

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2241

 By: Nelson

7 AS INTRODUCED

8 An Act relating to children and juvenile code;
9 amending 10A O.S. 2011, Section 2-1-103, which
10 relates to definitions of the Oklahoma Juvenile Code;
 modifying certain definition; and providing an
 effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

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

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

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

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

23

24

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

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

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

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

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

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

21 9. "Community-based" means a facility, program or service
22 located near the home or family of the juvenile, and programs of
23 community prevention, diversion, supervision and service which
24

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

1 maintain community participation in their planning, operation, and
2 evaluation. These programs may include but are not limited to
3 medical, educational, vocational, social, and psychological
4 guidance, training, counseling, alcoholism treatment, drug
5 treatment, prevention and diversion programs, diversion programs for
6 first-time offenders, transitional living, independent living and
7 other rehabilitative services;

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

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

17 a. screening, evaluation and assessment which includes a
18 face-to-face screening and evaluation to establish
19 problem identification and to determine the risk level
20 of a child or adolescent and may result in clinical
21 diagnosis or diagnostic impression,
22
23
24

- 1 b. treatment planning which includes preparation of an
2 individualized treatment plan which is usually done as
3 part of the screening, evaluation and assessment,
4 c. treatment plan reviewing which includes a
5 comprehensive review and evaluation of the
6 effectiveness of the treatment plan,
7 d. individual counseling which includes face-to-face,
8 one-on-one interaction between a counselor and a
9 juvenile to promote emotional or psychological change
10 to alleviate the issues, problems, and difficulties
11 that led to a referral, including ongoing assessment
12 of the status and response of the juvenile to
13 treatment as well as psychoeducational intervention,
14 e. group counseling which includes a method of treating a
15 group of individuals using the interaction between a
16 counselor and two or more juveniles and/or parents or
17 guardians to promote positive emotional or behavioral
18 change, not including social skills development or
19 daily living skills,
20 f. family counseling which includes a face-to-face
21 interaction between a counselor and the family of the
22 juvenile to facilitate emotional, psychological or
23
24

1 behavior changes and promote successful communication
2 and understanding,

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

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

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

21 j. case management and home-based services which includes
22 that part of case management services dedicated to
23 travel for the purpose of linkage, advocacy and
24

1 referral assistance and travel to provide counseling
2 and support services to families of children as needed
3 to support specific youth and families in self-
4 sufficiency and community tenure,

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

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

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
24

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~~ shelters and shelter host homes
22 which include emergency ~~shelter care~~ living
23 accommodations twenty-four (24) hours a day for a
24

1 short term, usually ninety (90) days or less, for
2 ~~juveniles referred to the program needing shelter care~~
3 ~~within the State of Oklahoma~~ children and youth in a
4 crisis situation such as abandonment, abuse, neglect,
5 runaway, respite, or law enforcement or court
6 involvement. The emergency shelter or shelter host
7 home shall provide parenting, education, counseling,
8 activities, experiences and referrals needed by
9 children and youth in order to develop and realize
10 their full potential,

11 r. transitional living programs which include a
12 structured program to help older homeless youth
13 achieve self-sufficiency and avoid long-term
14 dependence on social services,

15 s. community-at-risk services (C.A.R.S.) which include a
16 program provided to juveniles in custody or under the
17 supervision of the Office of Juvenile Affairs or a
18 juvenile bureau to prevent out-of-home placement and
19 to reintegrate juveniles returning from placements.
20 The program shall include, but not be limited to,
21 treatment plan development, counseling, diagnostic and
22 evaluation services, mentoring, tutoring, and
23 supervision of youth in independent living,
24

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

4 u. other community-based facilities, programs or services
5 designated by the Board as core community-based
6 facilities, programs or services;

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

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

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

21 b. has habitually violated traffic laws, traffic
22 ordinances or boating safety laws or rules;

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

4 15. "Executive Director" means the Executive Director of the
5 Office of Juvenile Affairs;

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

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

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

23
24

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

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

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

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

22 22. "Municipal juvenile facility" means a facility other than a
23 community intervention center that accepts a child under eighteen
24

1 (18) years of age charged with violating a municipal ordinance and
2 meets the requirements of Section 2-2-102 of this title;

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

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

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

21 26. "Preliminary inquiry" or "intake" means a mandatory,
22 preadjudicatory interview of the juvenile and, if available, the
23 parents, legal guardian, or other custodian of the juvenile, which
24

1 is performed by a duly authorized individual to determine whether a
2 juvenile comes within the purview of the Oklahoma Juvenile Code,
3 whether nonadjudicatory alternatives are available and appropriate,
4 and if the filing of a petition is necessary;

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

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

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

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

21 a. while under the continuing jurisdiction of the court
22 pending court disposition, or
23
24

1 b. pending placement by the Office of Juvenile Affairs
2 after adjudication;

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

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

19 33. "Youth Services Agency" means a nonprofit corporation with
20 a local board of directors, officers and staff that has been
21 designated by the Board as a Youth Services Agency, that is peer
22 reviewed annually, and that provides community-based facilities,
23
24

1 programs or services to juveniles and their families in the youth
2 services service area in which it is located.

3 SECTION 2. This act shall become effective November 1, 2013.
4

5 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02/19/2013 -
6 DO PASS.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24