

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB2741
Version:	FloorAmendment1
Request Number:	NA
Author:	Representative Williams
Date:	3/14/2012
Impact:	\$0

Research Analysis

Floor amendment 1 to HB 2741 deletes a provision in the committee substitute that requires the court to order nonindigent parents or guardians of an accused child to obtain private counsel.

HB 2741 amends the Oklahoma Juvenile Code to require more individualized treatment for juvenile delinquents and family. The measure deletes the existing legislative intent language and replaces it with language that provides for community protection, parental responsibility and the individual needs of each child. Other provisions of the measure address various subjects related to juveniles, including:

Placement

- Authorizes law enforcement officers to immediately place all runaway children in protective custody without a court order and to take them to a specific facility if it is unsafe to return the child home. The facility is required to notify the parent or caretaker.
- Prohibits a child alleged to be *in need of supervision* from being placed with delinquents in a secure juvenile facility except for no more than 24 hours for runaways in communities where no alternative is available.
- Prohibits a child alleged or adjudicated to be *in need of supervision* from being detained in an adult jail or lockup.
- Requires a court transferring a juvenile case to another county to first confirm that the judge will accept the transfer.
- Allows the court to find a child both deprived and delinquent if merited and provides certain due process rights in redispotion hearings, particularly in those cases where a child is court-ordered into an out-of-home placement.
- Provides that any modification, revocation or redispotion that removes a child from the physical custody of a parent or guardian must be subject to review on appeal, as in other appeals of delinquent cases.
- Provides for conditions of confinement and modifies secure detention requirements.

Processing

- Upon allegations of a child's delinquency, intake workers must conduct a preliminary inquiry into the delinquency of a child and are authorized to carry out specific actions for that purpose including administering screening and assessment instruments. The DA is then required to determine if the complaint legally warrants the filing of the petition and work with the intake worker to determine the course of action.
- Requires OJA to identify and utilize appropriate validated risk and needs assessment instruments and requires consistent state-wide utilization by Juvenile Bureaus and Municipal Courts of the instruments in the intake, disposition and placement processes.

Parental Responsibility and Diversion Services

- Requires that diversion services be offered to certain at-risk children and their families and prohibits a petition being filed during the provision of services.
- Requires parental participation in the delinquency court and treatment processes and includes consequences for non-compliance with court orders.
- Authorizes the court to issue a bench warrant for a parent, guardian or custodian who fails to appear at any proceeding without good cause.
- The court is required to order adults living in the home to participate in the child's rehabilitation process, including possible activities such as attending proceedings, parenting classes, counseling, treatment or education programs, unless it is not in the best interest of the child.
- The court also can order adults living in the home to report parole, probation or conditional release violations by the juvenile and to aid in enforcing the restrictions. If family members fail to comply, they can be found in indirect contempt of court.

Legal Representation

- Provides for a child's right to court-appointed counsel and provides for the legal counsel's ethical obligation to the juvenile client.
- Prohibits guardian ad litem from being an employee of the office of the DA, the court, a juvenile bureau or a public agency with responsibilities for the child.

Confidentiality

- Requires delinquency hearings and records to remain confidential, with limited exceptions.
- Prohibits the court from allowing anyone other than parents or a guardian in a hearing where medical, behavioral health or deprivation information is presented.
- Provides that any arrest, detention or adjudication in a juvenile proceeding will not be considered an arrest, detention or conviction for purposes of employment, civil rights or other public or private purposes, unless otherwise provided by law.
- Requires the court to order the records of a person alleged to be delinquent to be sealed in a specific manner.

Education

- Requires OJA to enter into contracts for the establishment and maintenance of community-based facilities, services and programs, authorizes the use of school-based prevention programs and permits OJA to enter into interlocal agreements with counties.
- Amends the School Code to prevent the suspensions of students who have been adjudicated as delinquents for non-violent offenses.

Mental Health

- Amends the Inpatient Mental Health and Substance Abuse Treatment of Minors Act to require mandatory court proceedings for state custody youth only and eliminates this requirement for all youth who are wards of the court.

The measure also replaces the term *youthful offender* with *child* and repeals 10 O.S. 2011, sections 22 and 24, sections 130.1-9, and section 1101.1 and 10A O.S. 2011, section 2-2-806.

Prepared By: Robin McAlister

Fiscal Analysis

Floor Amendment for HB 2741 has no significant fiscal impact.

Prepared By: Andrea Kearney

Other Considerations

None