

**BILL SUMMARY**  
1st Session of the 54<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB679</b>
<b>Version:</b>	<b>CCS A</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Senator Griffin and Rep. Nelson</b>
<b>Date:</b>	<b>5/23/2013</b>
<b>Impact:</b>	<b>Costs to depend on additional number of hearings and appeals heard</b>

**Research Analysis**

The CS for SB 679 modifies the circumstances by which the court may terminate parental rights. A child may be taken into custody without a court order if they have run away without cause. Additionally, the measure provides the procedure for a child taken into custody as a child-in-need-of-supervision, and creates a new section of law regarding the application of diversion services offered to children at risk of being a child-in-need-of-supervision. Furthermore, the measure specifies the actions an intake worker may take during the course of a preliminary inquiry.

If indigency is established, the Oklahoma Indigent Defense System will represent the child. If the parent or legal guardian refuses to provide counsel the court will appoint counsel to represent the child until counsel is provided. The parent or legal guardian will be responsible for the costs of representation. Additionally, the measure amends guardian ad litem qualifications. The measure modifies privacy requirements for adjudicative and delinquency hearings, and modifies the decision for determining whether or not a child will come within the purview of the Oklahoma Juvenile Code. Additionally, the measure amends the criteria for a deferral of delinquency proceeding.

The measure provides that a disposition hearing will take place no later than 40 days after making an order of adjudication. The disposition will be prepared based upon recommendations from a comprehensive assessment and evaluation process within 30 days after adjudication. If a recommendation has been made for probation or custody with OJA or other court-ordered residential treatment, an individualized treatment and service plan is required. OJA must identify their risks and needs assessment instruments used to develop recommendations for individualized treatment plans. The assessment cannot be made available to prosecutors or the court prior to adjudication or be used in any phase of prosecution. The plan must be presented to the court and counsel within 30 days after disposition. The treatment and service plan must be based on a comprehensive assessment and evaluation of the child and their family, detention risk assessment decision, preliminary intake assessment, any comprehensive substance abuse treatment service(s) assessment, behavioral health services, and other educational and treatment services as components. Additionally, the treatment and service plan must include the child's eligibility for disposition of probation, placement in community residential treatment, commitment with OJA and, if appropriate, assignment of a residential commitment level. A child that has been adjudicated as a child-in-need-of-supervision and has willfully violated a valid court order may be placed in a secure facility.

The measure lists the rights of a child in a dispositional hearing, and permits the court to order a parent, legal guardian or custodian or any other person living in the home of a child to be present

at any court proceeding under the provisions of the Oklahoma Juvenile Code. Provided a summons was properly served and it's determined to be in the best interest of the child, the court will order the parent, legal guardian or custodian of the child, and any other person living in the home of the child to participate in the rehabilitation process. Additionally, the measure amends the conditions by which a child can be placed in secure detention.

The CS modifies the manner by which a county may pay for expenses incurred in complying with the Oklahoma Juvenile Code. The measure modifies the orders to seal and unseal certain records. The measure authorizes OJA to enter into contracts with school-based prevention programs and authorizes the agency to enter into interlocal agreements with counties. The measure modifies the functions of community intervention centers and the acts by which a school may impose an out-of-school suspension. Additionally, the measure specifies that the Office of Juvenile Affairs is the sole administrator of Youth Services Agency contracts unless the contract is with another state or federal agency.

The measure allows for the prosecution of an individual engaged in transmitting or causing a transmission to originate within the state containing obscene material or child pornography. It will be at the discretion of the district attorney, where the transmission is sent or caused to be sent, to pursue the incident as a juvenile offense or a felony. The measure specifies what constitutes a juvenile offense under the act.

Finally, the measure repeals:

- Provisions regarding spouses of managing office of an institution for delinquent juveniles from also being an employee of the facility;
- Provisions regarding the appointment of counsel for a minor or parent or guardian of a minor under the juvenile code and the related responsibilities of the Oklahoma Indigent Defense System;
- Provisions regarding detention homes;
- Provisions regarding the placement of deprived, delinquent or child-in-need-of-supervision in an inpatient mental health facility; and
- Provisions regarding the razing and construction of a juvenile facility.

Prepared By: Scott C. Tohlen

### **Fiscal Analysis**

According to Office of Juvenile Affairs personnel, costs related to the SB679 in its current form would depend upon the additional number of hearings and appeals heard.

Prepared By: Stacy Johnson

### **Other Considerations**

None.