

BILL SUMMARY
1st Session of the 54th Legislature

Bill No.:	SB679
Version:	ENGR
Request Number:	
Author:	Senator Griffin and Rep. Nelson
Date:	4/8/2013
Impact:	Costs to depend on additional number of hearings and appeals heard

Research Analysis

Engrossed SB 679 modifies the legislative intent of the Oklahoma Juvenile Code to include providing a system relying upon individualized treatment and best practices. The measure modifies the definition of “community intervention center,” “core community-based,” “records” or “record,” and “legal records,” and defines “without good cause, fails to appear,” “guardian” or “custodian.”

The measure allows a peace officer without a court order take a child into custody that has run away without cause. It stipulates the procedure for a child taken into custody as a child-in-need-of-supervision. The court will have jurisdiction over any parent, legal guardian, or custodian of the child and another person living in the home of the child that appears in court or has been properly served. Additionally, a case may only be transferred to another county if it is confirmed that judge the judge will accept the transfer.

The measure specifies the actions an intake worker may take during the course of a preliminary inquiry. It provides for the application of diversion services offered to children at risk of being a child-in-need-of-supervision and makes clear that an ineligible child cannot be placed in secure detention. If indigency is established the Oklahoma Indigent Defense System or applicable county indigent defender will represent the child. In the event that 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 and if they fail to provide counsel will be found in indirect contempt of court. Additionally, the measure modifies guardian ad litem qualifications.

The measure modifies privacy requirements for adjudicative and delinquency hearings, and it modifies the decision for determining whether or not a child will come within the purview of the Oklahoma Juvenile Code. Additionally, it modifies deferral of delinquency proceedings.

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. Recommendations will include, but not be limited to, the child’s eligibility for probation, placement in community residential treatment, or commitment with the Office of Juvenile Affairs. 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. 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.

The measure stipulates that nothing in the Oklahoma Juvenile Code or Oklahoma Children's Code prevents a child from being adjudicated both deprived and delinquent if a factual basis exists. In order for a child to be placed in a secure facility they must be adjudicated as a child-in-need-of-supervision and a delinquent child. It modifies the guidelines for a comprehensive assessment and directs OJA to 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. Furthermore, the measure lists the rights of the child in a dispositional hearing.

The court may issue a bench warrant if a summons has been properly served and without good cause fails to appear at any proceeding. Provided a summons has been properly served, 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. If they fail to comply with the order they will be found in indirect contempt of court or issue a bench warrant. Additionally, the measure modifies the punishments available to the parent, legal guardian or custodian of the child, and any other person living in the home of the child.

The measure adds additional conditions for the secure detention of a child and modifies exceptions to the confidentiality of juvenile records. Additionally, it 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. It also modifies the functions of community intervention centers, and the acts under which a school may impose an out-of-school suspension.

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 recodifies three sections of law and repeals the following sections of law:

- General Provisions
 - Spouse of Manager or Superintendent of Institution Having Orphans or Delinquent Children as Employee;
 - Appointment and Duties of Counsel - Compensation
- Detention Homes;
- Dependent and Delinquent Children - Inpatient Treatment in Mental Health Facility; and
- Requests for Proposals for Facility to House Juveniles - Lease-Purchase Agreement - Authority to Promulgate Rules - Role of Department of Central Services

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Fiscal Analysis

According to Office of Juvenile Affairs personnel, costs related to the measure would depend upon the additional number of hearings and appeals heard.

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Other Considerations

None.

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