

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1891

By: David

4
5
6 AS INTRODUCED

7 An Act relating to children's shelters; amending 10
8 O.S. 2011, Sections 405 and 601.3 and 10A O.S. 2011,
9 Sections 1-9-111 and 2-7-307, which relate to
10 children's shelters; directing the Office of Juvenile
11 Affairs to certify certain shelters; removing certain
12 requirement of the Oklahoma Commission on Children
13 and Youth; modifying certain requirements of the
14 Department of Human Services; directing the
15 Department of Human Services to provide certain
16 information in specified circumstances; directing the
17 Office of Juvenile Affairs to establish certain
18 system; requiring certain shelters to meet specified
19 standards; and providing an effective date.

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

21 SECTION 1. AMENDATORY 10 O.S. 2011, Section 405, is
22 amended to read as follows:

23 Section 405. A. No child care facility may be operated or
24 maintained in this state, unless licensed or temporarily authorized
25 by the Department of Human Services, except for the shelters
26 certified by the ~~Oklahoma Commission on Children and Youth~~ pursuant
27 ~~to Section 601.3 of this title~~ Office of Juvenile Affairs pursuant
28 to Section 2-7-307 of Title 10A of the Oklahoma Statutes; provided,

1 that the Department shall not be required to be licensed, but shall
2 be bound by the standards it prescribes. No new child care facility
3 may be established without the prior approval of the Department,
4 which shall be granted only after the Department is satisfied that
5 the facility will meet minimum standards for a license to operate.

6 B. The Department shall not grant approval for a permit, or a
7 license for a new child care facility to receive and care for
8 children until:

9 1. All background investigation requirements are met pursuant
10 to Section 404.1 of this title; and

11 2. All required training including, but not limited to,
12 cardiopulmonary resuscitation (CPR), first aid, health and safety
13 training, and minimum education requirements pursuant to licensing
14 requirements have been completed for any person left alone with
15 children.

16 C. The incorporation or domestication of a corporation
17 organized for the purpose of operating a child care facility shall
18 not exempt such corporation from compliance with the provisions of
19 Sections 401 through 418 of this title.

20 D. An application for a license shall be made on forms provided
21 by the Department and in the manner prescribed. Temporary
22 authorization may be granted to allow the Department to investigate
23 the activities and standards of care of the applicant. The
24 Department may issue a license once it is satisfied that the

1 applicant meets the requirements as provided in Sections 401 through
2 418 of this title. All licenses shall be in force unless revoked as
3 authorized by Section 407 of this title.

4 SECTION 2. AMENDATORY 10 O.S. 2011, Section 601.3, is
5 amended to read as follows:

6 Section 601.3. The Oklahoma Commission on Children and Youth is
7 hereby authorized and directed to:

8 1. Establish and maintain the Office of Planning and
9 Coordination for Services to Children and Youth;

10 2. Establish and maintain the Office of Juvenile System
11 Oversight; and

12 3. Designate community partnership districts for services to
13 children and youth and, within the limitations of available funds,
14 whether appropriated or otherwise available, provide staff,
15 technical assistance and other assistance as necessary and
16 appropriate to the district boards; ~~and~~

17 ~~4. Establish a system of certification in accordance with the~~
18 ~~Child Care Facilities Licensing Act for the shelters managed and~~
19 ~~operated by the Department of Human Services pursuant to Section~~
20 ~~7004-3.1 of this title.~~

21 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-9-111, is
22 amended to read as follows:

23 Section 1-9-111. A. 1. The Department of Human Services is
24 authorized to manage and operate the children's shelter located in

1 Oklahoma City, known and designated as the Pauline Mayer Children's
2 Shelter, and the children's shelter located in Tulsa, known and
3 designated as the Laura Dester Children's Shelter. The Department
4 shall implement a plan to transition the use of shelters from a
5 placement for children taken into custody into an alternative
6 purpose to be determined by the Department. Kinship care homes and
7 emergency foster care homes shall be utilized for the care of
8 children instead of a shelter whenever possible. The Department
9 shall structure the plan so ~~that within a reasonable time no more~~
10 ~~than twenty-five children may be placed in~~ as not to exceed the
11 licensed capacity of each shelter managed and operated by the
12 Department and shall monitor and report to the Legislature and
13 Governor on a monthly basis the daily average shelter population
14 ~~and,~~ the length of stay of each child in the shelters, the number of
15 kinship care homes utilized, and the total number of emergency
16 foster care homes available by county. The Department shall include
17 in their monthly report the number of children in the shelters who
18 exceed the expected length of stay of five (5) days for birth to
19 five (5) years of age, fifteen (15) days for six (6) to ten (10)
20 years of age, and thirty (30) days for eleven (11) to eighteen (18)
21 years of age. The Department shall include descriptive placement
22 efforts made by the Department for each child who exceeds the
23 expected length of stay.
24

1 2. The Department is authorized to manage and operate, to the
2 extent of funds available, such group homes as may be necessary to
3 provide a diversity of placement alternatives for children
4 adjudicated deprived and placed in the custody of the Department.

5 B. The Commission for Human Services shall establish and
6 maintain methods of administration, including those necessary to
7 establish and maintain a merit system of personnel administration,
8 and shall prescribe rules necessary for the efficient and effective
9 operation of the children's facilities operated by the Department.

10 C. 1. The Director of the Department shall employ and fix the
11 duties and compensation of a director or supervisor, and other
12 personnel necessary, for each of the children's facilities operated
13 by the Department.

14 2. The Department shall promulgate, and in its hiring and
15 employment practices, the Department shall adhere to, written
16 minimum qualifications by position for personnel working with or
17 around children in such facilities. Minimum qualifications shall be
18 designed to assure that:

- 19 a. personnel possess sufficient education, training,
20 experience, and background to provide adequate and
21 safe professional care and services to children, and
- 22 b. children will not be exposed to abuse, deprivation,
23 criminal conduct, or other unwholesome conditions
24 attributable to employee incompetence or misconduct.

1 D. 1. It shall be the duty of the State Fire Marshal and the
2 State Commissioner of Health to cause annual unannounced inspections
3 of children's facilities operated by the Department, utilizing
4 adequately trained and qualified inspection personnel, to determine
5 and evaluate conditions in their respective areas of agency
6 jurisdiction.

7 2. Inspections shall include, but not be limited to, compliance
8 with:

- 9 a. minimum fire, life, and health safety standards, and
- 10 b. minimum standards governing general sanitation of the
11 institution.

12 3. Reports of inspections shall be made in writing, itemizing
13 and identifying any deficiencies, and recommending corrective
14 measures, and shall be filed with the Department, the Office of
15 Juvenile System Oversight, and the Commission on Children and Youth.

16 4. The Department shall file copies of the reports of the
17 inspections and recommendations of the accrediting agencies with the
18 Office of Juvenile System Oversight.

19 E. 1. The Department may:

- 20 a. give assistance to local school districts in providing
21 an education to children in facilities operated by the
22 Department,
- 23 b. supplement the education, and
- 24 c. provide facilities for such purposes.

1 2. It shall be the duty of the Department to assure that
2 children in the facilities receive educational services which will
3 stress basic literacy skills including, but not limited to,
4 curricula requirements stressing reading, writing, mathematics,
5 science, and vocational-technical education.

6 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-7-307, is
7 amended to read as follows:

8 Section 2-7-307. A. The Office of Juvenile Affairs is hereby
9 authorized to, and shall, enter into cooperative agreements with the
10 Department of Human Services for the use by both Departments of
11 existing community-based programs, management information and client
12 tracking systems, facility certification systems, community
13 intervention centers and other shared resources as deemed necessary
14 or appropriate by both Departments.

15 B. The Office of Juvenile Affairs shall certify all shelters
16 managed and operated by the Department of Human Services pursuant to
17 Section 1-9-111 of this title. The Office of Juvenile Affairs shall
18 establish a system of certification in accordance with the Oklahoma
19 Child Care Facilities Licensing Act. To be certified, the shelter
20 shall be required to meet standards for certification promulgated by
21 the Board of Juvenile Affairs.

22 SECTION 5. This act shall become effective November 1, 2012.

23
24 53-2-2588 JM 1/19/2012 9:04:01 PM