

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4   HOUSE BILL 2130

                                  By: Nelson

7                                   AS INTRODUCED

8           An Act relating to the children and juvenile code;  
9           amending 10A O.S. 2011, Sections 2-1-102 and 2-1-103,  
10          which relate to the Oklahoma Juvenile Code; modifying  
11          legislative intent; clarifying definitions; amending  
12          10A O.S. 2011, Sections 2-2-101, 2-2-102, 2-2-104 and  
13          2-2-107, which relate to custody and court  
14          proceedings; modifying circumstances that allow  
15          taking a child into custody; clarifying juvenile  
16          detention requirements and case transfer procedure;  
17          providing preliminary inquiry procedures for intake  
18          workers; authorizing district attorneys to consult  
19          with intake workers regarding complaints; making  
20          diversion services available for certain at-risk  
21          children; providing for the use of diversion services  
22          after supervision petition filed; prohibiting the  
23          filing of supervision petition while participating in  
24          diversion services; requiring notice when terminated  
            from diversion services program; deleting certain  
            warrant requirement; construing certain provision;  
            amending 10A O.S. 2011, Section 2-2-301, which  
            relates to custodial interrogations and appointment  
            of counsel; 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  
            proceedings; clarifying privacy requirements for  
            adjudicative hearings; allowing open hearings under  
            certain circumstances; modifying circumstances that  
            allow for the deferral of delinquency proceedings;  
            amending 10A O.S. 2011, Sections 2-2-501, 2-2-502  
            and 2-2-503, which relate to treatment and service  
            plans and disposition orders; establishing time

1 limitation for holding dispositional hearings;  
2 providing guidelines for treatment and service plan  
3 assessment and evaluation process; directing the  
4 Office of Juvenile Affairs to identify risks and  
5 needs assessment instruments for treatment and  
6 service plans; construing certain provision;  
7 providing list of rights for dispositional hearings;  
8 authorizing use of sanctions under certain  
9 circumstances; deleting certain redisposition  
10 guidelines; prohibiting consideration of arrests,  
11 detentions or adjudications for certain purposes;  
12 amending 10A O.S. 2011, Section 2-2-701, which  
13 relates to contempt of court violations; authorizing  
14 issuance of bench warrants; defining terms;  
15 describing contempt of court violations; modifying  
16 punishment; amending 10A O.S. 2011, Section 2-3-101,  
17 which relates to conditions of confinement; modifying  
18 secure detention requirements; amending 10A O.S.  
19 2011, Sections 2-6-101, 2-6-102 and 2-6-108, which  
20 relate to records of juvenile cases; modifying  
21 definitions; deleting and modifying exceptions to  
22 confidentiality requirements; directing court to seal  
23 records of delinquent proceedings; amending 10A O.S.  
24 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;  
modifying functions of community intervention  
centers; 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, as amended by Section 9,  
Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012, 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 suspensions;  
repealing 10 O.S. 2011, Sections 22 and 24, which  
relate to personnel of state institutions and the  
appointment of counsel; repealing 10 O.S. 2011,

1 Sections 130.1, 130.2, 130.3, 130.4, 130.5, 130.6,  
2 130.7, 130.8 and 130.9, which relate to detention  
3 homes for juveniles; repealing 10 O.S. 2011, Section  
4 1101.1, which relates to placement of certain  
5 children in mental health facilities; repealing 10A  
6 O.S. 2011, Section 2-2-806, as amended by Section 40,  
7 Chapter 304, O.S.L. 2012 (10A O.S. Supp. 2012,  
8 Section 2-2-806), which relates to construction of  
9 certain juvenile custody facility; providing for  
10 codification; and providing an effective date.

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

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

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

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

- 21 1. Recognize the unique characteristics and needs of juveniles;
- 22 2. Give juveniles access to opportunities for personal and  
23 social growth;
- 24 3. Maintain the integrity of substantive law prohibiting  
certain behavior and developing individual responsibility for lawful  
behavior;

1 4. Provide a system relying upon individualized treatment and  
2 best practices for the rehabilitation and reintegration of juvenile  
3 delinquents into society;

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

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

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

13 8. Provide procedures through which the provisions of the law  
14 are executed and enforced and which will assure the parties fair  
15 hearings at which their rights as citizens are recognized and  
16 protected

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

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

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

3 2. "Alternatives to secure detention" means those services and  
4 facilities which are included in the State Plan for the  
5 Establishment of Juvenile Detention Services adopted by the Board of  
6 Juvenile Affairs and which are used for the temporary detention of  
7 juveniles in lieu of secure detention in a juvenile detention  
8 facility;

9 3. "Behavioral health" means mental health, substance abuse or  
10 co-occurring mental health and substance abuse diagnoses, and the  
11 continuum of mental health, substance abuse, or co-occurring mental  
12 health and substance abuse treatment;

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

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

17 6. "Child" or "juvenile" means any person under eighteen (18)  
18 years of age, except for any person charged and convicted for any  
19 offense specified in the Youthful Offender Act or against whom  
20 judgment and sentence has been deferred for such offense, or any  
21 person who is certified as an adult pursuant to any certification  
22 procedure authorized in the Oklahoma Juvenile Code for any offense  
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1 which results in a conviction or against whom judgment and sentence  
2 has been deferred for such offense;

3 7. "Child or juvenile in need of mental health and substance  
4 abuse treatment" means a juvenile in need of mental health and  
5 substance abuse treatment as defined by the Inpatient Mental Health  
6 and Substance Abuse Treatment of Minors Act;

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

9 a. has repeatedly disobeyed reasonable and lawful  
10 commands or directives of the parent, legal guardian,  
11 or other custodian,

12 b. is willfully and voluntarily absent from his home  
13 without the consent of the parent, legal guardian, or  
14 other custodian for a substantial length of time or  
15 without intent to return,

16 c. is willfully and voluntarily absent from school, as  
17 specified in Section 10-106 of Title 70 of the  
18 Oklahoma Statutes, if the juvenile is subject to  
19 compulsory school attendance, or

20 d. has been served with an ex parte or final protective  
21 order pursuant to the Protection from Domestic Abuse  
22 Act;

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

11 10. "Community intervention center" means a facility which  
12 serves as a short-term reception facility to receive and hold  
13 juveniles for an alleged violation of a municipal ordinance ~~or,~~  
14 state law or who are alleged to be in need of supervision, as  
15 provided for in subsection D of Section 2-7-305 of this title;

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

20 a. screening, evaluation and assessment which includes a  
21 face-to-face screening and evaluation to establish  
22 problem identification and to determine the risk level  
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1 of a child or adolescent and may result in clinical  
2 diagnosis or diagnostic impression,

3 b. treatment planning which includes preparation of an  
4 individualized treatment plan which is usually done as  
5 part of the screening, evaluation and assessment,

6 c. treatment plan reviewing which includes a  
7 comprehensive review and evaluation of the  
8 effectiveness of the treatment plan,

9 d. individual counseling which includes face-to-face,  
10 one-on-one interaction between a counselor and a  
11 juvenile to promote emotional or psychological change  
12 to alleviate the issues, problems, and difficulties  
13 that led to a referral, including ongoing assessment  
14 of the status and response of the juvenile to  
15 treatment as well as psychoeducational intervention,

16 e. group counseling which includes a method of treating a  
17 group of individuals using the interaction between a  
18 counselor and two or more juveniles ~~and/or~~ or parents  
19 or guardians to promote positive emotional or  
20 behavioral change, not including social skills  
21 development or daily living skills,

22 f. family counseling which includes a face-to-face  
23 interaction between a counselor and the family of the  
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1 juvenile to facilitate emotional, psychological or  
2 behavior changes and promote successful communication  
3 and understanding,

4 g. crisis intervention counseling which includes  
5 unanticipated, unscheduled face-to-face emergency  
6 intervention provided by a licensed level or qualified  
7 staff with immediate access to a licensed provider to  
8 resolve immediate, overwhelming problems that severely  
9 impair the ability of the juvenile to function or  
10 maintain in the community,

11 h. crisis intervention telephone support which includes  
12 supportive telephone assistance provided by a licensed  
13 level provider or qualified staff with immediate  
14 access to a licensed provider to resolve immediate,  
15 overwhelming problems that severely impair the ability  
16 of the juvenile to function or maintain in the  
17 community,

18 i. case management which includes planned linkage,  
19 advocacy and referral assistance provided in  
20 partnership with a client to support that client in  
21 self-sufficiency and community tenure,

22 j. case management and home-based services which includes  
23 that part of case management services dedicated to  
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1 travel for the purpose of linkage, advocacy and  
2 referral assistance and travel to provide counseling  
3 and support services to families of children as needed  
4 to support specific youth and families in self-  
5 sufficiency and community tenure,

6 k. individual rehabilitative treatment which includes  
7 face-to-face service provided one-on-one by qualified  
8 staff to maintain or develop skills necessary to  
9 perform activities of daily living and successful  
10 integration into community life, including educational  
11 and supportive services regarding independent living,  
12 self-care, social skills regarding development,  
13 lifestyle changes and recovery principles and  
14 practices,

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

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

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

12 o. tutoring which includes a tutor and student working  
13 together as a learning team to bring about overall  
14 academic success, improved self-esteem and increased  
15 independence as a learner for the student,

16 p. community relations which include public or community  
17 relations activities directed toward the community or  
18 public at large or any segment of the public to  
19 encourage understanding, accessibility and use of  
20 community-based facilities, programs or services,

21 q. emergency shelter beds and shelter host homes which  
22 include emergency shelter care for juveniles referred  
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1 to the program needing shelter care within the State  
2 of Oklahoma,

3 r. transitional living programs which include a  
4 structured program to help older homeless youth  
5 achieve self-sufficiency and avoid long-term  
6 dependence on social services,

7 s. community-at-risk services (C.A.R.S.) which include a  
8 program provided to juveniles in custody or under the  
9 supervision of the Office of Juvenile Affairs or a  
10 juvenile bureau to prevent out-of-home placement and  
11 to reintegrate juveniles returning from placements.  
12 The program shall include, but not be limited to,  
13 treatment plan development, counseling, diagnostic and  
14 evaluation services, mentoring, tutoring, and  
15 supervision of youth in independent living,

16 t. first offender programs which include alternative  
17 diversion programs, as defined by Section 2-2-404 of  
18 this title, and

19 u. other community-based facilities, programs or services  
20 designated by the Board as core community-based  
21 facilities, programs or services;

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

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

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

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

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

18 15. "Executive Director" means the Executive Director of the  
19 Office of Juvenile Affairs;

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

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

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

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

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

3 a. have a program which includes community participation  
4 and community-based services, or

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

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

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

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

18 24. "Peer Review" means an initial or annual review and report  
19 to the Office of Juvenile Affairs of the organization, programs,  
20 records and financial condition of a Youth Services Agency by the  
21 Oklahoma Association of Youth Services, or another Oklahoma  
22 nonprofit corporation whose membership consists solely of Youth  
23 Services Agencies and of whom at least a majority of Youth Services

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1 Agencies are members. An annual review may consist of a review of  
2 one or more major areas of the operation of the Youth Services  
3 Agency being reviewed;

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

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

19 27. "Probation" means a legal status created by court order  
20 whereby a delinquent juvenile is permitted to remain outside an  
21 Office of Juvenile Affairs facility directly or by contract under  
22 prescribed conditions and under supervision by the Office, subject  
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1 to return to the court for violation of any of the conditions  
2 prescribed;

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

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

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

13 a. while under the continuing jurisdiction of the court  
14 pending court disposition, or

15 b. pending placement by the Office of Juvenile Affairs  
16 after adjudication;

17 31. "Training school" or "secure facility" means a facility,  
18 maintained by the state exclusively for the care, education,  
19 training, treatment, and rehabilitation of delinquent juveniles or  
20 youthful offenders which relies on locked rooms and buildings, and  
21 fences for physical restraint in order to control behavior of its  
22 residents. A training school or secure facility shall not be  
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1 considered a correctional facility subject to the provisions of  
2 Title 57 of the Oklahoma Statutes;

3 32. "Transitional living program" means a residential program  
4 that may be attached to an existing facility or operated solely for  
5 the purpose of assisting juveniles to develop the skills and  
6 abilities necessary for successful adult living. Said program may  
7 include but shall not be limited to reduced staff supervision,  
8 vocational training, educational services, employment and employment  
9 training, and other appropriate independent living skills training  
10 as a part of the transitional living program; and

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

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

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

22 1. By a peace officer~~7~~, without a court order for any criminal  
23 offense for which the officer is authorized to arrest an adult

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1 without a warrant, ~~or if the child is willfully and voluntarily~~  
2 ~~absent from the home of the child without the consent of the parent,~~  
3 ~~legal guardian, legal custodian or other person having custody and~~  
4 ~~control of the child for a substantial length of time or without~~  
5 ~~intent to return,~~ or if the surroundings of the child are such as to  
6 endanger the welfare of the child;

7 2. By a peace officer or an employee of the court without a  
8 court order, ~~if the child is willfully and voluntarily absent~~ has  
9 run away from the home ~~of the child~~ without ~~the consent of the~~  
10 ~~parent, legal guardian, legal custodian or other person having~~  
11 ~~custody and control of the child for a substantial length of time or~~  
12 ~~without intent to return, or if the surroundings of the child are~~  
13 ~~such as to endanger the welfare of the child~~ just cause or, in the  
14 reasonable conclusion of the employee of the court or peace officer,  
15 appears to have run away from home without just cause. For purposes  
16 of this section, a peace officer may reasonably conclude that a  
17 child has run away from home when the child refuses to give his or  
18 her name or the name and address of a parent or other person legally  
19 responsible for the care of the child or when the peace officer has  
20 reason to doubt that the name and address given by the child are the  
21 actual name and address of the parent or other person legally  
22 responsible for the care of the child. A peace officer or court  
23 employee is authorized by the court to take a child who has run away  
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1 from home or who, in the reasonable opinion of the peace officer,  
2 appears to have run away from home, to a facility designated for  
3 such purposes if the peace officer or court employee is unable to or  
4 has determined that it is unsafe to return the child to the home of  
5 the child or to the custody of his or her parent or other person  
6 legally responsible for the care of the child. Any such facility  
7 receiving a child shall inform a parent or other person responsible  
8 for the care of the child;

9 3. Pursuant to an order of the district court issued on the  
10 application of the office of the district attorney. The application  
11 presented by the district attorney shall be supported by a sworn  
12 affidavit which may be based upon information and belief. The  
13 application shall state facts sufficient to demonstrate to the court  
14 that there is probable cause to believe the child has committed a  
15 crime or is in violation of the terms of probation, parole or order  
16 of the court;

17 4. By order of the district court pursuant to subsection ~~E~~ F of  
18 this section when the child is in need of medical or behavioral  
19 health treatment or other action in order to protect the health or  
20 welfare of the child and the parent, legal guardian, legal custodian  
21 or other person having custody or control of the child is unwilling  
22 or unavailable to consent to such medical or behavioral health  
23 treatment or other action; and

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

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

6 B. Whenever a child is taken into custody as a delinquent child  
7 ~~or a child in need of supervision pursuant to subsection A of this~~  
8 ~~section~~, the child shall be detained, held temporarily in the  
9 custodial care of a peace officer or other person employed by a  
10 police department, or be released to the custody of the parent of  
11 the child, legal guardian, legal custodian, attorney or other  
12 responsible adult, upon the written promise of such person to bring  
13 the child to the court at the time fixed if a petition is to be  
14 filed and to assume responsibility for costs for damages caused by  
15 the child if the child commits any delinquent acts after being  
16 released regardless of whether or not a petition is to be filed. It  
17 shall be a misdemeanor for any person to sign the written promise  
18 and then fail to comply with the terms of the promise. Any person  
19 convicted of violating the terms of the written promise shall be  
20 subject to imprisonment in the county jail for not more than six (6)  
21 months or a fine of not more than Five Hundred Dollars (\$500.00), or  
22 by both such fine and imprisonment. In addition, if a parent, legal  
23 guardian, legal custodian, attorney or other responsible adult is

1 notified that the child has been taken into custody, it shall be a  
2 misdemeanor for such person to refuse to assume custody of the child  
3 within a timely manner. If detained, the child shall be taken  
4 immediately before a judge of the district court in the county in  
5 which the child is sought to be detained, or to the place of  
6 detention or shelter designated by the court. If no judge be  
7 available locally, the person having the child in custody shall  
8 immediately report the detention of the child to the presiding judge  
9 of the judicial administrative district, provided that the child  
10 shall not be detained in custody beyond the next judicial day or for  
11 good cause shown due to problems of arranging for and transporting  
12 the child to and from a secure juvenile detention center, beyond the  
13 second judicial day unless the court shall so order after a  
14 detention hearing to determine if there exists probable cause to  
15 detain the child. The child shall be present at the detention  
16 hearing or the image of the child may be broadcast to the judge by  
17 closed-circuit television or any other electronic means that  
18 provides for a two-way communication of image and sound between the  
19 child and the judge. If the latter judge cannot be reached, such  
20 detention shall be reported immediately to any judge regularly  
21 serving within the judicial administrative district. If detained, a  
22 reasonable bond for release shall be set. Pending further  
23 disposition of the case, a child whose custody has been assumed by  
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1 the court may be released to the custody of a parent, legal  
2 guardian, legal custodian, or other responsible adult or to any  
3 other person appointed by the court, or be detained pursuant to  
4 Chapter 3 of the Oklahoma Juvenile Code in such place as shall be  
5 designated by the court, subject to further order.

6 C. When a child is taken into custody as a child in need of  
7 supervision, the child shall be detained and held temporarily in the  
8 custodial care of a peace officer or placed within a community  
9 intervention center as defined in subsection D of Section 2-7-305 of  
10 this title, an emergency shelter, emergency shelter host home, or be  
11 released to the custody of the parent of the child, legal guardian,  
12 legal custodian, attorney or other responsible adult, upon the  
13 written promise of such person to bring the child to court at the  
14 time fixed if a petition is to be filed. A child who is alleged or  
15 adjudicated to be in need of supervision shall not be detained in  
16 any jail, lockup, or other place used for adults convicted of a  
17 crime or under arrest and charged with a crime.

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

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

18 ~~D.~~ E. A child who has been taken into custody as otherwise  
19 provided by this Code who appears to be a minor in need of  
20 treatment, as defined by the Inpatient Mental Health and Substance  
21 Abuse Treatment of Minors Act, may be admitted to a behavioral  
22 health treatment facility in accordance with the provisions of the  
23 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

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1 The parent of the child, legal guardian, legal custodian, or other  
2 person having custody and control shall be responsible for such  
3 behavioral health expenses as ordered by the court. No peace  
4 officer, any employee of the court or person acting pursuant to  
5 court order authorizing such treatment in accordance with the  
6 provisions of this section for any child found in need of such  
7 behavioral health evaluation or treatment shall have any liability,  
8 civil or criminal, for giving such authorization.

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

15 2. If the child is in need of immediate medical treatment or  
16 other action to protect the health or welfare of the child, the  
17 court may issue an emergency ex parte order upon application of the  
18 district attorney of the county in which the child is located. The  
19 application for an ex parte order may be verbal or in writing and  
20 shall be supported by facts sufficient to demonstrate to the court  
21 that there is reasonable cause to believe that the child is in need  
22 of immediate medical treatment or other action to protect the health  
23 or welfare of the child. The emergency ex parte order shall be in  
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1 effect until a full hearing is conducted. A copy of the  
2 application, notice for full hearing and a copy of any ex parte  
3 order issued by the court shall be served upon such parent, legal  
4 guardian, legal custodian, or other responsible adult having custody  
5 or control of the child. Within twenty-four (24) hours of the  
6 filing of the application the court shall schedule a full hearing on  
7 the application, regardless of whether an emergency ex parte order  
8 had been issued or denied.

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

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

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

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

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

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

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

22 2. The court shall have jurisdiction ~~of the~~ over any parent,  
23 ~~legal custodian, legal guardian, stepparent of the child, or any~~

1 ~~adult~~ or custodian of the child and any other person living in the  
2 home of the child ~~regardless of where the parent, legal custodian,~~  
3 ~~legal guardian, stepparent, or adult person living in the home of~~  
4 ~~the child is found~~ who appears in court or has been properly served  
5 with a summons pursuant to Section 2-2-107 of this title.

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

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

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

1 ~~the child is found~~ who appears in court or has been properly served  
2 with a summons pursuant to Section 2-2-107 of this title.

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

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

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

1 D. Except as otherwise provided in the Oklahoma Juvenile Code,  
2 a child who is charged with having violated any state statute or  
3 municipal ordinance, other than those enumerated in Section 2-5-101,  
4 2-5-205 or 2-5-206 of this title, shall not be tried in a criminal  
5 action but in a juvenile proceeding.

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

16 F. Nothing in this act shall be construed to prevent the  
17 exercise of concurrent jurisdiction by another division of the  
18 district court or by the municipal courts in cases involving  
19 children wherein the child is charged with the violation of a state  
20 or municipal traffic law or ordinance.

21 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-2-104, is  
22 amended to read as follows:  
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1 Section 2-2-104. A. A preliminary inquiry shall be conducted  
2 to determine whether the interests of the public or of the child who  
3 is within the purview of the Oklahoma Juvenile Code require that  
4 further court action be taken. If it is determined by the  
5 preliminary inquiry that no further action be taken and if agreed to  
6 by the district attorney, the intake worker may make such informal  
7 adjustment without a petition.

8 B. In the course of the preliminary inquiry, the intake worker  
9 may:

10 1. Hold conferences with the child and the parent, guardian or  
11 custodian of the child for the purpose of discussing the disposition  
12 of the referral made;

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

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

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

22 5. Administer any screening and assessment instruments or refer  
23 for necessary screening and assessments to assist in the

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

6 C. Upon review of any information presented in the preliminary  
7 inquiry, the district attorney may consult with the intake worker to  
8 determine whether the interests of the child and the public will be  
9 best served by the dismissal of the complaint, the informal  
10 adjustment of the complaint, or the filing of the petition.

11 D. Informal adjustment may be provided to the child by the  
12 intake worker only where the facts reasonably appear to establish  
13 prima facie jurisdiction and are admitted and where consent is  
14 obtained from the district attorney, the parent of the child, legal  
15 guardian, legal custodian, or legal counsel, if any, and the child.  
16 The informal adjustment is an agreement whereby the child agrees to  
17 fulfill certain conditions in exchange for not having a petition  
18 filed against the child. The informal adjustment shall be completed  
19 within a period of time not to exceed six (6) months and shall:

- 20 1. Be voluntarily entered into by all parties;
- 21 2. Be revocable by the child at any time by a written  
22 revocation;

1 3. Be revocable by the intake worker in the event there is  
2 reasonable cause to believe the child has failed to carry out the  
3 terms of the informal adjustment or has committed a subsequent  
4 offense;

5 4. Not be used as evidence against the child at any  
6 adjudication hearing;

7 5. Be executed in writing and expressed in language  
8 understandable to the persons involved; and

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

10 ~~C.~~ E. The informal adjustment agreement under this section may  
11 include, among other suitable methods, programs and procedures, the  
12 following:

13 1. Participation in or referral to counseling, a period of  
14 community service, drug or alcohol education or treatment,  
15 vocational training or any other legal activity which in the opinion  
16 of the intake officer would be beneficial to the child and family of  
17 the child;

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

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

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

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

12 ~~D.~~ F. If an informal adjustment is agreed to pursuant to  
13 subsection ~~B~~ D of this section, the informal adjustment agreement  
14 may require the child to pay a fee equal to no more than what the  
15 court costs would have been had a petition been filed. The child  
16 shall remit the fee directly to the agency responsible for the  
17 monitoring and supervision of the child. If the supervising agency  
18 is a juvenile bureau, then the fee shall be remitted to a revolving  
19 fund of the county in which the juvenile bureau is located to be  
20 designated the "Juvenile Deferral Fee Revolving Fund" and shall be  
21 used by the juvenile bureau to defray costs for the operation of the  
22 juvenile bureau. In those counties without juvenile bureaus and in  
23 which the Office of Juvenile Affairs or one of their contracting

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1 agencies provides the monitoring and supervision of the juvenile,  
2 the fee shall be paid directly to the Office of Juvenile Affairs and  
3 shall be used to defray the costs for the operation of the Office of  
4 Juvenile Affairs.

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

8 A. Diversion services shall be offered to children who are at  
9 risk of being the subject of a child-in-need-of-supervision  
10 petition. Diversion services shall be designed to provide an  
11 immediate response to families in crisis and to divert children from  
12 court proceedings. Diversion services may be provided by outside  
13 agencies as designated by the district courts, juvenile bureaus,  
14 court employees, or a combination thereof.

15 B. Diversion services shall clearly document diligent attempts  
16 to provide appropriate services to the child and the family of the  
17 child unless it is determined that there is no substantial  
18 likelihood that the child and family of the child will benefit from  
19 further diversion attempts.

20 C. Where the primary issue is truancy, steps taken by the  
21 school district to improve the attendance or conduct of the child in  
22 school shall be reviewed and attempts to engage the school district  
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1 in further diversion attempts shall be made if it appears that such  
2 attempts will be beneficial to the child.

3 D. Efforts to prevent the filing of the petition may extend  
4 until it is determined that there is no substantial likelihood that  
5 the child and family of the child will benefit from further  
6 attempts. Efforts at diversion may continue after the filing of the  
7 petition where it is determined that the child and family of the  
8 child will benefit therefrom.

9 E. A child-in-need-of-supervision petition shall not be filed  
10 during the period that the designated agency, juvenile bureau, or  
11 court employee is providing the diversion services. A finding that  
12 the case has been successfully diverted shall constitute presumptive  
13 evidence that the underlying allegations have been successfully  
14 resolved.

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

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

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

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

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

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

7 D. Service of summons shall be made as provided for service in  
8 civil actions.

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

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

16 E. If after a petition has been filed, it appears that the  
17 child is in such condition or surroundings that the welfare of the  
18 child requires that custody be immediately assumed by the court, the  
19 judge may immediately issue a detention order or warrant authorizing  
20 the taking of said child into emergency custody. Any such child  
21 shall not be considered to be in the custody of the Office of  
22 Juvenile Affairs.

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

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

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

20 Section 2-2-301. A. No information gained by a custodial  
21 interrogation of a youthful offender under sixteen (16) years of age  
22 or a child nor any evidence subsequently obtained as a result of  
23 such interrogation shall be admissible into evidence against 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 youthful offender or child unless the custodial interrogation about  
2 any alleged offense by any law enforcement officer or investigative  
3 agency, or employee of the court, or employee of the Office of  
4 Juvenile Affairs is done in the presence of the parents, guardian,  
5 attorney, adult relative, adult caretaker, or legal custodian of the  
6 youthful offender or child. No such custodial interrogation shall  
7 commence until the youthful offender or child and the parents,  
8 guardian, attorney, adult relative, adult caretaker, or legal  
9 custodian of the youthful offender or child have been fully advised  
10 of the constitutional and legal rights of the youthful offender or  
11 child, including the right to be represented by counsel at every  
12 stage of the proceedings, and the right to have counsel appointed by  
13 the court if the parties are without sufficient financial means;  
14 provided, however, that no legal aid or other public or charitable  
15 legal service shall make claim for compensation as contemplated  
16 herein. It is further provided that where private counsel is  
17 appointed in such cases, the court shall set reasonable compensation  
18 and order the payment out of the court fund. As used in this  
19 section, "custodial interrogation" means questioning of a youthful  
20 offender under sixteen (16) years of age or child while that  
21 youthful offender or child is in law enforcement custody or while  
22 that youthful offender or child is being deprived of freedom of  
23 action in any significant way by a law enforcement officer, employee

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1 of the court, or employee of the Office. Custodial interrogation  
2 shall conform with all requirements for interrogation of adult  
3 criminal offenders. The term "custodial interrogation" shall not be  
4 deemed to mean questioning of a youthful offender or child by a  
5 public school administrator or teacher, so long as such questioning  
6 is not being conducted on behalf of a law enforcement officer, an  
7 employee of the court or an employee of the Office. Any information  
8 gained from noncustodial questioning of a child or youthful offender  
9 by a public school administrator or teacher concerning a wrongful  
10 act committed on public school property shall be admissible into  
11 evidence against the youthful offender or child.

12 B. A custodial interrogation of a youthful offender over  
13 sixteen (16) years of age shall conform with all the requirements  
14 for the interrogation of an adult.

15 C. If the youthful offender or child is not otherwise  
16 represented by counsel, whenever a petition is filed pursuant to the  
17 provisions of Section 2-2-104 of this title, the court shall appoint  
18 an attorney, who shall not be a district attorney, for the youthful  
19 offender or child regardless of any attempted waiver by the parent  
20 or other legal custodian of the youthful offender or child of the  
21 right of the youthful offender or child to be represented by  
22 counsel. Counsel shall be appointed by the court only upon  
23 determination by the court that the parent, legal guardian or legal

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1 custodian is found to be indigent. If indigency is established, the  
2 Oklahoma Indigent Defense System shall represent the child in  
3 accordance with Section 1355.6 of Title 22 of the Oklahoma Statutes  
4 or the applicable office of the county indigent defender shall  
5 represent the child in accordance with Section 138.5 of Title 19 of  
6 the Oklahoma Statutes. Provided, if the parent or legal guardian of  
7 a child is not indigent but refuses to employ counsel, the court  
8 shall appoint counsel to represent the child at detention hearings  
9 until counsel is provided. Costs of representation shall be imposed  
10 on the parent or other legal custodian as provided by Section 138.10  
11 of Title 19 of the Oklahoma Statutes. Thereafter, the court shall  
12 not appoint counsel for a child with a nonindigent parent or legal  
13 custodian and shall order the parent or legal custodian to obtain  
14 private counsel. A parent or legal custodian of an indigent child  
15 who has been ordered to obtain private counsel for the child and who  
16 willfully fails to follow the court order shall be subject to  
17 indirect contempt of court.

18 ~~D. Whenever a petition is filed alleging that a child is a~~  
19 ~~delinquent child or a child in need of supervision, the court may~~  
20 ~~appoint a guardian ad litem for the child at any time subsequent to~~  
21 ~~the filing of the petition and shall appoint a guardian ad litem~~  
22 ~~upon the request of the child or the attorney of the child. The~~  
23 ~~guardian ad litem shall not be a district attorney, an employee of~~

1 ~~the office of the district attorney, an employee of the court, an~~  
2 ~~employee of a juvenile bureau, or an employee of any public agency~~  
3 ~~having duties or responsibilities towards the child~~ In all cases of  
4 juvenile delinquency proceedings and appeals, adult certification  
5 proceedings and appeals, reverse certification proceedings and  
6 appeals, youthful offender proceedings and appeals, and any other  
7 proceedings and appeals pursuant to the Oklahoma Juvenile Code,  
8 except mental health proceedings and appeals, in-need-of-supervision  
9 proceedings and appeals, and any other juvenile proceedings that are  
10 civil in nature, and other than in counties where the office of the  
11 county indigent defender is appointed, the Oklahoma Indigent Defense  
12 System shall be appointed to represent indigent juveniles as  
13 provided for in the Indigent Defense Act. In all other cases  
14 pursuant to this title, including juvenile proceedings that are  
15 civil in nature, juvenile mental health proceedings and appeals, and  
16 in-need-of-supervision proceedings and appeals, with the exception  
17 of proceedings in counties where the office of the county indigent  
18 defender is appointed, the court shall, if counsel is appointed and  
19 assigned, allow and direct to be paid from the local court fund a  
20 reasonable and just compensation to the attorney or attorneys for  
21 such services as they may render; provided, that any attorney  
22 appointed pursuant to this subsection shall not be paid a sum in  
23 excess of One Hundred Dollars (\$100.00) for services rendered in

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1 preliminary proceedings, Five Hundred Dollars (\$500.00) for services  
2 rendered during trial, and One Hundred Dollars (\$100.00) for  
3 services rendered at each subsequent postdisposition hearing.

4 E. Counsel for the child shall advise the child and advocate  
5 the expressed wishes of the child, as much as reasonably possible,  
6 under the same ethical obligations as if the client were an adult.  
7 Upon motion by the state, the child, the attorney for the child, or  
8 a parent or legal custodian of the child, the court shall appoint a  
9 guardian ad litem.

10 F. The guardian ad litem shall not be a district attorney, an  
11 employee of the office of the district attorney, an employee of the  
12 court, an employee of a juvenile bureau, or an employee of any  
13 public agency having duties or responsibilities towards the child.

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

21 SECTION 9. AMENDATORY 10A O.S. 2011, Section 2-2-402, is  
22 amended to read as follows:  
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1 Section 2-2-402. A. All cases of children shall be heard  
2 separately from the trial of cases against adults. The adjudicative  
3 hearings shall be conducted according to the rules of evidence, and  
4 may be adjourned from time to time.

5 1. Except as provided by paragraph 2 of this subsection, the  
6 hearings shall be private ~~unless specifically ordered by the judge~~  
7 ~~to be conducted in public, and;~~ however, all persons having a direct  
8 interest in the case as provided in this paragraph shall be  
9 admitted. Any victim, relative, legal guardian of a victim, or a  
10 person designated by the victim who is not subject to the rule of  
11 sequestration as a witness of a delinquent act shall be considered  
12 to have a direct interest in the case ~~and,~~ and, shall be notified of all  
13 court hearings involving that particular delinquent act ~~as provided~~  
14 ~~by Section 215.33 of Title 19 of the Oklahoma Statutes,~~ and shall be  
15 admitted to the proceedings. The court shall, however, remove all  
16 persons having a direct interest in the case that are not the  
17 parents or legal guardian of the child from any hearing where  
18 evidence of the medical or behavioral health condition of the child  
19 or specific instances of deprivation are being presented.

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

1       2. ~~Hearings related to the second or subsequent delinquency~~  
2 ~~adjudication of a child shall be public proceedings. The~~  
3 ~~adjudications relied upon to determine whether a hearing is a public~~  
4 ~~proceeding pursuant to this paragraph shall not have arisen out of~~  
5 ~~the same transaction or occurrence or series of events closely~~  
6 ~~related in time and location. Upon its own motion or the motion of~~  
7 ~~any of the parties to the hearing and for good cause shown, the~~  
8 ~~court may order specific testimony or evidence to be heard in~~  
9 ~~private; provided, the court shall not exclude any relative, legal~~  
10 ~~guardian of a victim, or a person designated by the victim who is~~  
11 ~~not subject to the rule of sequestration as a witness from the~~  
12 ~~hearing during testimony of the victim. For the purposes of this~~  
13 ~~paragraph, "good cause" shall mean a showing that it would be~~  
14 ~~substantially harmful to the mental or physical well-being of the~~  
15 ~~child if such testimony or evidence were presented at a public~~  
16 ~~hearing~~ The judge may, for good cause shown, open the court hearings  
17 to educate members of the public about juvenile justice issues;  
18 however, the identities of the juvenile respondents shall not be  
19 published in any reports or articles of general circulation.

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

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

15 D. If the court finds that the allegations of a petition  
16 alleging a child to be delinquent or in need of supervision are  
17 supported by the evidence, the court shall sustain the petition, and  
18 shall make an order of adjudication setting forth whether the child  
19 is delinquent or in need of supervision and shall adjudge the child  
20 as a ward of the court.

21 E. If the court finds that the allegations of the petition are  
22 not supported by the evidence, the court shall order the petition  
23 dismissed and shall order the child discharged from any detention or  
24

1 restriction previously ordered. The parents, legal guardian or  
2 other legal custodian of the child shall also be discharged from any  
3 restriction or other previous temporary order.

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

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

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

13 2. ~~Waives the privilege against self-incrimination and~~  
14 ~~testifies, under oath,~~ Enters into a stipulation that the  
15 allegations are true or that sufficient evidence exists to meet the  
16 burden of proof required for the court to sustain the allegations of  
17 the petition; and

18 3. Has not been previously adjudicated a delinquent.

19 B. During such period of deferral, the court may require the  
20 following:

21 1. Participation in or referral to counseling, a period of  
22 community service, drug or alcohol education or treatment,  
23  
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1 vocational training or any other legal activity which would be  
2 beneficial to the child and the family of the child;

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

6 3. Restitution providing for monetary payment by the parents or  
7 child, or both, to the victim who was physically injured or who  
8 suffered loss of or damage to property as a result of the conduct  
9 alleged;

10 4. An alternative diversion program; or

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

13 C. The court shall dismiss the case with prejudice at the  
14 conclusion of the deferral period if the child presents satisfactory  
15 evidence that the requirements of the court have been successfully  
16 completed.

17 D. As used in this section, "alternative diversion program"  
18 means a program for juveniles who have been identified by law  
19 enforcement personnel, the district attorney, or the court as having  
20 committed acts which are not serious enough to warrant adjudication  
21 through the juvenile court process, but which do indicate a need for  
22 intervention to prevent further development toward juvenile  
23 delinquency. The program shall be administered, pursuant to

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1 contract with the Office of Juvenile Affairs, by organizations  
2 designated as youth services agencies by law.

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

5 Section 2-2-501. A. ~~After~~ No later than forty (40) days after  
6 making an order of adjudication, the court shall hold a  
7 dispositional hearing, at which all evidence helpful in determining  
8 the proper disposition best serving the interest of the child and  
9 the public, including but not limited to oral and written reports,  
10 may be admitted and may be relied upon to the extent of its  
11 probative value, even though not competent for the purposes of the  
12 adjudicatory hearing.

13 B. Before making an order of disposition, the court shall  
14 advise the district attorney, the parents, guardian, custodian or  
15 responsible relative, and their counsel, of the factual contents and  
16 the conclusion of reports prepared for the use of the court and  
17 considered by it, and afford fair opportunity, if requested, to  
18 controvert them. An order of disposition shall include a specific  
19 finding and order of the court relative to the liability and  
20 accountability of the parents for the care and maintenance of the  
21 child as authorized by Section 2-2-706 of this title, unless custody  
22 is placed with the parent or parents of the child.

23  
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1 C. On its own motion or that of the district attorney, or of  
2 the parent, guardian, custodian, responsible relative or counsel,  
3 the court may adjourn the hearing for a reasonable period to receive  
4 reports or other evidence and, in such event, shall make an  
5 appropriate order for detention of the child, or release of the  
6 child from detention subject to supervision by the court, during the  
7 period of the continuance.

8 D. In scheduling investigations and hearings, the court shall  
9 give priority to proceedings in which a child is in detention, or  
10 has otherwise been removed from his home, before an order of  
11 disposition has been made.

12 SECTION 12. 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 the court within the~~ Within thirty (30) days  
16 ~~after any child has been adjudicated to be delinquent or in need of~~  
17 ~~supervision. Said plan shall be filed by~~ adjudication, the person,  
18 department or agency responsible for the supervision of the case ~~or~~  
19 ~~by the legal custodian if the child has been removed from the~~  
20 ~~custody of its lawful parent or parents. The treatment and service~~  
21 ~~plan shall be~~ provide a recommendation, based on a upon the  
22 comprehensive assessment and evaluation process, for disposition to  
23 the court and counsel. The recommendation shall include, but not be

1 limited to, the child's eligibility for probation, placement in  
2 community residential treatment, or commitment with the Office of  
3 Juvenile Affairs.

4 B. If the recommendation is for probation, an individual  
5 treatment and service plan shall be provided to the court and  
6 counsel for the parties at the same time as the recommendation  
7 provided for in subsection A of this section. If the recommendation  
8 is for custody with the Office of Juvenile Affairs or court-ordered  
9 placement in other residential treatment, the individual treatment  
10 and service plan shall be provided to the court and counsel for the  
11 parties within thirty (30) days after disposition. Said plan shall  
12 be prepared by the person, department or agency responsible for the  
13 supervision of the case or by the legal custodian if the child has  
14 been removed from the custody of his or her lawful parent. The  
15 treatment and service plan shall be based on a comprehensive  
16 assessment and evaluation of the child and family and that  
17 identifies the priority needs of the child for rehabilitation and  
18 treatment and identifies any needs of the parent or legal guardian  
19 of the child for services that would improve their ability to  
20 provide adequate support, guidance, and supervision of the child.  
21 This process should take into account the detention risk assessment  
22 decision, the intake preliminary assessment, any comprehensive  
23 assessment for substance abuse treatment services, behavioral health

1 services, intellectual disabilities, literary services, and other  
2 educational and treatment services as components. The completed  
3 assessment process shall result in an individual treatment and  
4 service plan which shall include, but not be limited to:

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

7 2. The eligibility of the child for disposition of probation,  
8 placement in community residential treatment, commitment with the  
9 Office of Juvenile Affairs and, if appropriate, assignment of a  
10 residential commitment level;

11 3. Identification of the specific services available to the  
12 child to remediate or alleviate the conditions that led to the  
13 adjudication, including but not limited to educational, vocational-  
14 educational, medical, drug or alcohol abuse treatment or counseling  
15 or other treatment services;

16 ~~3.~~ 4. Identification of the services to be provided to the  
17 parent, legal guardian, legal custodian, stepparent, other adult  
18 person living in the home or other family members, to remediate or  
19 alleviate the conditions that led to the adjudication, including  
20 services needed to assist the family to provide proper care and  
21 supervision of the child;

1       ~~4.~~ 5. Performance criteria that will measure the progress of  
2 the child and family toward completion of the treatment and service  
3 plan;

4       ~~5.~~ 6. A projected date for the completion of the treatment and  
5 service plan; and

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

8       ~~B.~~ C. The Office of Juvenile Affairs shall identify the  
9 appropriate risk and needs assessment instruments used to develop  
10 the recommendations of the individualized treatment and service  
11 plan. The juvenile probation counselor shall be responsible for  
12 making informed decisions and recommendations to other agencies, the  
13 district attorney, and the courts so that the child and family of  
14 the child may receive the least intrusive service alternative  
15 throughout the court process.

16       D. The individual treatment and service plan shall be amended  
17 as necessary and appropriate to reflect the disposition of the  
18 court. The amended plan shall be filed with the court within thirty  
19 (30) days of the order of disposition removing the child from the  
20 home and shall state:

21       1. The reasons for such placement and a statement as to the  
22 unavailability or inappropriateness of local placement, or other  
23

1 good cause, for any placement more than fifty (50) miles from the  
2 home of the child;

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

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

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

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

18 SECTION 13. AMENDATORY 10A O.S. 2011, Section 2-2-503,  
19 is amended to read as follows:

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

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

11           2. If it is consistent with the welfare of the child, the child  
12 shall be placed with the parent or legal guardian of the child, but  
13 if it appears to the court that the conduct of such parent,  
14 guardian, legal guardian, stepparent or other adult person living in  
15 the home has contributed to the child becoming delinquent or in need  
16 of supervision, the court may issue a written order specifying  
17 conduct to be followed by such parent, guardian, legal custodian,  
18 stepparent or other adult person living in the home with respect to  
19 such child. The conduct specified shall be such as would reasonably  
20 prevent the child from continuing to be delinquent or in need of  
21 supervision.

22           a. If it is consistent with the welfare of the child, in  
23 cases where the child has been adjudicated to be in  
24

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

18 b. In issuing orders to a parent, guardian, legal  
19 guardian, stepparent or other adult person living in  
20 the home of a child adjudicated to be a delinquent  
21 child or in making other disposition of said  
22 delinquent child, the court may consider the testimony  
23 of said parent, guardian, legal guardian, stepparent  
24

1 or other adult person concerning the behavior of the  
2 juvenile and the ability of such person to exercise  
3 parental control over the behavior of the juvenile.

4 c. In any dispositional order involving a child age  
5 sixteen (16) or older, the court shall make a  
6 determination, where appropriate, of the services  
7 needed to assist the child to make the transition to  
8 independent living.

9 d. No child who has been adjudicated in need of  
10 supervision only upon the basis of truancy or  
11 noncompliance with the mandatory school attendance law  
12 shall be placed in a public or private institutional  
13 facility or be removed from the custody of the lawful  
14 parent, guardian or custodian of the child.

15 e. Nothing in the Oklahoma Juvenile Code or the Oklahoma  
16 Children's Code may be construed to prevent a child  
17 from being found both deprived and delinquent if there  
18 exists a factual basis for such a finding;

19 3. The court may commit the child to the custody of a private  
20 institution or agency, including any institution established and  
21 operated by the county, authorized to care for children or to place  
22 them in family homes. In committing a child to a private  
23 institution or agency, the court shall select one that is licensed  
24

1 by any state department supervising or licensing private  
2 institutions and agencies; or, if such institution or agency is in  
3 another state, by the analogous department of that state. Whenever  
4 the court shall commit a child to any institution or agency, it  
5 shall transmit with the order of commitment a summary of its  
6 information concerning the child, and such institution or agency  
7 shall give to the court such information concerning the child as the  
8 court may at any time require-i

9 4. The court may order the child to receive counseling or other  
10 community-based services as necessary-i

11 5. The court may commit the child to the custody of the Office  
12 of Juvenile Affairs. Any order adjudicating the child to be  
13 delinquent and committing the child to the Office of Juvenile  
14 Affairs shall be for an indeterminate period of time-i

15 6. If the child has been placed outside the home, and it  
16 appears to the court that the parent, guardian, legal custodian, or  
17 stepparent, or other adult person living in the home has contributed  
18 to the child becoming delinquent or in need of supervision, the  
19 court may order that the parent, guardian, legal custodian,  
20 stepparent, or other adult living in the home be made subject to any  
21 treatment or placement plan prescribed by the Office or other person  
22 or agency receiving custody of the child-i

23  
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1           7. With respect to a child adjudicated a delinquent child, the  
2 court may:

- 3           a. for acts involving criminally injurious conduct as  
4 defined in Section 142.3 of Title 21 of the Oklahoma  
5 Statutes, order the child to pay a victim compensation  
6 assessment in an amount not to exceed that amount  
7 specified in Section 142.18 of Title 21 of the  
8 Oklahoma Statutes. The court shall forward a copy of  
9 the adjudication order to the Crime Victims  
10 Compensation Board for purposes of Section 142.11 of  
11 Title 21 of the Oklahoma Statutes. Except as  
12 otherwise provided by law, such adjudication order  
13 shall be kept confidential by the Board,
- 14           b. order the child to engage in a term of community  
15 service without compensation. The state or any  
16 political subdivision shall not be liable if a loss or  
17 claim results from any acts or omission of a child  
18 ordered to engage in a term of community service  
19 pursuant to the provisions of this paragraph,
- 20           c. order the child, the parent or parents of the child,  
21 legal guardian of the child, or both the child and the  
22 parent or parents of the child or legal guardian at  
23 the time of the delinquent act of the child to make  
24

1 full or partial restitution to the victim of the  
2 offense which resulted in property damage or personal  
3 injury.

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

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

18 (3) A child who is required to pay restitution and  
19 who is not in willful default of the payment of  
20 restitution may at any time request the court to  
21 modify the method of payment. If the court  
22 determines that payment under the order will  
23 impose a manifest hardship on the child, the  
24

1 parent or parents of the child, or legal  
2 guardian, the court may modify the method of  
3 payment.

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

14 (5) Upon the juvenile attaining eighteen (18) years  
15 of age, the court shall determine whether the  
16 restitution order has been satisfied. If the  
17 restitution order has not been satisfied, the  
18 court shall enter a judgment of restitution in  
19 favor of each person entitled to restitution for  
20 the unpaid balance of any restitution ordered  
21 pursuant to this subparagraph. The clerk of the  
22 court shall send a copy of the judgment of  
23 restitution to each person who is entitled to  
24

1                   restitution. The judgment shall be a lien  
2                   against all property of the individual or  
3                   individuals ordered to pay restitution and may be  
4                   enforced by the victim or any other person or  
5                   entity named in the judgment to receive  
6                   restitution in the same manner as enforcing  
7                   monetary judgments. The restitution judgment  
8                   does not expire until paid in full and is deemed  
9                   to be a criminal penalty for the purposes of a  
10                  federal bankruptcy involving the child,

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

20           e.    order the cancellation or denial of driving privileges  
21                  as provided by Sections 6-107.1 and 6-107.2 of Title  
22                  47 of the Oklahoma Statutes,

1 f. sanction detention in the residence of the child or  
2 facility designated by the ~~Department~~ Office of  
3 Juvenile ~~Justice~~ Affairs or the juvenile bureau for  
4 such purpose for up to five (5) days, order weekend  
5 detention in a place other than a juvenile detention  
6 facility or shelter, tracking, or house arrest with  
7 electronic monitoring, and

8 g. impose ~~sanctions~~ consequences, including detention as  
9 provided for in subparagraph f of this paragraph, for  
10 ~~the violation of preadjudicatory or postadjudicatory~~  
11 ~~violations of probation.~~;

12 8. The court may order the child to participate in the Juvenile  
13 Drug Court Program.

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

16 10. In any dispositional order removing a child from the home  
17 of the child, the court shall, in addition to the findings required  
18 by ~~subsection A of Section 2-2-105 of this title~~, make a  
19 determination that, in accordance with the best interests of the  
20 child and the protection of the public, reasonable efforts have been  
21 made to provide for the return of the child to the home of the  
22 child, or that efforts to reunite the family are not required as  
23 provided in ~~subsection A of Section 2-2-105 of this title~~, and

1 reasonable efforts are being made to finalize an alternate permanent  
2 placement for the child.

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

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

24

1 D. ~~No~~ A child who has been adjudicated in need of supervision  
2 and has not been adjudicated a delinquent child may not be placed in  
3 a secure facility.

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

14 F. The court may revoke or modify a disposition order and may  
15 order redispotion. The child whose disposition is being  
16 considered for revocation or modification at said hearing shall ~~have~~  
17 ~~the right to be represented by counsel, to present evidence on~~  
18 ~~behalf of the child and to be confronted by witnesses against the~~  
19 ~~child. Any revocation, modification or redispotion of the court~~  
20 ~~in whole or in part shall be subject to review on appeal, as in~~  
21 ~~other appeals of criminal cases. Bail may be allowed pending~~  
22 ~~appeal.~~

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

7 1. Notice by the filing of a motion for redispotion by the  
8 district attorney. The motion shall be served on the child and the  
9 parent or legal guardian of the child at least five (5) business  
10 days prior to the hearing;

11 2. The proceedings shall be heard without a jury and shall  
12 require establishment of the facts alleged by a preponderance of the  
13 evidence;

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

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

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

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

- 4           a. such removal is necessary to protect the public,  
5           b. the child is likely to sustain harm if not immediately  
6           removed from the home,  
7           c. allowing the child to remain in the home is contrary  
8           to the welfare of the child,  
9           d. immediate placement of the child is in the best  
10           interests of the child, and  
11           e. reasonable efforts have been made to maintain the  
12           family unit and prevent the unnecessary removal of the  
13           child from the home of the child or that an emergency  
14           exists which threatens the safety of the child.

15 The court shall state in the record that such considerations have  
16 been made.

17       Nothing in this section shall be interpreted to limit the  
18 authority or discretion of the agency providing probation  
19 supervision services to modify the terms of probation including, but  
20 not limited to, curfews, imposing community service, or any other  
21 nondetention consequences.

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

1       Section 2-2-701. ~~A willful violation of any provision of an~~  
2 ~~order of the court issued under the provisions of the Oklahoma~~  
3 ~~Juvenile Code shall constitute~~ A. When it is determined to be in  
4 the best interests of the child, the court may order a parent, legal  
5 guardian or custodian of the child, and any other person living in  
6 the home of such child who has been properly served with a summons  
7 pursuant to Section 2-2-107 of this title to be present at or bring  
8 the child to any proceeding under the provisions of the Oklahoma  
9 Juvenile Code. The court may issue a bench warrant for any parent,  
10 legal guardian or custodian of the child, or any other person living  
11 in the home of such child who has been properly served with a  
12 summons pursuant to Section 2-2-107 of this title who, without good  
13 cause, fails to appear at any proceeding.

14       B. In any proceeding under the Oklahoma Juvenile Code, the  
15 court shall enter an order specifically requiring a parent, legal  
16 guardian or custodian of the child, and any other person living in  
17 the home of such child who has been properly served with a summons  
18 pursuant to Section 2-2-107 of this title to participate in the  
19 rehabilitation process of a child including, but not limited to,  
20 mandatory attendance at a juvenile proceeding, parenting class,  
21 counseling, treatment, or an education program unless the court  
22 determines that such an order is not in the best interests of the  
23 child.

1        1. Any parent, legal guardian or custodian of the child, and  
2 any other person living in the home of such child who has been  
3 properly served with a summons pursuant to Section 2-2-107 of this  
4 title who willfully fails to comply with an order issued under this  
5 section without good cause may be found in indirect contempt of  
6 court.

7        2. The court may issue a bench warrant for any parent, legal  
8 guardian or custodian of the child, and any other person living in  
9 the home of such child who has been properly served with a summons  
10 pursuant to Section 2-2-107 of this title who, without good cause,  
11 fails to appear at any juvenile proceeding or court-ordered program.

12        3. For purposes of this section, "without good cause, fails to  
13 appear" shall include, but not be limited to, a situation where a  
14 parent, legal guardian or custodian of the child, and any other  
15 person living in the home of such child who has been properly served  
16 with a summons pursuant to Section 2-2-107 of this title:

17            a. has employment obligations that would result in the  
18            loss of said employment,

19            b. does not have physical custody of the child and  
20            resides outside the county of residence of the child,  
21            and

22            c. resides in the county of the residence of the child  
23            but is outside that county at the time of the juvenile

1 proceeding or court-ordered program for reasons other  
2 than avoiding participation or appearance before the  
3 court and participating or appearing in the court will  
4 result in undue hardship to such parent or guardian.

5 4. Nothing in this section shall be construed to create a right  
6 for any child to have his or her parent, legal guardian or custodian  
7 of the child, and any other person living in the home of such child  
8 who has been properly served with a summons pursuant to Section 2-2-  
9 107 of this title present at any juvenile proceeding or court-  
10 ordered program at which such child is present.

11 C. A parent, legal guardian or custodian of the child, and any  
12 other person living in the home of such child who has been properly  
13 served with a summons pursuant to Section 2-2-107 of this title may  
14 be ordered by the court to:

15 1. Report any probation, parole or conditional release  
16 violations; or

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

19 Any person placed under an order to report any probation, parole  
20 or conditional release violations or aid in enforcing terms and  
21 conditions of probation, parole or conditional release or other  
22 orders of the court and who fails to do as ordered may be proceeded  
23 against for indirect contempt of court and shall be punishable as  
24

1 ~~such.~~ Punishment for any such act of contempt shall not exceed a  
2 fine of Three Hundred Dollars (\$300.00), or imprisonment for not  
3 more than thirty (30) days in the county jail if the violator is an  
4 adult, ~~or placement in a juvenile detention center for not more than~~  
5 ~~ten (10) days if the violator is a juvenile,~~ or both such fine and  
6 imprisonment ~~or detention.~~ The pursuit and prosecution of an  
7 indirect contempt of court judgment shall be initiated by the  
8 district attorney.

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

14 SECTION 15. AMENDATORY 10A O.S. 2011, Section 2-3-101,  
15 is amended to read as follows:

16 Section 2-3-101. A. When a child is taken into custody  
17 pursuant to the provisions of the Oklahoma Juvenile Code, the child  
18 shall be detained only if it is necessary to assure the appearance  
19 of the child in court or for the protection of the child or the  
20 public.

21 1. a. No preadjudicatory or predisposition detention or  
22 custody order shall remain in force and effect for  
23 more than thirty (30) days. The court, for good and  
24

1 sufficient cause shown, may extend the effective  
2 period of such an order for an additional period not  
3 to exceed sixty (60) days. If the child is being  
4 detained for the commission of a murder, the court  
5 may, if it is in the best interests of justice, extend  
6 the effective period of such an order an additional  
7 sixty (60) days.

8 b. Whenever the court orders a child to be held in a  
9 juvenile detention facility, an order for secure  
10 detention shall remain in force and effect for not  
11 more than fifteen (15) days after such order. Upon an  
12 application of the district attorney and after a  
13 hearing on such application, the court, for good and  
14 sufficient cause shown, may extend the effective  
15 period of such an order for an additional period not  
16 to exceed fifteen (15) days after such hearing. The  
17 total period of preadjudicatory or predisposition  
18 shall not exceed the ninety-day limitation as  
19 specified in subparagraph a of this paragraph. The  
20 child shall be present at the hearing on the  
21 application for extension unless, as authorized and  
22 approved by the court, the attorney for the child is  
23 present at the hearing and the child is available to  
24

1 participate in the hearing via telephone conference  
2 communication. For the purpose of this paragraph,  
3 "telephone conference communication" means use of a  
4 telephone device that allows all parties, including  
5 the child, to hear and be heard by the other parties  
6 at the hearing. After the hearing, the court may  
7 order continued detention in a juvenile detention  
8 center, may order the child detained in an alternative  
9 to secure detention or may order the release of the  
10 child from detention.

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

18 3. Except as otherwise authorized by this section a child who  
19 has been taken into custody as a deprived child, a child in need of  
20 supervision, or who appears to be a minor in need of treatment, may  
21 not be placed in any detention facility pending court proceedings,  
22 but must be placed in shelter care or foster care or, with regard to  
23 a child who appears to be a minor in need of treatment, a behavioral  
24

1 health treatment facility in accordance with the provisions of the  
2 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,  
3 or released to the custody of the parents of the child or some other  
4 responsible party. When a child is taken into custody as a child in  
5 need of supervision as a result of being a runaway, the court may  
6 order the child placed in a juvenile detention facility pending  
7 court proceedings if it finds the detention to be essential for the  
8 safety of the child.

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

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

11 2. The child is a fugitive from another jurisdiction with a  
12 warrant on a delinquency charge or confirmation of delinquency  
13 charges by the home jurisdiction;

14 3. The child is seriously assaultive or destructive towards  
15 others or self;

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

19 a. is on probation or parole on a prior delinquent  
20 offense,

21 b. is on preadjudicatory community supervision, or

22 c. is currently on release status on a prior delinquent  
23 offense, ~~or~~

24

1 ~~d.~~

2 5. The child has willfully failed or there is reason to believe  
3 that the child will willfully fail to appear for juvenile court  
4 proceedings; or

5 6. A warrant for the child has been issued on the basis that:

6 a. the child is absent from court-ordered placement  
7 without approval by the court,

8 b. the child is absent from designated placement by the  
9 Office of Juvenile Affairs without approval by the  
10 Office of Juvenile Affairs,

11 c. there is reason to believe the child will not remain  
12 at said placement, or

13 d. if the child is subject to an administrative transfer  
14 or parole revocation proceedings.

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

20 D. Priority shall be given to the use of juvenile detention  
21 facilities for the detention of juvenile offenders through  
22 provisions requiring the removal from detention of a juvenile with a  
23 lower priority status if an empty detention bed is not available at  
24

1 the time of referral of a juvenile with a higher priority status and  
2 if the juvenile with a higher priority status would be more of a  
3 danger to the public than the juvenile with the lower priority  
4 status.

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

- 8 a. the child is detained for the commission of a crime  
9 that would constitute a felony if committed by an  
10 adult, and
- 11 b. the child is awaiting an initial court appearance, and
- 12 c. the initial court appearance of the child is scheduled  
13 within twenty-four (24) hours after being taken into  
14 custody, excluding weekends and holidays, and
- 15 d. the court of jurisdiction is outside of the Standard  
16 Metropolitan Statistical Area as defined by the Bureau  
17 of Census, and
- 18 e. there is no existing acceptable alternative placement  
19 for the child, and
- 20 f. the jail, adult lockup or adult detention facility  
21 provides sight and sound separation for juveniles,  
22 pursuant to standards required by subsection E of  
23 Section 2-3-103 of this title, or

24

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

7 (1) total separation between juveniles and adult  
8 facility spatial areas such that there could be  
9 no haphazard or accidental contact between  
10 juvenile and adult residents in the respective  
11 facilities,

12 (2) total separation in all juvenile and adult  
13 program activities within the facilities,  
14 including recreation, education, counseling,  
15 health care, dining, sleeping and general living  
16 activities, and

17 (3) separate juvenile and adult staff, specifically  
18 direct care staff such as recreation, education  
19 and counseling.

20 Specialized services staff, such as cooks,  
21 bookkeepers, and medical professionals who are not  
22 normally in contact with detainees or whose infrequent  
23

24

1 contacts occur under conditions of separation of  
2 juvenile and adults can serve both.

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

13 a. The time limitations for holding a child in a jail for  
14 the purposes of identification, processing or  
15 arranging transfer established by this section shall  
16 not include the actual travel time required for  
17 transporting a child from a jail to a juvenile  
18 detention facility or alternative to secure detention.

19 b. Whenever the time limitations established by this  
20 subsection are exceeded, this circumstance shall not  
21 constitute a defense in a subsequent delinquency or  
22 criminal proceeding.

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

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

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

19 a. there is a reasonable belief that the person is  
20 eighteen (18) years of age or older,

21 b. there is a reasonable belief that a felony has been  
22 committed by the person,  
23  
24

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

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

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

21 F. Nothing contained in this section shall in any way reduce or  
22 eliminate the liability of a county as otherwise provided by law for  
23

1 injury or damages resulting from the placement of a child in a jail,  
2 adult lockup, or other adult detention facility.

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

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

12 SECTION 16. AMENDATORY 10A O.S. 2011, Section 2-6-101,  
13 is amended to read as follows:

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

18 B. As used in the Oklahoma Juvenile Code:

19 1. "Records" or "record" shall include but not be limited to  
20 written or printed documents, papers, logs, reports, files, case  
21 notes, films, photographs, psychological evaluations, certification  
22 studies, presentence investigations, audio or visual tape recordings  
23 pertaining to a juvenile proceeding or a child, and shall include  
24

1 information entered into and maintained in an automated or  
2 computerized information system;

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

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

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

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

22 4. "District attorney's records" means any records prepared or  
23 obtained by an office of a district attorney relating to a juvenile  
24

1 case and any records prepared or obtained for the prosecution of  
2 crimes against children that constitute a legal or social record of  
3 a child;

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

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

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

22 8. "Social record" means family social histories, medical  
23 reports, psychological and psychiatric evaluations or assessments,  
24

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

1 clinical or other treatment reports, educational records, or home  
2 studies, even if attached to court reports prepared by the agency;  
3 and

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

11 SECTION 17. AMENDATORY 10A O.S. 2011, Section 2-6-102,  
12 is amended to read as follows:

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

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

23  
24

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~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

22 5. ~~To a juvenile adjudicated a delinquent for committing a~~  
23 ~~delinquent act which, if committed by an adult, would be a felony~~

24

1 ~~offense that is a crime against the person or a felony offense~~  
2 ~~involving a dangerous weapon;~~

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

5 ~~7. 3.~~ To a violation of the Prevention of Youth Access to  
6 Tobacco Act; or

7 ~~8. 4.~~ Whenever a juvenile is accepted for placement or  
8 treatment in a facility or private treatment facility within this  
9 state as a result of or following a conviction or adjudication for  
10 an out-of-state offense that would qualify the juvenile as a  
11 youthful offender, as defined in Section 2-5-202 of this title, had  
12 the crime occurred within this state. The facility shall provide  
13 any law enforcement agency or peace officer all prior criminal  
14 offense, conviction, and adjudication information. If ~~a~~ the  
15 juvenile flees or is otherwise absent from the facility without  
16 permission, the facility shall provide any law enforcement agency or  
17 peace officer all prior criminal offense, conviction, and  
18 adjudication information. Any law enforcement agency or peace  
19 officer shall have the authority to review or copy any records  
20 concerning the juvenile, including prior criminal offense,  
21 conviction, or adjudication information.

22 D. Following the first adjudication as a delinquent, the court  
23 having jurisdiction shall note on the juvenile court record of the  
24

1 person that any subsequent juvenile court records shall not be  
2 confidential; provided, the child is at least fourteen (14) years of  
3 age or older. Any juvenile court record which becomes an open  
4 juvenile record as provided in this subsection may be expunged as  
5 provided in Section ~~7307-1.8~~ 2-6-109 of this title.

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

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

17 F. Except as otherwise required by state or federal law, the  
18 confidential records listed in subsection A of this section may only  
19 be inspected, released, disclosed, corrected or expunged pursuant to  
20 an order of the court. Except as otherwise provided in Section  
21 601.6 of Title 10 of the Oklahoma Statutes or any provision of this  
22 chapter, no subpoena or subpoena duces tecum purporting to compel  
23  
24

1 disclosure of confidential information or any confidential juvenile  
2 record shall be valid.

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

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

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

3 I. 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. In accordance with the provisions of the Juvenile Offender  
11 Tracking Program and Section 620.6 of Title 10 of the Oklahoma  
12 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. 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 L. 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. 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  
24

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. 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 18. 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 sua sponte, upon motion by the state or upon  
22 motion by the alleged delinquent, order the records of a person  
23 alleged to be delinquent to be sealed as follows:

24

- 1 1. When the person has been alleged to be delinquent and:
- 2 a. one (1) year has elapsed from the later of:
- 3 (1) dismissal or closure of the case by the court, or
- 4 (2) notice to the court by the Office of Juvenile
- 5 Affairs or a juvenile bureau of final discharge
- 6 of such person from the supervision of the Office
- 7 of Juvenile Affairs or juvenile bureau, and
- 8 b. the person has not been found guilty of or admitted to
- 9 the commission of a subsequent criminal offense in
- 10 either a juvenile or adult proceeding, and
- 11 c. no juvenile or adult proceeding for a criminal offense
- 12 is pending;
- 13 2. When a juvenile court intake has been completed and:
- 14 a. the case has been dismissed, or
- 15 b. no petition has been filed pending fulfillment of
- 16 conditions of a voluntary probation, or
- 17 c. a petition has been filed but no adjudication has
- 18 occurred pending the fulfillment of conditions of a
- 19 preadjudicatory probation;
- 20 3. When a juvenile participates in a court-approved alternative
- 21 diversion program for first-time offenders and:
- 22
- 23
- 24

1 a. the juvenile presents satisfactory evidence to the  
2 court that the juvenile has successfully completed the  
3 program, and

4 b. the court dismisses the case at the conclusion of the  
5 deferral period; or

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

8 a. the juvenile presents satisfactory evidence to the  
9 court that the juvenile has successfully completed the  
10 program, and

11 b. the court dismisses the case at the conclusion of the  
12 deferral period.

13 The records may be sealed one (1) year after such dismissal or  
14 completion of the conditions of a voluntary or preadjudicatory  
15 probation, alternative diversion program for first-time offenders,  
16 or military mentor program or upon the person attaining the age of  
17 eighteen (18) years in the discretion of the court. Upon the  
18 sealing of any record of a person alleged to be delinquent pursuant  
19 to this title, the record and official actions subject to the order  
20 shall be deemed never to have occurred, and the person who is the  
21 subject of the record and all juvenile justice agencies may properly  
22 reply upon any inquiry in the matter that no such action ever  
23 occurred and no such record exists with respect to such person.

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

5 ~~D. Upon the sealing of any record of a person alleged to be~~  
6 ~~delinquent pursuant to this title, the record and official actions~~  
7 ~~subject to the order shall be deemed never to have occurred, and the~~  
8 ~~person who is the subject of the record and all juvenile justice~~  
9 ~~agencies may properly reply upon any inquiry in the matter that no~~  
10 ~~such action ever occurred and no such record exists with respect to~~  
11 ~~such person.~~

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

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

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

24

1       ~~F.~~ E. Members of the judiciary, district attorneys, the  
2 defendant, the defendant's counsel and employees of juvenile  
3 bureaus, the Office of Juvenile Affairs assigned juvenile court  
4 intake responsibilities, and the Department of Corrections may  
5 access records that have been sealed pursuant to this section  
6 without a court order for the purpose of determining whether to  
7 dismiss an action, seek a voluntary probation, file a petition, or  
8 for purposes of sentencing or placement in a case where the person  
9 who is the subject of the sealed record is alleged to have committed  
10 a subsequent juvenile delinquent act or any adult criminal offense.  
11 Provided, any record sealed pursuant to this section may be used in  
12 a subsequent juvenile delinquent or adult prosecution only after the  
13 issuance of a court order unsealing the record.

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

- 16       1. In subsequent cases against the same child pursuant to this  
17 title;
- 18       2. In an adult criminal proceeding pursuant to Section 2-2-403  
19 or 2-5-101 of this title;
- 20       3. Upon conviction of a criminal offense in an adult  
21 proceeding, in connection with the sentencing of such person;
- 22       4. If the person is placed in the custody or under the  
23 supervision of the Department of Corrections;

1 5. In accordance with the guidelines adopted pursuant to the  
2 Juvenile Offender Tracking Program and Section 620.6 of Title 10 of  
3 the Oklahoma Statutes, for maintaining juvenile justice and criminal  
4 justice statistical information;

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

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

8 ~~H.~~ G. Any person or agency having a legitimate interest in a  
9 delinquency case or proceeding may petition the court for an order  
10 unsealing a juvenile court record. Upon the filing of a petition to  
11 unseal any juvenile court record, the court shall set a date for a  
12 hearing and shall provide thirty (30) ~~days~~ days of notice to all  
13 interested parties. The hearing may be closed at the court's  
14 discretion. If, after a hearing, the court determines that there is  
15 any reason enumerated in subsection ~~G~~ F of this section and it is  
16 necessary for the protection of a legitimate public or private  
17 interest to unseal the records, the court shall order the record  
18 unsealed.

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

22 SECTION 19. AMENDATORY 10A O.S. 2011, Section 2-7-303,  
23 is amended to read as follows:

1 Section 2-7-303. The Office of Juvenile Affairs, in its role as  
2 planner and coordinator for juvenile justice and delinquency  
3 prevention services, is hereby authorized to and shall enter into  
4 contracts for the establishment and maintenance of community-based  
5 facilities, services and programs which may include, but are not  
6 limited to: Emergency shelter, diagnosis, crisis intervention,  
7 counseling, group work, case supervision, job placement, school-  
8 based prevention programs, alternative diversion programs for first-  
9 time offenders and for youth alleged or adjudicated to be in need of  
10 supervision, recruitment and training of volunteers, consultation,  
11 case management services, and agency coordination with emphasis on  
12 keeping youth with a high potential for delinquency out of the  
13 traditional juvenile justice process and community intervention  
14 centers. The Office of Juvenile Affairs shall enter into contracts  
15 with Youth Services Agencies for core community-based facilities,  
16 programs and services based on need as indicated in its State Plan  
17 for Youth Services Agencies.

18 SECTION 20. AMENDATORY 10A O.S. 2011, Section 2-7-305,  
19 is amended to read as follows:

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

1 B. The Office of Juvenile Affairs shall take all necessary  
2 steps to develop and implement a diversity of community services and  
3 community-based residential care as needed to provide for adequate  
4 and appropriate community-based care, treatment and rehabilitation  
5 of children in the care, custody, and supervision of the Office of  
6 Juvenile Affairs. Such community services and residential care  
7 shall be consistent with the treatment needs of the child and the  
8 protection of the public.

9 1. The Office of Juvenile Affairs shall, to the extent  
10 reasonable and practicable, provide community-based services,  
11 community residential care and community intervention centers to  
12 children in the custody of the Office of Juvenile Affairs through  
13 financial agreements, as authorized in Sections 2-7-303 and 2-7-304  
14 of this title.

15 2. The Office of Juvenile Affairs shall establish procedures  
16 for the letting of grants or contracts, and the conditions and  
17 requirements for the receipt of such grants or contracts, for  
18 community-based services, community residential care and community  
19 intervention centers. A copy of such procedures shall be made  
20 available to any member of the general public upon request.

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

6 D. 1. The Office of Juvenile Affairs shall implement programs  
7 for establishment and continued operation of community intervention  
8 centers. The centers shall be established pursuant to interlocal  
9 agreements between one or more municipalities or one or more  
10 counties and the Office of Juvenile Affairs pursuant to rules  
11 promulgated by the Office. The municipality or county may enter  
12 into subcontracts with one or more service providers, subject to the  
13 approval by the Office of Juvenile Affairs. The service provider,  
14 whether a municipality, county or other entity, must have access to  
15 the management information system provided for in Section 2-7-308 of  
16 this title and must employ qualified staff, as determined by the  
17 Office of Juvenile Affairs.

18 2. The community intervention center shall serve as a short-  
19 term reception facility to receive and hold juveniles who have been  
20 taken into custody by law enforcement agencies for the alleged  
21 violation of a municipal ordinance or state law or who are alleged  
22 to be in need of supervision and for whom detention is inappropriate  
23 or unavailable. The community intervention center may be a secure  
24

1 facility. Juveniles held in the community intervention facility  
2 shall not be isolated from common areas other than for short-term  
3 protective holding for combative or self-destructive behavior, as  
4 defined by the Office of Juvenile Affairs.

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

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

- 9 a. enter demographic information into the management  
10 information system provided for in Section 2-7-308 of  
11 this title,
- 12 b. immediately notify the parents or parent, guardian, or  
13 other person legally responsible for the juvenile's  
14 care, or if such legally responsible person is  
15 unavailable the adult with whom the juvenile resides,  
16 that the juvenile has been taken into custody and to  
17 pick up the juvenile, ~~and~~
- 18 c. hold juveniles until they can be released to a parent,  
19 guardian, or other responsible adult or until a  
20 temporary placement can be secured, but in no event  
21 for longer than twenty-four (24) hours, and
- 22 d. ensure that a written promise is executed by the  
23 parent, guardian or other responsible adult to bring

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1                   the child at the time fixed if a petition is to be  
2                   filed.

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

- 5           a. gather information to determine if the juvenile is in  
6           need of immediate medical attention,
- 7           b. conduct an initial assessment pursuant to rules  
8           promulgated by the Office of Juvenile Affairs. Such  
9           initial assessment may be given without parental  
10           consent if the juvenile agrees to participate in the  
11           assessment, and
- 12           c. conduct an assessment pursuant to a Problem Behavior  
13           Inventory or a Mental Status Checklist or an  
14           equivalent assessment instrument authorized by rules  
15           promulgated by the Office of Juvenile Affairs, if  
16           written permission to do so is obtained from the  
17           parent, guardian or other person legally responsible  
18           for the care of the juvenile. Such person and the  
19           juvenile may review the assessment instrument prior to  
20           the assessment process, must be informed that  
21           participation in the assessment is voluntary and that  
22           refusal to participate shall not result in any  
23           penalty, and must sign a written acknowledgment that

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

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

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

22 SECTION 21. AMENDATORY 10A O.S. 2011, Section 2-7-501,  
23 is amended to read as follows:

1 Section 2-7-501. A. The Office of Juvenile Affairs shall  
2 provide intake and probation services for juveniles in all counties  
3 not having a juvenile bureau and parole services in all counties of  
4 the state and may enter into agreements to supplement probationary  
5 services to juveniles in any county. The Office of Juvenile Affairs  
6 may participate in federal programs for juvenile probation officers,  
7 and may apply for, receive, use and administer federal funds for  
8 such purpose.

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

15 1. Information gained from the substance abuse assessment  
16 pursuant to this subsection shall be used only for substance abuse  
17 treatment and for no other purpose. The results shall not be used  
18 in any evidentiary or fact-finding hearing in a juvenile proceeding  
19 or as the sole basis for the revocation of a community-based  
20 placement or participation in a community-based program.

21 2. The results of the substance abuse assessment may be given  
22 to the intake, probation or parole counselor of the child, the  
23 parent or guardian of the child or to the attorney of the child. In  
24

1 accordance with the Juvenile Offender Tracking Program and Section  
2 620.6 of Title 10 of the Oklahoma Statutes, the counselor may also  
3 provide the results of the substance abuse assessment to medical  
4 personnel, therapists, school personnel or others for use in the  
5 treatment and rehabilitation of the child.

6 C. The Office of Juvenile Affairs and the juvenile bureaus  
7 shall implement:

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

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

13 3. A case management system for ensuring appropriate:

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

15 b. services for and supervision of all youth on pre-  
16 adjudicatory or postadjudicatory probation or on  
17 parole, and for juvenile offenders in the custody of  
18 the Office of Juvenile Affairs, and

19 c. intensive supervision of juvenile offenders and  
20 communication between law enforcement and juvenile  
21 court personnel and others regarding such offenders;  
22 and

23

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1 4. Guidelines for juvenile court personnel recommendations to  
2 district attorneys regarding the disposition of individual cases by  
3 district attorneys.

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

- 6 a. misdemeanor and nonserious first-time offender  
7 programs,
- 8 b. tracking and mentor services,
- 9 c. weekend detention,
- 10 d. five-day out-of-home sanction placements,
- 11 e. short-term thirty-day intensive, highly structured  
12 placements,
- 13 f. transitional programs,
- 14 g. substance abuse treatment and diagnostic and  
15 evaluation programs, and
- 16 h. day treatment programs.

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

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

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

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

- 8 a. structured interviews,
- 9 b. standardized literacy testing instruments which
- 10 measure the educational proficiency of the child, and
- 11 c. any other measure used to determine:
  - 12 (1) whether a child is reading at an age-appropriate
  - 13 level, and
  - 14 (2) the capacity of the child to read at such level.

15 3. The results of the literacy skills assessment required  
16 pursuant to this subsection shall be made available to the court by  
17 the district attorney for use in the disposition phase; provided,  
18 however, the results shall not be used in any evidentiary or fact-  
19 finding hearing in a juvenile proceeding to determine whether a  
20 juvenile should be adjudicated. Provided, further, such results  
21 shall not be used as the sole basis for the revocation of a  
22 community-based placement or participation in a community-based  
23 program.



1 capacity to improve his or her reading skills, the  
2 child shall be required to actively participate in a  
3 literacy skills improvement program which may include,  
4 but not be limited to, a program of instruction  
5 through a public or private school, including any  
6 technology center school, of this state or any other  
7 state. The child shall provide documentation of  
8 substantial quantifiable literacy improvement,  
9 sufficient to demonstrate reading proficiency at an  
10 age-appropriate or developmentally appropriate level;  
11 provided, however, failure to demonstrate substantial  
12 quantifiable literacy improvement shall not be the  
13 sole basis for not dismissing a case against a child.

14 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1283, as  
15 amended by Section 9, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,  
16 Section 1283), is amended to read as follows:

17 Section 1283.

18 CONVICTED FELONS AND DELINQUENTS

19 A. Except as provided in subsection B of this section, it shall  
20 be unlawful for any person convicted of any felony in any court of  
21 this state or of another state or of the United States to have in  
22 his or her possession or under his or her immediate control, or in  
23 any vehicle which the person is operating, or in which the person is  
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1 riding as a passenger, or at the residence where the convicted  
2 person resides, any pistol, imitation or homemade pistol, altered  
3 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any  
4 other dangerous or deadly firearm.

5 B. Any person who has previously been convicted of a nonviolent  
6 felony in any court of this state or of another state or of the  
7 United States, and who has received a full and complete pardon from  
8 the proper authority and has not been convicted of any other felony  
9 offense which has not been pardoned, shall have restored the right  
10 to possess any firearm or other weapon prohibited by subsection A of  
11 this section, the right to apply for and carry a handgun, concealed  
12 or unconcealed, pursuant to the Oklahoma Self-Defense Act and the  
13 right to perform the duties of a peace officer, gunsmith, or for  
14 firearms repair.

15 C. It shall be unlawful for any person supervised by the  
16 Department of Corrections or any division thereof to have in his or  
17 her possession or under his or her immediate control, or at his or  
18 her residence, or in any passenger vehicle which the supervised  
19 person is operating or is riding as a passenger, any pistol, shotgun  
20 or rifle, including any imitation or homemade pistol, altered air or  
21 toy pistol, shotgun or rifle, while such person is subject to  
22 supervision, probation, parole or inmate status.

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1 D. It shall be unlawful for any person previously adjudicated  
2 as a delinquent child or a youthful offender for the commission of  
3 an offense, ~~which would have constituted a felony offense if~~  
4 ~~committed by an adult,~~ listed in paragraph 2 of Section 571 of Title  
5 57 of the Oklahoma Statutes, Section 13.1 of this title or Section  
6 2-5-206 of Title 10A of the Oklahoma Statutes to have in the  
7 possession of the person or under the immediate control of the  
8 person, or have in any vehicle which he or she is driving or in  
9 which the person is riding as a passenger, or at the residence of  
10 the person, any pistol, imitation or homemade pistol, altered air or  
11 toy pistol, machine gun, sawed-off shotgun or rifle, or any other  
12 dangerous or deadly firearm within ten (10) years after such  
13 adjudication; provided, that nothing in this subsection shall be  
14 construed to prohibit the placement of the person in a home with a  
15 full-time duly appointed peace officer who is certified by the  
16 Council on Law Enforcement Education and Training (CLEET) pursuant  
17 to the provisions of Section 3311 of Title 70 of the Oklahoma  
18 Statutes.

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

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

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

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

16 I. For purposes of this section, "altered air pistol" shall  
17 mean any air pistol manufactured to propel projectiles by air  
18 pressure which has been altered from its original manufactured  
19 state.

20 SECTION 23. AMENDATORY 43A O.S. 2011, Section 5-507, is  
21 amended to read as follows:

22 Section 5-507. A. No minor who is ~~taken~~ placed into emergency,  
23 temporary or permanent custody of a state agency pursuant to ~~Section~~

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1 ~~1-4-201~~ of Title 10A of the Oklahoma Statutes as an alleged deprived  
2 child, or who has been adjudicated a ward of the court shall be  
3 admitted to a hospital or mental health or substance abuse treatment  
4 facility:

5 1. On an emergency basis except as provided by this section;

6 2. For inpatient treatment except upon a commitment order of  
7 the court pursuant to the provisions of subsection D of this section  
8 and after a finding that the minor requires such services as  
9 provided by Section 5-512 of this title.

10 B. After an initial assessment and a determination that a minor  
11 is a minor in need of treatment, the minor may be admitted to a  
12 hospital or mental health or substance abuse treatment facility on  
13 an emergency basis for a period not to exceed five (5) days from the  
14 time of admission, excluding weekends and holidays. On the next  
15 business day following admission, notice of such admission shall be  
16 given by the person responsible for the supervision of the case, as  
17 applicable, to the minor's attorney, Court Appointed Special  
18 Advocate (CASA) or guardian ad litem, the court and district  
19 attorney.

20 C. A minor admitted on an emergency basis pursuant to this  
21 section shall be evaluated and the mental health evaluation  
22 submitted to the district attorney within forty-eight (48) hours of  
23 admission, excluding weekends and holidays. The mental health  
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1 evaluation shall be performed by a licensed mental health  
2 professional at the facility.

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

13 E. Nothing in this section shall be interpreted to preclude or  
14 prohibit a parent having physical custody of a minor who is a ward  
15 of the court from arranging for an emergency admission of the minor.  
16 In such cases, the parent shall immediately notify the person  
17 responsible for the supervision of the case of the admission.

18 SECTION 24. AMENDATORY 70 O.S. 2011, Section 24-101.3,  
19 is amended to read as follows:

20 Section 24-101.3 A. Any student who is guilty of an act  
21 described in paragraph 1 of subsection C of this section may be  
22 suspended out-of-school in accordance with the provisions of this  
23 section. Each school district board of education shall adopt a  
24

1 policy with procedures which provides for out-of-school suspension  
2 of students. The policy shall address the term of the out-of-school  
3 suspension, provide an appeals process as described in subsection B  
4 of this section, and provide that before a student is suspended out-  
5 of-school, the school or district administration shall consider and  
6 apply, if appropriate, alternative in-school placement options that  
7 are not to be considered suspension, such as placement in an  
8 alternative school setting, reassignment to another classroom, or  
9 in-school detention. The policy shall address education for  
10 students subject to the provisions of subsection D of this section  
11 and whether participation in extracurricular activities shall be  
12 permitted.

13 B. 1. Students suspended out-of-school for ten (10) or fewer  
14 days shall have the right to appeal the decision of the  
15 administration as provided in the policy required in subsection A of  
16 this section. The policy shall specify whether appeals for short-  
17 term suspensions as provided in this subsection shall be to a local  
18 committee composed of district administrators or teachers or both,  
19 or to the district board of education. Upon full investigation of  
20 the matter, the committee or board shall determine the guilt or  
21 innocence of the student and the reasonableness of the term of the  
22 out-of-school suspension. If the policy requires appeals for short-  
23 term suspensions to a committee, the policy adopted by the board

24

1 may, but is not required to, provide for appeal of the committee's  
2 decision to the board.

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

19       C. 1. Students who are guilty of any of the following acts may  
20 be suspended out-of-school by the administration of the school or  
21 district:

- 22           a. violation of a school regulation,
- 23           b. ~~immorality,~~

24

1           ~~e.~~   ~~adjudication as a delinquent for an offense that is~~  
2           ~~not a violent offense. For the purposes of this~~  
3           ~~section, "violent offense" shall include those~~  
4           ~~offenses listed as the exceptions to the term~~  
5           ~~"nonviolent offense" as specified in Section 571 of~~  
6           ~~Title 57 of the Oklahoma Statutes. "Violent offense"~~  
7           ~~shall include the offense of assault with a dangerous~~  
8           ~~weapon but shall not include the offense of assault,~~

9           ~~d.~~   possession of an intoxicating beverage, low-point  
10           beer, as defined by Section 163.2 of Title 37 of the  
11           Oklahoma Statutes, or missing or stolen property if  
12           the property is reasonably suspected to have been  
13           taken from a student, a school employee, or the school  
14           during school activities, and

15           ~~e.~~   c.   possession of a dangerous weapon or a controlled  
16           dangerous substance, as defined in the Uniform  
17           Controlled Dangerous Substances Act while on public  
18           school property or at a school event. Possession of a  
19           firearm shall result in out-of-school suspension as  
20           provided in paragraph 2 of this subsection.

21           2. Any student found in possession of a firearm while on any  
22           public school property or while in any school bus or other vehicle  
23           used by a public school for transportation of students or teachers

1 shall be suspended out-of-school for a period of not less than one  
2 (1) year, to be determined by the district board of education  
3 pursuant to the provisions of this section. The term of the  
4 suspension may be modified by the district superintendent on a case-  
5 by-case basis. For purposes of this paragraph the term "firearm"  
6 shall mean and include all weapons as defined by 18 U.S.C., Section  
7 921.

8 3. Any student in grades six through twelve found to have  
9 assaulted, attempted to cause physical bodily injury, or acted in a  
10 manner that could reasonably cause bodily injury to a school  
11 employee or a person volunteering for a school as prohibited  
12 pursuant to Section ~~§1~~ 6-146 of this ~~act~~ title shall be suspended  
13 for the remainder of the current semester and the next consecutive  
14 semester, to be determined by the board of education pursuant to the  
15 provisions of this section. The term of the suspension may be  
16 modified by the district superintendent on a case-by-case basis.

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

18 E. A student who has been suspended out-of-school from a public  
19 or private school in the State of Oklahoma or another state for a  
20 violent act or an act showing deliberate or reckless disregard for  
21 the health or safety of faculty or other students shall not be  
22 entitled to enroll in a public school of this state, and no public  
23  
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1 school shall be required to enroll the student, until the terms of  
2 the suspension have been met or the time of suspension has expired.

3 F. No public school of this state shall be required to provide  
4 education services in the regular school setting to any student who  
5 has been adjudicated as a delinquent for an offense defined in  
6 Section 571 of Title 57 of the Oklahoma Statutes as an exception to  
7 a nonviolent offense or convicted as an adult of an offense defined  
8 in Section 571 of Title 57 of the Oklahoma Statutes as an exception  
9 to a nonviolent offense, who has been removed from a public or  
10 private school in the State of Oklahoma or another state by  
11 administrative or judicial process for a violent act or an act  
12 showing deliberate or reckless disregard for the health or safety of  
13 faculty or other students, or who has been suspended as provided for  
14 in paragraph 3 of subsection C of this section until the school in  
15 which the student is subsequently enrolled determines that the  
16 student no longer poses a threat to self, other students or school  
17 district faculty or employees. Until the school in which such  
18 student subsequently enrolls or re-enrolls determines that the  
19 student no longer poses a threat to self, other students or school  
20 district faculty or employees, the school may provide education  
21 services through an alternative school setting, home-based  
22 instruction, or other appropriate setting. If the school provides  
23 education services to such student at a district school facility,

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1 the school shall notify any student or school district faculty or  
2 employee victims of such student, when known, and shall ensure that  
3 the student will not be allowed in the general vicinity of or  
4 contact with a victim of the student, provided such victim notifies  
5 the school of the victim's desire to refrain from contact with the  
6 offending student.

7 G. Students suspended out-of-school who are on an  
8 individualized education plan pursuant to the Individuals with  
9 Disabilities Education Act, P.L. No. 101-476, or who are subject to  
10 the provisions of subsection F of this section and who are on an  
11 individualized education plan shall be provided the education and  
12 related services in accordance with the student's individualized  
13 education plan.

14 H. A student who has been suspended for a violent offense which  
15 is directed towards a classroom teacher shall not be allowed to  
16 return to that teacher's classroom without the approval of that  
17 teacher.

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

21 SECTION 25. REPEALER 10 O.S. 2011, Sections 22 and 24,  
22 are hereby repealed.

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1 SECTION 26. REPEALER 10 O.S. 2011, Sections 130.1,  
2 130.2, 130.3, 130.4, 130.5, 130.6, 130.7, 130.8 and 130.9, are  
3 hereby repealed.

4 SECTION 27. REPEALER 10 O.S. 2011, Section 1101.1, is  
5 hereby repealed.

6 SECTION 28. REPEALER 10A O.S. 2011, Section 2-2-806, as  
7 amended by Section 40, Chapter 304, O.S.L. 2012 (10A O.S. Supp.  
8 2012, Section 2-2-806), is hereby repealed.

9 SECTION 29. This act shall become effective November 1, 2013.

10  
11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/20/2013 - DO  
12 PASS.

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