on the person
5 challenging the fairness and reasonableness of
6 the amount.

7 (2) Restitution may consist of monetary reimbursement
8 for the damage or injury in the form of a lump
9 sum or installment payments after the
10 consideration of the court of the nature of the
11 offense, the age, physical and mental condition
12 of the child, the earning capacity of the child,
13 the parent or parents of the child, or legal
14 guardian, or the ability to pay, as the case may
15 be. The payments shall be made to such official
16 designated by the court for distribution to the
17 victim. The court may also consider any other
18 hardship on the child, the parent or parents of
19 the child, or legal guardian and, if consistent
20 with the welfare of the child, require community
21 service in lieu of restitution or require both
22 community service and full or partial restitution
23 for the acts of delinquency by the child.

1 (3) A child who is required to pay restitution and
2 who is not in willful default of the payment of
3 restitution may at any time request the court to
4 modify the method of payment. If the court
5 determines that payment under the order will
6 impose a manifest hardship on the child, the
7 parent or parents of the child, or legal
8 guardian, the court may modify the method of
9 payment.

10 (4) If the restitution is not being paid as ordered,
11 the official designated by the court to collect
12 and disburse the restitution ordered shall file a
13 written report of the violation with the court.
14 The report shall include a statement of the
15 amount of the arrearage and any reasons for the
16 arrearage that are known by the official. A copy
17 of the report shall be provided to all parties
18 and the court shall promptly take any action
19 necessary to compel compliance.

20 (5) Upon the juvenile attaining eighteen (18) years
21 of age, the court shall determine whether the
22 restitution order has been satisfied. If the
23 restitution order has not been satisfied, the
24

1 court shall enter a judgment of restitution in
2 favor of each person entitled to restitution for
3 the unpaid balance of any restitution ordered
4 pursuant to this subparagraph. The clerk of the
5 court shall send a copy of the judgment of
6 restitution to each person who is entitled to
7 restitution. The judgment shall be a lien
8 against all property of the individual or
9 individuals ordered to pay restitution and may be
10 enforced by the victim or any other person or
11 entity named in the judgment to receive
12 restitution in the same manner as enforcing
13 monetary judgments. The restitution judgment
14 does not expire until paid in full and is deemed
15 to be a criminal penalty for the purposes of a
16 federal bankruptcy involving the child,

- 17 d. order the child to pay the fine which would have been
18 imposed had such child been convicted of such crime as
19 an adult. Any such fine collected pursuant to this
20 paragraph shall be deposited in a special Work
21 Restitution Fund to be established by the court to
22 allow children otherwise unable to pay restitution to
23 work in community service projects in the private or
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1 public sector to earn money to compensate their
2 victims,

3 e. order the cancellation or denial of driving privileges
4 as provided by Sections 6-107.1 and 6-107.2 of Title
5 47 of the Oklahoma Statutes,

6 f. sanction detention in the residence of the child or
7 facility designated by the Department of Juvenile
8 Justice or the juvenile bureau for such purpose for up
9 to five (5) days, order weekend detention in a place
10 other than a juvenile detention facility or shelter,
11 tracking, or house arrest with electronic monitoring,
12 and

13 g. impose ~~sanctions~~ consequences, including detention as
14 provided for in subparagraph f of this paragraph, for
15 ~~the violation of preadjudicatory or postadjudicatory~~
16 ~~violations of probation~~;

17 8. The court may order the child to participate in the Juvenile
18 Drug Court Program;

19 9. The court may dismiss the petition or otherwise terminate
20 its jurisdiction at any time for good cause shown; and

21 10. In any dispositional order removing a child from the home
22 of the child, the court shall, in addition to the findings required
23 by ~~subsection A of~~ Section 2-2-105 of this title, make a

1 determination that, in accordance with the best interests of the
2 child and the protection of the public, reasonable efforts have been
3 made to provide for the return of the child to the home of the
4 child, or that efforts to reunite the family are not required as
5 provided in ~~subsection A~~ of Section 2-2-105 of this title, and
6 reasonable efforts are being made to finalize an alternate permanent
7 placement for the child.

8 B. Prior to adjudication or as directed by a law enforcement
9 subpoena or court order, a school district may disclose educational
10 records to the court or juvenile justice system for purposes of
11 determining the ability of the juvenile justice system to
12 effectively serve a child. Any disclosure of educational records
13 shall be in accordance with the requirements of the Family
14 Educational Rights and Privacy Act of 1974 (FERPA). If the parent,
15 guardian, or custodian of a child adjudicated a delinquent child
16 asserts that the child has approval not to attend school pursuant to
17 Section 10-105 of Title 70 of the Oklahoma Statutes, the court or
18 the Office of Juvenile Affairs may require the parent to provide a
19 copy of the written, joint agreement to that effect between the
20 school administrator of the school district where the child attends
21 school and the parent, guardian, or custodian of the child.

22 C. With respect to a child adjudicated a delinquent child for a
23 violent offense, within thirty (30) days of the date of the
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1 adjudication either the juvenile bureau in counties which have a
2 juvenile bureau or the Office of Juvenile Affairs in all other
3 counties shall notify the superintendent of the school district in
4 which the child is enrolled or intends to enroll of the delinquency
5 adjudication and the offense for which the child was adjudicated.

6 D. ~~No~~ A child who has been adjudicated in need of supervision
7 and has not been adjudicated a delinquent child may not be placed in
8 a secure facility.

9 E. No child charged in a state or municipal court with a
10 violation of state or municipal traffic laws or ordinances, or
11 convicted therefor, may be incarcerated in jail for the violation
12 unless the charge for which the arrest was made would constitute a
13 felony if the child were an adult. Nothing contained in this
14 subsection shall prohibit the detention of a juvenile for traffic-
15 related offenses prior to the filing of a petition in the district
16 court alleging delinquency as a result of the acts and nothing
17 contained in this section shall prohibit detaining a juvenile
18 pursuant to Section 2-2-102 of this title.

19 F. The court may revoke or modify a disposition order and may
20 order redispotion. The child whose disposition is being
21 considered for revocation or modification at said hearing shall ~~have~~
22 ~~the right to be represented by counsel, to present evidence on~~
23 ~~behalf of the child and to be confronted by witnesses against the~~

1 ~~child. Any revocation, modification or redispotion of the court~~
2 ~~in whole or in part shall be subject to review on appeal, as in~~
3 ~~other appeals of criminal cases. Bail may be allowed pending~~
4 ~~appeal.~~

5 ~~G. Any arrest or detention under the Oklahoma Juvenile Code or~~
6 ~~any adjudication in a juvenile proceeding shall not be considered an~~
7 ~~arrest, detention or conviction for purposes of employment, civil~~
8 ~~rights, or any statute, regulation, license, questionnaire,~~
9 ~~application, or any other public or private purposes, unless~~
10 ~~otherwise provided by law~~ be afforded the following rights:

11 1. Notice by the filing of a motion for redispotion by the
12 district attorney. The motion shall be served on the child and the
13 parent or legal guardian of the child at least one (1) business day
14 prior to the hearing;

15 2. The proceedings shall be heard without a jury and shall
16 require establishment of the facts alleged by a preponderance of the
17 evidence;

18 3. During the proceeding, the child shall have the right to be
19 represented by counsel, to present evidence, and to confront any
20 witness testifying against the child;

21 4. Any modification, revocation or redispotion removing the
22 child from the physical custody of a parent or guardian shall be
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1 subject to review on appeal, as in other appeals of delinquent
2 cases;

3 5. If the child is placed in secure detention, bail may be
4 allowed pending appeal; and

5 6. The court shall not enter an order removing the child from
6 the custody of a parent of legal guardian pursuant to this section
7 unless the court first finds that:

8 a. such removal is necessary to protect the public,

9 b. the child is likely to sustain harm if not immediately
10 removed from the home,

11 c. allowing the child to remain in the home is contrary
12 to the welfare of the child,

13 d. immediate placement of the child is in the best
14 interests of the child, and

15 e. reasonable efforts have been made to maintain the
16 family unit and prevent the unnecessary removal of the
17 child from the home of the child or that an emergency
18 exists which threatens the safety of the child.

19 The court shall state the basis of each finding in writing.

20 G. The court may authorize, by administrative order, the agency
21 providing probation supervision services to sanction minor
22 violations of probation by modifying curfews, imposing community
23 service, or any other nondetention consequence, provided:

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1 1. The child is notified in writing of the nature of the
2 violation;

3 2. The terms of the sanction are clearly stated; and

4 3. The child is advised of the right to challenge and dispute
5 the allegations or the sanction by demanding a hearing pursuant to
6 subsection F of this section and elects to waives this right in
7 writing.

8 H. Any arrest or detention under the Oklahoma Juvenile Code or
9 any adjudication in a juvenile proceeding shall not be considered an
10 arrest, detention or conviction for purposes of employment, civil
11 rights, or any statute, regulation, license, questionnaire,
12 application, or any other public or private purposes, unless
13 otherwise provided by law.

14 SECTION 13. AMENDATORY 10A O.S. 2011, Section 2-2-701,
15 is amended to read as follows:

16 Section 2-2-701. ~~A willful violation of any provision of an~~
17 ~~order of the court issued under the provisions of the Oklahoma~~
18 ~~Juvenile Code shall constitute~~ A. When it is determined to be in
19 the best interests of the child, the court may order a parent, legal
20 custodian, legal guardian, stepparent, or any adult person living in
21 the home to be present at or bring the child to any proceeding under
22 the provisions of the Oklahoma Juvenile Code. The court may issue a

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1 bench warrant for any parent, guardian, or custodian who, without
2 good cause, fails to appear at any proceeding.

3 B. In any proceeding under the Oklahoma Juvenile Code, the
4 court shall enter an order specifically requiring a parent, legal
5 custodian, legal guardian, stepparent, or any adult person living in
6 the home to participate in the rehabilitation process of a child
7 including, but not limited to, mandatory attendance at a juvenile
8 proceeding, parenting class, counseling, treatment, or an education
9 program unless the court determines that such an order is not in the
10 best interests of the child.

11 1. Any parent, legal custodian, legal guardian, stepparent, or
12 any adult person living in the home willfully failing to comply with
13 an order issued under this section without good cause may be found
14 in indirect contempt of court.

15 2. The court may issue a bench warrant for any parent, legal
16 custodian, legal guardian, stepparent, or any adult person living in
17 the home who, without good cause, fails to appear at any juvenile
18 proceeding or court-ordered program.

19 3. For purposes of this section, "without good cause, fails to
20 appear" shall include, but not be limited to, a situation where a
21 parent, legal custodian, legal guardian, stepparent, or any adult
22 person:

- 1 a. has employment obligations that would result in the
2 loss of said employment,
- 3 b. does not have physical custody of the child and
4 resides outside the county of residence of the child,
5 and
- 6 c. resides in the county of the residence of the child
7 but is outside that county at the time of the juvenile
8 proceeding or court-ordered program for reasons other
9 than avoiding participation or appearance before the
10 court and participating or appearing in the court will
11 result in undue hardship to such parent or guardian.

12 4. Nothing in this section shall be construed to create a right
13 for any child to have his or her parent, legal custodian, legal
14 guardian, stepparent, or any adult person living in the home present
15 at any juvenile proceeding or court-ordered program at which such
16 child is present.

17 C. A parent, legal custodian, legal guardian, stepparent, or
18 any adult person living in the home may be ordered by the court to:

19 1. Report any probation, parole or conditional release
20 violations; or

21 2. Aid in enforcing terms and conditions of probation, parole
22 or conditional release or other orders of the court.

1 Any person placed under an order to report any probation, parole
2 or conditional release violations or aid in enforcing terms and
3 conditions of probation, parole or conditional release or other
4 orders of the court and who fails to do as ordered may be proceeded
5 against for indirect contempt of court and shall be punishable as
6 ~~such~~. Punishment for any such act of contempt shall not exceed a
7 fine of Three Hundred Dollars (\$300.00), or imprisonment for not
8 more than thirty (30) days in the county jail if the violator is an
9 adult, ~~or placement in a juvenile detention center for not more than~~
10 ~~ten (10) days if the violator is a juvenile,~~ or both such fine and
11 imprisonment ~~or detention~~. The pursuit and prosecution of an
12 indirect contempt of court judgment shall be initiated by the
13 district attorney.

14 D. As used in this section, "guardian" or "custodian" shall not
15 include any private or public agency having temporary or permanent
16 custody of the child. Provided, nothing in this subsection shall
17 allow said agency to fail to comply with a writ of habeas corpus
18 issued by the court.

19 SECTION 14. AMENDATORY 10A O.S. 2011, Section 2-3-101,
20 is amended to read as follows:

21 Section 2-3-101. A. When a child is taken into custody
22 pursuant to the provisions of the Oklahoma Juvenile Code, the child
23 shall be detained only if it is necessary to assure the appearance
24

1 of the child in court or for the protection of the child or the
2 public.

3 1. a. No preadjudicatory or predisposition detention or
4 custody order shall remain in force and effect for
5 more than thirty (30) days. The court, for good and
6 sufficient cause shown, may extend the effective
7 period of such an order for an additional period not
8 to exceed sixty (60) days. If the child is being
9 detained for the commission of a murder, the court
10 may, if it is in the best interests of justice, extend
11 the effective period of such an order an additional
12 sixty (60) days.

13 b. Whenever the court orders a child to be held in a
14 juvenile detention facility, an order for secure
15 detention shall remain in force and effect for not
16 more than fifteen (15) days after such order. Upon an
17 application of the district attorney and after a
18 hearing on such application, the court, for good and
19 sufficient cause shown, may extend the effective
20 period of such an order for an additional period not
21 to exceed fifteen (15) days after such hearing. The
22 total period of preadjudicatory or predisposition
23 shall not exceed the ninety-day limitation as

1 specified in subparagraph a of this paragraph. The
2 child shall be present at the hearing on the
3 application for extension unless, as authorized and
4 approved by the court, the attorney for the child is
5 present at the hearing and the child is available to
6 participate in the hearing via telephone conference
7 communication. For the purpose of this paragraph,
8 "telephone conference communication" means use of a
9 telephone device that allows all parties, including
10 the child, to hear and be heard by the other parties
11 at the hearing. After the hearing, the court may
12 order continued detention in a juvenile detention
13 center, may order the child detained in an alternative
14 to secure detention or may order the release of the
15 child from detention.

16 2. No child alleged or adjudicated to be deprived or in need of
17 supervision or who is or appears to be a minor in need of treatment
18 as defined by the Inpatient Mental Health and Substance Abuse
19 Treatment of Minors Act, shall be confined in any jail, adult
20 lockup, or adult detention facility. No child shall be transported
21 or detained in association with criminal, vicious, or dissolute
22 persons.

1 3. Except as otherwise authorized by this section a child who
2 has been taken into custody as a deprived child, a child in need of
3 supervision, or who appears to be a minor in need of treatment, may
4 not be placed in any detention facility pending court proceedings,
5 but must be placed in shelter care or foster care or, with regard to
6 a child who appears to be a minor in need of treatment, a behavioral
7 health treatment facility in accordance with the provisions of the
8 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
9 or released to the custody of the parents of the child or some other
10 responsible party. When a child is taken into custody as a child in
11 need of supervision as a result of being a runaway, the court may
12 order the child placed in a juvenile detention facility pending
13 court proceedings if it finds the detention to be essential for the
14 safety of the child.

15 B. No child shall be placed in secure detention unless:

16 1. The child is an escapee from any delinquent placement;

17 2. The child is a fugitive from another jurisdiction with a
18 warrant on a delinquency charge or confirmation of delinquency
19 charges by the home jurisdiction;

20 3. The child is seriously assaultive or destructive towards
21 others or self;

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1 4. The child is currently charged with any criminal offense
2 that would constitute a felony if committed by an adult or a
3 misdemeanor and:

4 a. is on probation or parole on a prior delinquent
5 offense,

6 b. is on preadjudicatory community supervision, or

7 c. is currently on release status on a prior delinquent
8 offense, ~~or~~

9 ~~d.~~;

10 5. The child has willfully failed or there is reason to believe
11 that the child will willfully fail to appear for juvenile court
12 proceedings;

13 6. A warrant for the child has been issued on the basis that
14 the child is absent from court-ordered placement without court
15 approval or there is reason to believe the child will not remain at
16 said placement; or

17 7. The child requests detention for protection from an imminent
18 threat to the personal safety of the child.

19 C. A child who has violated a court order and has had the order
20 revoked or modified pursuant to Section 2-2-503 of this title may be
21 placed into an Office-of-Juvenile-Affairs-designated sanction
22 detention bed or an Office-of-Juvenile-Affairs-approved sanction
23 program.

1 D. Priority shall be given to the use of juvenile detention
2 facilities for the detention of juvenile offenders through
3 provisions requiring the removal from detention of a juvenile with a
4 lower priority status if an empty detention bed is not available at
5 the time of referral of a juvenile with a higher priority status and
6 if the juvenile with a higher priority status would be more of a
7 danger to the public than the juvenile with the lower priority
8 status.

9 E. 1. Except as otherwise provided in this section, no child
10 shall be placed in secure detention in a jail, adult lockup, or
11 other adult detention facility unless:

- 12 a. the child is detained for the commission of a crime
13 that would constitute a felony if committed by an
14 adult, and
- 15 b. the child is awaiting an initial court appearance, and
- 16 c. the initial court appearance of the child is scheduled
17 within twenty-four (24) hours after being taken into
18 custody, excluding weekends and holidays, and
- 19 d. the court of jurisdiction is outside of the Standard
20 Metropolitan Statistical Area as defined by the Bureau
21 of Census, and
- 22 e. there is no existing acceptable alternative placement
23 for the child, and

1 f. the jail, adult lockup or adult detention facility
2 provides sight and sound separation for juveniles,
3 pursuant to standards required by subsection E of
4 Section 2-3-103 of this title, or

5 g. the jail, adult lockup or adult detention facility
6 meets the requirements for licensure of juvenile
7 detention facilities, as adopted by the Office of
8 Juvenile Affairs, is appropriately licensed, and
9 provides sight and sound separation for juveniles,
10 which includes:

11 (1) total separation between juveniles and adult
12 facility spatial areas such that there could be
13 no haphazard or accidental contact between
14 juvenile and adult residents in the respective
15 facilities,

16 (2) total separation in all juvenile and adult
17 program activities within the facilities,
18 including recreation, education, counseling,
19 health care, dining, sleeping and general living
20 activities, and

21 (3) separate juvenile and adult staff, specifically
22 direct care staff such as recreation, education
23 and counseling.

1 Specialized services staff, such as cooks,
2 bookkeepers, and medical professionals who are not
3 normally in contact with detainees or whose infrequent
4 contacts occur under conditions of separation of
5 juvenile and adults can serve both.

6 2. Nothing in this section shall preclude a child who is
7 detained for the commission of a crime that would constitute a
8 felony if committed by an adult, or a child who is an escapee from a
9 juvenile training school or from an Office of Juvenile Affairs group
10 home from being held in any jail certified by the State Department
11 of Health, police station or similar law enforcement offices for up
12 to six (6) hours for purposes of identification, processing or
13 arranging for transfer to a secure detention or alternative to
14 secure detention. Such holding shall be limited to the absolute
15 minimum time necessary to complete these actions.

- 16 a. The time limitations for holding a child in a jail for
17 the purposes of identification, processing or
18 arranging transfer established by this section shall
19 not include the actual travel time required for
20 transporting a child from a jail to a juvenile
21 detention facility or alternative to secure detention.
- 22 b. Whenever the time limitations established by this
23 subsection are exceeded, this circumstance shall not

1 constitute a defense in a subsequent delinquency or
2 criminal proceeding.

3 3. Nothing in this section shall preclude detaining in a county
4 jail or other adult detention facility an eighteen-year old charged
5 in a juvenile petition for whom certification to stand trial as an
6 adult is prayed.

7 4. Nothing in this section shall preclude detaining in a county
8 jail or other adult detention facility a person provided for in
9 Section 2-3-102 of this title if written or electronically
10 transmitted confirmation is received from the state seeking return
11 of the individual that the person is a person provided for in
12 Section 2-3-102 of this title and if, during the time of detention,
13 the person is detained in a facility meeting the requirements of
14 Section 2-3-103 of this title.

15 5. Nothing in this section shall preclude detaining a person,
16 whose age is not immediately ascertainable and who is being detained
17 for the commission of a felony, in a jail certified by the State
18 Department of Health, a police station or similar law enforcement
19 office for up to twenty-four (24) hours for the purpose of
20 determining whether or not the person is a child, if:

- 21 a. there is a reasonable belief that the person is
22 eighteen (18) years of age or older,
23
24

- 1 b. there is a reasonable belief that a felony has been
2 committed by the person,
- 3 c. a court order for such detention is obtained from a
4 judge of the district court within six (6) hours of
5 initially detaining the person,
- 6 d. there is no juvenile detention facility that has space
7 available for the person and that is within thirty
8 (30) miles of the jail, police station, or law
9 enforcement office in which the person is to be
10 detained, and
- 11 e. during the time of detention the person is detained in
12 a facility meeting the requirements of subparagraph g
13 of paragraph 1 of this subsection.

14 The time limitation provided for in this paragraph shall include the
15 time the person is detained prior to the issuance of the court
16 order.

17 The time limitation provided for in this paragraph shall not include
18 the actual travel time required for transporting the person to the
19 jail, police station, or similar law enforcement office. If the
20 time limitation established by this paragraph is exceeded, this
21 circumstance shall not constitute a defense in any subsequent
22 delinquency or criminal proceeding.

1 F. Nothing contained in this section shall in any way reduce or
2 eliminate the liability of a county as otherwise provided by law for
3 injury or damages resulting from the placement of a child in a jail,
4 adult lockup, or other adult detention facility.

5 G. Any juvenile detention facility shall be available for use
6 by any eligible Indian child as that term is defined by the Oklahoma
7 Indian Child Welfare Act, providing that the use of the juvenile
8 detention facility meets the requirements of the Oklahoma Juvenile
9 Code. The Indian tribe may contract with any juvenile detention
10 facility for the providing of detention services.

11 H. Each member of the staff of a juvenile detention facility
12 shall satisfactorily complete a training program provided or
13 approved by the Office of Juvenile Affairs.

14 SECTION 15. AMENDATORY 10A O.S. 2011, Section 2-6-101,
15 is amended to read as follows:

16 Section 2-6-101. A. The court shall make and keep records of
17 all cases brought before the court pursuant to the Oklahoma Juvenile
18 Code. The court shall devise and cause to be printed such forms for
19 social and legal records and such other papers as may be required.

20 B. As used in the Oklahoma Juvenile Code:

21 1. "Records" or "record" shall include but not be limited to
22 written or printed documents, papers, logs, reports, files, case
23 notes, films, photographs, psychological evaluations, certification

24

1 studies, presentence investigations, audio or visual tape recordings
2 pertaining to a juvenile proceeding or a child, and shall include
3 information entered into and maintained in an automated or
4 computerized information system;

5 2. "Juvenile court record" means legal and social records other
6 than adoption records, including but not limited to agency, law
7 enforcement and district attorney's records, filed with the court
8 that are related to a child who is the subject of a court proceeding
9 pursuant to the Oklahoma Juvenile Code;

10 3. "Agency record" means records prepared, obtained or
11 maintained by a public or private agency with regard to a child who
12 is or has been under its care, custody or supervision or with regard
13 to a family member or other person living in the home of such child
14 and shall include but not be limited to:

15 a. any study, plan, recommendation, assessment or report
16 made or authorized to be made by such agency for the
17 purpose of determining or describing the history,
18 diagnosis, custody, condition, care or treatment of
19 such child, or

20 b. any records made in the course of any investigation or
21 inquiry conducted by an agency to determine whether a
22 child is a delinquent child or a child in need of
23 supervision;

24

1 4. "District attorney's records" means any records prepared or
2 obtained by an office of a district attorney relating to a juvenile
3 case and any records prepared or obtained for the prosecution of
4 crimes against children that constitute a legal or social record of
5 a child;

6 5. "Law enforcement records" means any contact, incident or
7 similar reports, arrest records, disposition records, detention
8 records, fingerprints, or photographs related to a child and shall
9 include but not be limited to reports of investigations or inquiries
10 conducted by a law enforcement agency to determine whether a child
11 is or may be subject to the provisions of this chapter as a
12 delinquent child or a child in need of supervision. Law enforcement
13 records pertaining to juveniles shall be maintained separately from
14 records pertaining to adults;

15 6. "Nondirectory education records" means any records
16 maintained by a public or private school, including a technology
17 center school, regarding a child who is or has been a student at the
18 school which are categorized as private or confidential records
19 pursuant to the federal Family Educational Rights and Privacy Act of
20 1974 and any rules promulgated pursuant to the act;

21 7. "Legal record" means any petition, docket, motion, finding,
22 order, judgment, pleading, paper or other document, other than
23 social records, filed with the court;

1 8. "Social record" means family social histories, medical
2 reports, psychological and psychiatric evaluations or assessments,
3 clinical or other treatment reports, educational records, or home
4 studies, even if attached to court reports prepared by the agency;
5 and

6 9. "Participating agency" means any public or private agency
7 that has entered into a contract or an interagency agreement under
8 the Interlocal Cooperation Act in accordance with the rules and
9 guidelines adopted pursuant to Section 620.6 of Title 10 of the
10 Oklahoma Statutes or the Juvenile Offender Tracking Program for the
11 purpose of accessing and sharing information necessary for the care,
12 treatment, and supervision of children and youth.

13 SECTION 16. AMENDATORY 10A O.S. 2011, Section 2-6-102,
14 is amended to read as follows:

15 Section 2-6-102. A. Except as provided by this section or as
16 otherwise specifically provided by state or federal laws, the
17 following juvenile records are confidential and shall not be open to
18 the general public, inspected, or their contents disclosed:

- 19 1. Juvenile court records;
- 20 2. Agency records;
- 21 3. District attorney's records;
- 22 4. Law enforcement records;
- 23 5. Nondirectory education records; and

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 6. Social records.

2 B. The confidentiality limitation of subsection A of this
3 section shall not apply to statistical information or information of
4 a general nature obtained pursuant to the provisions of the Oklahoma
5 Juvenile Code.

6 C. The confidentiality requirements of subsection A of this
7 section for juvenile court records and law enforcement records shall
8 not apply:

9 1. Upon the ~~charging or~~ certification or sentencing of a
10 juvenile as an adult or youthful offender;

11 2. ~~Upon the charging of an individual pursuant to Section 2-5-~~
12 ~~101 of this title;~~

13 ~~3.~~ To a violation of any traffic regulation or motor vehicle
14 regulation of Title 47 of the Oklahoma Statutes, or to a violation
15 of any city ordinance or county resolution which relates to the
16 regulation of traffic on the roads, highways or streets, or to the
17 operation of self-propelled or nonself-propelled vehicles of any
18 kind in this state;

19 4. ~~To a juvenile who is fourteen (14) years of age or older and~~
20 ~~who has been adjudicated delinquent and who subsequently comes~~
21 ~~before the juvenile court on a new delinquency matter after July 1,~~
22 ~~1995;~~

1 ~~5. To a juvenile adjudicated a delinquent for committing a~~
2 ~~delinquent act which, if committed by an adult, would be a felony~~
3 ~~offense that is a crime against the person or a felony offense~~
4 ~~involving a dangerous weapon;~~

5 ~~6. To arrest records of a juvenile arrested for committing an~~
6 ~~act, which if committed by an adult, would be a felony offense;~~

7 ~~7. To a violation of the Prevention of Youth Access to Tobacco~~
8 ~~Act; or~~

9 ~~8.~~ 3. Whenever a juvenile is accepted for placement or
10 treatment in a facility or private treatment facility within this
11 state as a result of or following a conviction or adjudication for
12 an out-of-state offense that would qualify the juvenile as a
13 youthful offender, as defined in Section 2-5-202 of this title, had
14 the crime occurred within this state. The facility shall provide
15 any law enforcement agency or peace officer all prior criminal
16 offense, conviction, and adjudication information. If or when a
17 juvenile flees or is otherwise absent from the facility without
18 permission, the. The facility shall provide any law enforcement
19 agency or peace officer all prior criminal offense, conviction, and
20 adjudication information. Any law enforcement agency or peace
21 officer shall have the authority to review or copy any records
22 concerning the juvenile, including prior criminal offense,
23 conviction, or adjudication information; or

1 ~~D. Following the first adjudication as a delinquent, the court~~
2 ~~having jurisdiction shall note on the juvenile court record of the~~
3 ~~person that any subsequent juvenile court records shall not be~~
4 ~~confidential; provided, the child is at least fourteen (14) years of~~
5 ~~age or older. Any juvenile court record which becomes an open~~
6 ~~juvenile record as provided in this subsection may be expunged as~~
7 ~~provided in Section 7307-1.8 of this title.~~

8 ~~The provisions of this subsection shall only apply to the~~
9 ~~juvenile court records and law enforcement records of juvenile~~
10 ~~offenders certified, charged or adjudicated on and after July 1,~~
11 ~~1995.~~

12 ~~E. 4.~~ When a delinquent child has escaped or run away from a
13 training school or other institutional placement for delinquents,
14 ~~the.~~ The name and description of the child may be released to the
15 public by the agency having custody of the child as necessary and
16 appropriate for the protection of the public and the apprehension of
17 the delinquent child ~~whether or not the juvenile record is~~
18 ~~confidential or open.~~

19 ~~F. D.~~ Except as otherwise required by state or federal law, the
20 confidential records listed in subsection A of this section may only
21 be inspected, released, disclosed, corrected or expunged pursuant to
22 an order of the court. Except as otherwise provided in Section
23 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
24

1 chapter, no subpoena or subpoena duces tecum purporting to compel
2 disclosure of confidential information or any confidential juvenile
3 record shall be valid.

4 ~~G.~~ E. An order of the court authorizing the inspection,
5 release, disclosure, correction or expungement of confidential
6 records shall be entered by the court only after a review of the
7 records by the court and a determination by the court, with due
8 regard for the confidentiality of the records and the privacy of
9 persons identified in the records, that a compelling reason exists
10 and such inspection, release or disclosure is necessary for the
11 protection of a legitimate public or private interest.

12 Except for district attorney records, any court order
13 authorizing the disclosure, release or inspection of a confidential
14 juvenile record may be conditioned on such terms and restrictions as
15 the court deems necessary and appropriate.

16 ~~H.~~ F. Upon receiving a written request for inspection, release,
17 disclosure, or correction of a juvenile record, the court shall
18 determine whether the record of a juvenile falls under one of the
19 exceptions listed in subsection C of this section. If the record
20 falls under one of the exceptions in subsection C of this section,
21 the court shall issue an order authorizing inspection, release,
22 disclosure or correction of the juvenile record. If the release of
23 a juvenile record is authorized by the court, the Office of Juvenile
24

1 Affairs shall provide information to the requestor regarding the
2 location of the juvenile record to be released.

3 ~~F.~~ G. Any agency or person may seek an order from the juvenile
4 court prohibiting the release of confidential information subject to
5 disclosure without an order of the court pursuant to Section 620.6
6 of Title 10 of the Oklahoma Statutes or any provision of this
7 chapter. The court may, for good cause shown, prohibit the release
8 of such information or authorize release of the information upon
9 such conditions as the court deems necessary and appropriate.

10 ~~J.~~ H. In accordance with the provisions of the Juvenile
11 Offender Tracking Program and Section 620.6 of Title 10 of the
12 Oklahoma Statutes:

13 1. Information included in the records listed in subsection A
14 of this section may be entered in and maintained in the Juvenile
15 Justice Information System and other automated information systems
16 related to services to children and youth whether or not the record
17 is confidential or open; and

18 2. The information systems may be accessed by participating
19 agencies as defined by this chapter or as otherwise provided by law.

20 ~~K.~~ I. The court may authorize a designated person to review
21 juvenile court confidential reports and records and collect
22 statistical information and other abstract information for research
23 purposes. Such authorization shall be in writing and shall state

24

1 specifically the type of information which may be reviewed and
2 reported.

3 Each person granted permission to inspect confidential reports
4 and records for research purposes shall present a notarized
5 statement to the court stating that the names of juveniles, parents
6 and other persons as may be required by the court to be confidential
7 will remain confidential.

8 ~~I.~~ J. Nothing contained in the provisions of Section 620.6 of
9 Title 10 of the Oklahoma Statutes or any provision of this chapter
10 shall be construed as:

11 1. Authorizing the inspection of records or the disclosure of
12 information contained in records relating to the provision of
13 benefits or services funded, in whole or in part, with federal
14 funds, except in accord with federal statutes and regulations
15 governing the receipt or use of such funds;

16 2. Authorizing the disclosure of information required to be
17 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of ~~this~~
18 ~~title~~ Title 10 of the Oklahoma Statutes, the Oklahoma Adoption Code
19 or disclosure of any other confidential record pursuant to the
20 provisions of this chapter;

21 3. Abrogating any privilege, including the attorney-client
22 privilege, or affecting any limitation on such privilege found in
23 any other statutes;

24

1 4. Limiting or otherwise affecting access of parties to a
2 juvenile proceeding to any records filed with or submitted to the
3 court;

4 5. Limiting or otherwise affecting access of agencies to
5 information subject to disclosure, review or inspection by contract
6 or as a condition for the receipt of public funds or participation
7 in any program administered by the agency;

8 6. Prohibiting the Office of Juvenile Affairs from summarizing
9 the outcome of an investigation to the person who reported a known
10 or suspected instance of child abuse or neglect; or

11 7. Prohibiting the person or agency conducting a preliminary
12 inquiry relating to an alleged delinquent act from providing
13 information, as to the disposition of the matter by the district
14 attorney, to the person or agency which referred the matter,
15 including but not limited to whether a petition was filed or an
16 alternative action taken, and the basis for such action and the
17 terms of any agreement entered into by the child for payment of
18 restitution, and including but not limited to provisions for
19 community services.

20 ~~M.~~ K. The confidential records listed in subsection A of this
21 section may be inspected and their contents disclosed without a
22 court order to a school district in which the child who is the
23 subject of the record is currently enrolled or has been presented

1 for enrollment. The inspection of records and disclosure authorized
2 by this subsection may be limited to summaries or to information
3 directly necessary for the purpose of such inspection or disclosure.
4 Upon request by the school district, the agency in possession of the
5 records shall provide in writing, digitally, or by delivery to a
6 secure facsimile line, the requested information to the school
7 district within five (5) business days upon receipt of the request.
8 Any records disclosed as provided by this subsection shall remain
9 confidential. The use of any information shall be limited to the
10 purposes for which disclosure is authorized.

11 ~~N.~~ L. The records of a case for which a petition is not filed
12 shall be subject to the provisions of Chapter 6 of the Oklahoma
13 Juvenile Code.

14 SECTION 17. AMENDATORY 10A O.S. 2011, Section 2-6-108,
15 is amended to read as follows:

16 Section 2-6-108. A. No adjudication by the court upon the
17 status of a child in a juvenile proceeding shall operate to impose
18 any of the civil disabilities ordinarily resulting from conviction
19 of a crime, nor shall a child be deemed a criminal by reason of a
20 juvenile adjudication.

21 B. The court ~~may~~ shall order the records of a person alleged to
22 be delinquent to be sealed as follows:

23 1. When the person has been alleged to be delinquent and:
24

- 1 a. one (1) year has elapsed from the later of:
- 2 (1) dismissal or closure of the case by the court, or
- 3 (2) notice to the court by the Office of Juvenile
- 4 Affairs or a juvenile bureau of final discharge
- 5 of such person from the supervision of the Office
- 6 of Juvenile Affairs or juvenile bureau, and
- 7 b. the person has not been found guilty of or admitted to
- 8 the commission of a subsequent criminal offense in
- 9 either a juvenile or adult proceeding, and
- 10 c. no juvenile or adult proceeding for a criminal offense
- 11 is pending;

12 2. When a juvenile court intake has been completed and:

- 13 a. the case has been dismissed, or
- 14 b. no petition has been filed pending fulfillment of
- 15 conditions of a voluntary probation, or
- 16 c. a petition has been filed but no adjudication has
- 17 occurred pending the fulfillment of conditions of a
- 18 preadjudicatory probation;

19 3. When a juvenile participates in a court-approved alternative

20 diversion program for first-time offenders and:

- 21 a. the juvenile presents satisfactory evidence to the
- 22 court that the juvenile has successfully completed the
- 23 program, and

1 b. the court dismisses the case at the conclusion of the
2 deferral period; or

3 4. When a juvenile participates in a court-approved military
4 mentor program and:

5 a. the juvenile presents satisfactory evidence to the
6 court that the juvenile has successfully completed the
7 program, and

8 b. the court dismisses the case at the conclusion of the
9 deferral period.

10 The records may be sealed one (1) year after such dismissal or
11 completion of the conditions of a voluntary or preadjudicatory
12 probation, alternative diversion program for first-time offenders,
13 or military mentor program or upon the person attaining the age of
14 eighteen (18) years in the discretion of the court.

15 C. ~~The Administrative Office of the Courts shall establish on
16 or before January 1, 1994, a system for sealing records as required
17 by subsection B of this section and records shall be sealed in
18 accordance with the procedures established pursuant to said system.~~

19 ~~D.~~ Upon the sealing of any record of a person alleged to be
20 delinquent pursuant to this title, the record and official actions
21 subject to the order shall be deemed never to have occurred, and the
22 person who is the subject of the record and all juvenile justice
23 agencies may properly reply upon any inquiry in the matter that no

1 such action ever occurred and no such record exists with respect to
2 such person.

3 ~~E. D.~~ 1. ~~Upon the entry of an order to seal a juvenile court~~
4 ~~record, the~~ The court clerk shall seal the juvenile court record
5 indicated in the court's order, except that a confidential index
6 shall be maintained for the purpose of locating records subject to
7 inspection or release pursuant to subsection ~~G~~ F of this section.

8 2. When notified by the court clerk of a court order sealing a
9 juvenile court record, the law enforcement agency having records
10 pertaining to the person shall seal the records as ordered, except
11 basic identification information shall be maintained.

12 3. Except where such documents are necessary to maintain state
13 or federal funding, the juvenile court personnel records pertaining
14 to the person shall be sealed.

15 ~~F.~~ E. Members of the judiciary, district attorneys, the
16 defendant, the defendant's counsel and employees of juvenile
17 bureaus, the Office of Juvenile Affairs assigned juvenile court
18 intake responsibilities, and the Department of Corrections may
19 access records that have been sealed pursuant to this section
20 without a court order for the purpose of determining whether to
21 dismiss an action, seek a voluntary probation, file a petition, or
22 for purposes of sentencing or placement in a case where the person
23 who is the subject of the sealed record is alleged to have committed

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1 a subsequent juvenile delinquent act or any adult criminal offense.
2 Provided, any record sealed pursuant to this section may be used in
3 a subsequent juvenile delinquent or adult prosecution only after the
4 issuance of a court order unsealing the record.

5 ~~G.~~ F. The court may issue an order unsealing sealed juvenile
6 court records, for use for the following purposes:

7 1. In subsequent cases against the same child pursuant to this
8 title;

9 2. In an adult criminal proceeding pursuant to Section 2-2-403
10 or 2-5-101 of this title;

11 3. Upon conviction of a criminal offense in an adult
12 proceeding, in connection with the sentencing of such person;

13 4. If the person is placed in the custody or under the
14 supervision of the Department of Corrections;

15 5. In accordance with the guidelines adopted pursuant to the
16 Juvenile Offender Tracking Program and Section 620.6 of Title 10 of
17 the Oklahoma Statutes, for maintaining juvenile justice and criminal
18 justice statistical information;

19 6. For the purpose of a criminal investigation; or

20 7. When the court finds that there is a compelling reason and
21 it is in the interest of justice to order the record unsealed.

22 ~~H.~~ G. Any person or agency having a legitimate interest in a
23 delinquency case or proceeding may petition the court for an order

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1 unsealing a juvenile court record. Upon the filing of a petition to
2 unseal any juvenile court record, the court shall set a date for a
3 hearing and shall provide thirty (30) ~~days~~ days of notice to all
4 interested parties. The hearing may be closed at the court's
5 discretion. If, after a hearing, the court determines that there is
6 any reason enumerated in subsection G F of this section and it is
7 necessary for the protection of a legitimate public or private
8 interest to unseal the records, the court shall order the record
9 unsealed.

10 ~~F~~ H. Any record ordered to be sealed pursuant to this section,
11 if not unsealed within ten (10) years of the order, shall be
12 obliterated or destroyed at the end of the ten-year period.

13 SECTION 18. AMENDATORY 10A O.S. 2011, Section 2-7-303,
14 is amended to read as follows:

15 Section 2-7-303. The Office of Juvenile Affairs, in its role as
16 planner and coordinator for juvenile justice and delinquency
17 prevention services, is hereby authorized to and shall enter into
18 contracts for the establishment and maintenance of community-based
19 facilities, services and programs which may include, but are not
20 limited to: Emergency shelter, diagnosis, crisis intervention,
21 counseling, group work, case supervision, job placement, school-
22 based prevention programs, alternative diversion programs for first-
23 time offenders and for youth alleged or adjudicated to be in need of

1 supervision, recruitment and training of volunteers, consultation,
2 case management services, and agency coordination with emphasis on
3 keeping youth with a high potential for delinquency out of the
4 traditional juvenile justice process and community intervention
5 centers. The Office of Juvenile Affairs shall enter into contracts
6 with Youth Services Agencies for core community-based facilities,
7 programs and services based on need as indicated in its State Plan
8 for Youth Services Agencies.

9 SECTION 19. AMENDATORY 10A O.S. 2011, Section 2-7-305,
10 is amended to read as follows:

11 Section 2-7-305. A. The Office of Juvenile Affairs is
12 authorized to enter into contracts to establish or maintain
13 community-based youth service programs, shelters and community
14 intervention centers out of local, state and federal monies.

15 B. The Office of Juvenile Affairs shall take all necessary
16 steps to develop and implement a diversity of community services and
17 community-based residential care as needed to provide for adequate
18 and appropriate community-based care, treatment and rehabilitation
19 of children in the care, custody, and supervision of the Office of
20 Juvenile Affairs. Such community services and residential care
21 shall be consistent with the treatment needs of the child and the
22 protection of the public.

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1 1. The Office of Juvenile Affairs shall, to the extent
2 reasonable and practicable, provide community-based services,
3 community residential care and community intervention centers to
4 children in the custody of the Office of Juvenile Affairs through
5 financial agreements, as authorized in Sections 2-7-303 and 2-7-304
6 of this title.

7 2. The Office of Juvenile Affairs shall establish procedures
8 for the letting of grants or contracts, and the conditions and
9 requirements for the receipt of such grants or contracts, for
10 community-based services, community residential care and community
11 intervention centers. A copy of such procedures shall be made
12 available to any member of the general public upon request.

13 C. Any state agency letting grants or contracts for the
14 establishment of community residential care or treatment facilities
15 for children shall require, as a condition for receipt of such
16 grants or contracts, documented assurance from the agency or
17 organization establishing such facility that appropriate
18 arrangements have been made for providing the educational services
19 to which residents of the facility are entitled pursuant to state
20 and federal law.

21 D. 1. The Office of Juvenile Affairs shall implement programs
22 for establishment and continued operation of community intervention
23 centers. The centers shall be established pursuant to interlocal

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1 agreements between one or more municipalities or one or more
2 counties and the Office of Juvenile Affairs pursuant to rules
3 promulgated by the Office. The municipality or county may enter
4 into subcontracts with one or more service providers, subject to the
5 approval by the Office of Juvenile Affairs. The service provider,
6 whether a municipality, county or other entity, must have access to
7 the management information system provided for in Section 2-7-308 of
8 this title and must employ qualified staff, as determined by the
9 Office of Juvenile Affairs.

10 2. The community intervention center shall serve as a short-
11 term reception facility to receive and hold juveniles who have been
12 taken into custody by law enforcement agencies for the alleged
13 violation of a municipal ordinance or state law and for whom
14 detention is inappropriate or unavailable. The community
15 intervention center may be a secure facility. Juveniles held in the
16 community intervention facility shall not be isolated from common
17 areas other than for short-term protective holding for combative or
18 self-destructive behavior, as defined by the Office of Juvenile
19 Affairs.

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

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

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- 1 a. enter demographic information into the management
2 information system provided for in Section 2-7-308 of
3 this title,
4 b. immediately notify the parents or parent, guardian, or
5 other person legally responsible for the juvenile's
6 care, or if such legally responsible person is
7 unavailable the adult with whom the juvenile resides,
8 that the juvenile has been taken into custody and to
9 pick up the juvenile, and
10 c. hold juveniles until they can be released to a parent,
11 guardian, or other responsible adult or until a
12 temporary placement can be secured, but in no event
13 for longer than twenty-four (24) hours.

14 5. The community intervention center may perform the following
15 functions:

- 16 a. gather information to determine if the juvenile is in
17 need of immediate medical attention,
18 b. conduct an initial assessment pursuant to rules
19 promulgated by the Office of Juvenile Affairs. Such
20 initial assessment may be given without parental
21 consent if the juvenile agrees to participate in the
22 assessment, and
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1 c. conduct an assessment pursuant to a Problem Behavior
2 Inventory or a Mental Status Checklist or an
3 equivalent assessment instrument authorized by rules
4 promulgated by the Office of Juvenile Affairs, if
5 written permission to do so is obtained from the
6 parent, guardian or other person legally responsible
7 for the care of the juvenile. Such person and the
8 juvenile may review the assessment instrument prior to
9 the assessment process, must be informed that
10 participation in the assessment is voluntary and that
11 refusal to participate shall not result in any
12 penalty, and must sign a written acknowledgment that
13 they were given an opportunity to review the
14 assessment instrument. The assessment shall be used
15 to develop recommendations to correct the behavior of
16 the juvenile, to divert the progression of the
17 juvenile into the juvenile justice system, to
18 determine if the juvenile is in need of nonemergency
19 medical treatment, and to determine if the juvenile is
20 the victim of violence. Information derived from the
21 assessment shall not be used in any phase of
22 prosecution but may be used by the court following
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1 adjudication for the dispositional order and may be
2 used for referrals to social services.

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

7 7. Community intervention centers shall be certified pursuant
8 to standards established and rules promulgated by the Office of
9 Juvenile Affairs.

10 SECTION 20. AMENDATORY 10A O.S. 2011, Section 2-7-501,
11 is amended to read as follows:

12 Section 2-7-501. A. The Office of Juvenile Affairs shall
13 provide intake and probation services for juveniles in all counties
14 not having a juvenile bureau and parole services in all counties of
15 the state and may enter into agreements to supplement probationary
16 services to juveniles in any county. The Office of Juvenile Affairs
17 may participate in federal programs for juvenile probation officers,
18 and may apply for, receive, use and administer federal funds for
19 such purpose.

20 B. A pre-adjudicatory substance abuse assessment of a child may
21 be conducted in conjunction with a court intake or preliminary
22 inquiry pursuant to an alleged delinquent act or upon admission to a
23 juvenile detention facility through the use of diagnostic tools

1 including, but not limited to, urinalysis, structured interviews or
2 substance abuse projective testing instruments.

3 1. Information gained from the substance abuse assessment
4 pursuant to this subsection shall be used only for substance abuse
5 treatment and for no other purpose. The results shall not be used
6 in any evidentiary or fact-finding hearing in a juvenile proceeding
7 or as the sole basis for the revocation of a community-based
8 placement or participation in a community-based program.

9 2. The results of the substance abuse assessment may be given
10 to the intake, probation or parole counselor of the child, the
11 parent or guardian of the child or to the attorney of the child. In
12 accordance with the Juvenile Offender Tracking Program and Section
13 620.6 of Title 10 of the Oklahoma Statutes, the counselor may also
14 provide the results of the substance abuse assessment to medical
15 personnel, therapists, school personnel or others for use in the
16 treatment and rehabilitation of the child.

17 C. The Office of Juvenile Affairs and the juvenile bureaus
18 shall implement:

19 1. ~~Court~~ Use of a common court intake ~~risk-assessment~~ risk and
20 needs assessment for children alleged or adjudicated to be
21 delinquent;

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 3. A case management system for ensuring appropriate:

- 2 a. diversion of youth from the juvenile justice system,
- 3 b. services for and supervision of all youth on pre-
4 adjudicatory or postadjudicatory probation or on
5 parole, and for juvenile offenders in the custody of
6 the Office of Juvenile Affairs, and
- 7 c. intensive supervision of juvenile offenders and
8 communication between law enforcement and juvenile
9 court personnel and others regarding such offenders;
10 and

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

14 D. 1. The Office of Juvenile Affairs shall establish directly
15 and by contract, services including, but not limited to:

- 16 a. misdemeanor and nonserious first-time offender
17 programs,
- 18 b. tracking and mentor services,
- 19 c. weekend detention,
- 20 d. five-day out-of-home sanction placements,
- 21 e. short-term thirty-day intensive, highly structured
22 placements,
- 23 f. transitional programs,

- g. substance abuse treatment and diagnostic and evaluation programs, and
- h. day treatment programs.

2. In implementing these services, the Office of Juvenile Affairs shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

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

- a. the Office of Juvenile Affairs,
- b. a first-time offender program within a designated youth services agency,
- c. any metropolitan county juvenile bureau, or
- d. any county operating a juvenile bureau.

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

- a. structured interviews,
- b. standardized literacy testing instruments which measure the educational proficiency of the child, and
- c. any other measure used to determine:
 - (1) whether a child is reading at an age-appropriate level, and

1 (2) the capacity of the child to read at such level.

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

11 4. a. Upon request, the results of the literacy skills
12 assessment shall be given to the following:

13 (1) the child's intake, probation or parole
14 counselor,

15 (2) the parent or guardian of the child, or

16 (3) the child's attorney.

17 b. In accordance with the Juvenile Offender Tracking
18 Program and Section 620.6 of Title 10 of the Oklahoma
19 Statutes, the counselor may also provide the results
20 of the literacy skills assessment to therapists,
21 school personnel or others for use in the training and
22 rehabilitation of the child.

1 5. a. If the child is a juvenile placed in an institution or
2 facility operated by the Office of Juvenile Affairs,
3 the child shall be assessed and a literacy improvement
4 program shall be implemented in accordance with
5 Sections 2-7-601 and 2-7-603 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
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1 quantifiable literacy improvement shall not be the
2 sole basis for not dismissing a case against a child.

3 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1283, is
4 amended to read as follows:

5 Section 1283. A. Except as provided in subsection B of this
6 section, it shall be unlawful for any person convicted of any felony
7 in any court of this state or of another state or of the United
8 States to have in his or her possession or under his or her
9 immediate control, or in any vehicle which the person is operating,
10 or in which the person is riding as a passenger, or at the residence
11 where the convicted person resides, any pistol, imitation or
12 homemade pistol, altered air or toy pistol, machine gun, sawed-off
13 shotgun or rifle, or any other dangerous or deadly firearm.

14 B. Any person who has previously been convicted of a nonviolent
15 felony in any court of this state or of another state or of the
16 United States, and who has received a full and complete pardon from
17 the proper authority and has not been convicted of any other felony
18 offense which has not been pardoned, shall have restored the right
19 to possess any firearm or other weapon prohibited by subsection A of
20 this section, the right to apply for and carry a concealed handgun
21 pursuant to the Oklahoma Self-Defense Act and the right to perform
22 the duties of a peace officer, gunsmith, or for firearms repair.

1 C. It shall be unlawful for any person supervised by the
2 Department of Corrections or any division thereof to have in his or
3 her possession or under his or her immediate control, or at his or
4 her residence, or in any passenger vehicle which the supervised
5 person is operating or is riding as a passenger, any pistol, shotgun
6 or rifle, including any imitation or homemade pistol, altered air or
7 toy pistol, shotgun or rifle, while such person is subject to
8 supervision, probation, parole or inmate status.

9 D. It shall be unlawful for any person previously adjudicated
10 as a delinquent child ~~or a youthful offender~~ for the commission of
11 an offense, ~~which would have constituted a felony offense if~~
12 ~~committed by an adult,~~ in violation of Section 645, 650, 650.2, 652,
13 681 or 798 of this title or as a youthful offender for the
14 commission of any felony offense to have in the person's possession
15 or under the person's immediate control, or have in any vehicle
16 which he or she is driving or in which the person is riding as a
17 passenger, or at the person's residence, any pistol, imitation or
18 homemade pistol, altered air or toy pistol, machine gun, sawed-off
19 shotgun or rifle, or any other dangerous or deadly firearm within
20 ten (10) years after such adjudication; provided, that nothing in
21 this subsection shall be construed to prohibit the placement of the
22 person in a home with a full-time duly appointed peace officer who
23 is certified by the Council on Law Enforcement Education and

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1 Training (CLEET) pursuant to the provisions of Section 3311 of Title
2 70 of the Oklahoma Statutes.

3 E. Any person having been issued a concealed handgun license
4 pursuant to the provisions of the Oklahoma Self-Defense Act and who
5 thereafter knowingly or intentionally allows a convicted felon or
6 adjudicated delinquent ~~or a youthful offender~~ as prohibited by the
7 provisions of subsection A, C, or D of this section to possess or
8 have control of any pistol authorized by the Oklahoma Self-Defense
9 Act shall, upon conviction, be guilty of a felony punishable by a
10 fine not to exceed Five Thousand Dollars (\$5,000.00). In addition,
11 the person shall have the handgun license revoked by the Oklahoma
12 State Bureau of Investigation after a hearing and determination that
13 the person has violated the provisions of this section.

14 F. Any convicted or adjudicated person violating the provisions
15 of this section shall, upon conviction, be guilty of a felony
16 punishable as provided in Section 1284 of this title.

17 G. For purposes of this section, "sawed-off shotgun or rifle"
18 shall mean any shotgun or rifle which has been shortened to any
19 length.

20 H. For purposes of this section, "altered toy pistol" shall
21 mean any toy weapon which has been altered from its original
22 manufactured state to resemble a real weapon.

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1 I. For purposes of this section, "altered air pistol" shall
2 mean any air pistol manufactured to propel projectiles by air
3 pressure which has been altered from its original manufactured
4 state.

5 SECTION 22. AMENDATORY 43A O.S. 2011, Section 5-507, is
6 amended to read as follows:

7 Section 5-507. A. No minor who is ~~taken~~ placed into emergency,
8 temporary or permanent custody of a state agency pursuant to ~~Section~~
9 ~~1-4-201~~ of Title 10A of the Oklahoma Statutes as ~~an alleged deprived~~
10 ~~child, or who has been adjudicated a ward of the court~~ shall be
11 admitted to a hospital or mental health or substance abuse treatment
12 facility:

- 13 1. On an emergency basis except as provided by this section;
- 14 2. For inpatient treatment except upon a commitment order of
15 the court pursuant to the provisions of subsection D of this section
16 and after a finding that the minor requires such services as
17 provided by Section 5-512 of this title.

18 B. After an initial assessment and a determination that a minor
19 is a minor in need of treatment, the minor may be admitted to a
20 hospital or mental health or substance abuse treatment facility on
21 an emergency basis for a period not to exceed five (5) days from the
22 time of admission, excluding weekends and holidays. On the next
23 business day following admission, notice of such admission shall be

1 given by the person responsible for the supervision of the case, as
2 applicable, to the minor's attorney, Court Appointed Special
3 Advocate (CASA) or guardian ad litem, the court and district
4 attorney.

5 C. A minor admitted on an emergency basis pursuant to this
6 section shall be evaluated and the mental health evaluation
7 submitted to the district attorney within forty-eight (48) hours of
8 admission, excluding weekends and holidays. The mental health
9 evaluation shall be performed by a licensed mental health
10 professional at the facility.

11 D. If after an inpatient or outpatient mental health evaluation
12 it appears that the minor may require inpatient treatment, the
13 district attorney shall file a petition as provided by Section 5-509
14 of this title within three (3) days after receiving the mental
15 health evaluation requesting an order committing the minor to a
16 facility for inpatient treatment. After the filing of a petition
17 and upon issuance of a prehearing detention order, the minor may be
18 detained in the facility for no longer than necessary for a hearing
19 on the petition as provided by Section 5-510 of this title or
20 further order of the court.

21 E. Nothing in this section shall be interpreted to preclude or
22 prohibit a parent having physical custody of a minor who is a ward
23 of the court from arranging for an emergency admission of the minor.

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1 In such cases, the parent shall immediately notify the person
2 responsible for the supervision of the case of the admission.

3 SECTION 23. AMENDATORY 70 O.S. 2011, Section 24-101.3,
4 is amended to read as follows:

5 Section 24-101.3 A. Any student who is guilty of an act
6 described in paragraph 1 of subsection C of this section may be
7 suspended out-of-school in accordance with the provisions of this
8 section. Each school district board of education shall adopt a
9 policy with procedures which provides for out-of-school suspension
10 of students. The policy shall address the term of the out-of-school
11 suspension, provide an appeals process as described in subsection B
12 of this section, and provide that before a student is suspended out-
13 of-school, the school or district administration shall consider and
14 apply, if appropriate, alternative in-school placement options that
15 are not to be considered suspension, such as placement in an
16 alternative school setting, reassignment to another classroom, or
17 in-school detention. The policy shall address education for
18 students subject to the provisions of subsection D of this section
19 and whether participation in extracurricular activities shall be
20 permitted.

21 B. 1. Students suspended out-of-school for ten (10) or fewer
22 days shall have the right to appeal the decision of the
23 administration as provided in the policy required in subsection A of
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1 this section. The policy shall specify whether appeals for short-
2 term suspensions as provided in this subsection shall be to a local
3 committee composed of district administrators or teachers or both,
4 or to the district board of education. Upon full investigation of
5 the matter, the committee or board shall determine the guilt or
6 innocence of the student and the reasonableness of the term of the
7 out-of-school suspension. If the policy requires appeals for short-
8 term suspensions to a committee, the policy adopted by the board
9 may, but is not required to, provide for appeal of the committee's
10 decision to the board.

11 2. Students suspended out-of-school for more than ten (10) days
12 and students suspended pursuant to the provisions of paragraph 2 of
13 subsection C of this section may request a review of the suspension
14 with the administration of the district. If the administration does
15 not withdraw the suspension, the student shall have the right to
16 appeal the decision of the administration to the district board of
17 education. Except as otherwise provided for in paragraph 2 of
18 subsection C of this section, no out-of-school suspension shall
19 extend beyond the current semester and the succeeding semester.
20 Upon full investigation of the matter, the board shall determine the
21 guilt or innocence of the student and the reasonableness of the term
22 of the out-of-school suspension. A board of education may conduct
23 the hearing and render the final decision or may appoint a hearing

1 officer to conduct the hearing and render the final decision. The
2 decision of the district board of education or the hearing officer,
3 if applicable, shall be final.

4 C. 1. Students who are guilty of any of the following acts may
5 be suspended out-of-school by the administration of the school or
6 district:

7 a. violation of a school regulation,

8 b. ~~immorality,~~

9 ~~c. adjudication as a delinquent for an offense that is~~

10 ~~not a violent offense. For the purposes of this~~

11 ~~section, "violent offense" shall include those~~

12 ~~offenses listed as the exceptions to the term~~

13 ~~"nonviolent offense" as specified in Section 571 of~~

14 ~~Title 57 of the Oklahoma Statutes. "Violent offense"~~

15 ~~shall include the offense of assault with a dangerous~~

16 ~~weapon but shall not include the offense of assault,~~

17 ~~d.~~ possession of an intoxicating beverage, low-point

18 beer, as defined by Section 163.2 of Title 37 of the

19 Oklahoma Statutes, or missing or stolen property if

20 the property is reasonably suspected to have been

21 taken from a student, a school employee, or the school

22 during school activities, and

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1 provisions of this section. The term of the suspension may be
2 modified by the district superintendent on a case-by-case basis.

3 D. At its discretion a school district may provide an education
4 plan for students suspended out-of-school for five (5) or fewer days
5 pursuant to the provisions of this subsection. The following
6 provisions shall apply to students who are suspended out-of-school
7 for more than five (5) days and who are guilty of acts listed in
8 subparagraphs a, and b, ~~c and d~~ of paragraph 1 of subsection C of
9 this section. Upon the out-of-school suspension, the parent or
10 guardian of a student suspended out-of-school pursuant to the
11 provisions of this subsection shall be responsible for the provision
12 of a supervised, structured environment in which the parent or
13 guardian shall place the student and bear responsibility for
14 monitoring the student's educational progress until the student is
15 readmitted into school. The school administration shall provide the
16 student with an education plan designed for the eventual
17 reintegration of the student into school which provides only for the
18 core units in which the student is enrolled. A copy of the
19 education plan shall also be provided to the student's parent or
20 guardian. For the purposes of this section, the core units shall
21 consist of the minimum English, mathematics, science, social studies
22 and art units required by the State Board of Education for grade
23 completion in grades kindergarten through eight and for high school

1 graduation in grades nine through twelve. The plan shall set out
2 the procedure for education and shall address academic credit for
3 work satisfactorily completed.

4 E. A student who has been suspended out-of-school from a public
5 or private school in the State of Oklahoma or another state for a
6 violent act or an act showing deliberate or reckless disregard for
7 the health or safety of faculty or other students shall not be
8 entitled to enroll in a public school of this state, and no public
9 school shall be required to enroll the student, until the terms of
10 the suspension have been met or the time of suspension has expired.

11 F. No public school of this state shall be required to provide
12 education services in the regular school setting to any student who
13 has been adjudicated as a delinquent for an offense defined in
14 Section 571 of Title 57 of the Oklahoma Statutes as an exception to
15 a nonviolent offense or convicted as an adult of an offense defined
16 in Section 571 of Title 57 of the Oklahoma Statutes as an exception
17 to a nonviolent offense, who has been removed from a public or
18 private school in the State of Oklahoma or another state by
19 administrative or judicial process for a violent act or an act
20 showing deliberate or reckless disregard for the health or safety of
21 faculty or other students, or who has been suspended as provided for
22 in paragraph 3 of subsection C of this section until the school in
23 which the student is subsequently enrolled determines that the

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 student no longer poses a threat to self, other students or school
2 district faculty or employees. Until the school in which such
3 student subsequently enrolls or re-enrolls determines that the
4 student no longer poses a threat to self, other students or school
5 district faculty or employees, the school may provide education
6 services through an alternative school setting, home-based
7 instruction, or other appropriate setting. If the school provides
8 education services to such student at a district school facility,
9 the school shall notify any student or school district faculty or
10 employee victims of such student, when known, and shall ensure that
11 the student will not be allowed in the general vicinity of or
12 contact with a victim of the student, provided such victim notifies
13 the school of the victim's desire to refrain from contact with the
14 offending student.

15 G. Students suspended out-of-school who are on an
16 individualized education plan pursuant to the Individuals with
17 Disabilities Education Act, P.L. No. 101-476, or who are subject to
18 the provisions of subsection F of this section and who are on an
19 individualized education plan shall be provided the education and
20 related services in accordance with the student's individualized
21 education plan.

22 H. A student who has been suspended for a violent offense which
23 is directed towards a classroom teacher shall not be allowed to

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1 return to that teacher's classroom without the approval of that
2 teacher.

3 I. No school board, administrator or teacher may be held
4 civilly liable for any action taken in good faith which is
5 authorized by this section.

6 SECTION 24. REPEALER 10 O.S. 2011, Sections 22 and 24,
7 are hereby repealed.

8 SECTION 25. REPEALER 10 O.S. 2011, Sections 130.1,
9 130.2, 130.3, 130.4, 130.5, 130.6, 130.7, 130.8 and 130.9, are
10 hereby repealed.

11 SECTION 26. REPEALER 10 O.S. 2011, Section 1101.1, is
12 hereby repealed.

13 SECTION 27. REPEALER 10A O.S. 2011, Section 2-2-806, is
14 hereby repealed.

15 SECTION 28. This act shall become effective November 1, 2012.

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 03/01/2012 - DO PASS, As Amended and Coauthored.

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