

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB2741
Version:	FULLPCS1
Request Number:	9326
Author:	Representative Peters
Date:	2/29/2012
Impact:	Costs to depend on additional number of hearings and appeals heard

Research Analysis

The proposed committee substitute to HB 2741 amends the Oklahoma Juvenile Code to require more individualized treatment for juvenile delinquents and family. It 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.

The measure 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. It prohibits a child alleged or adjudicated to be *in need of supervision* from being detained in an adult jail or lockup. It also requires a court transferring a juvenile case to another county to first confirm that the judge will accept the transfer.

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.

The measure provides for diversion services for juveniles and their families and requires parents to participate in counseling services with their child before seeking court intervention in circumstances where the child is at risk of being the subject of a child-in-need-of supervision petition. It also replaces the term *youthful offender* with *child*. The measure provides for a youth's right to court-appointed counsel and provides for the legal counsel's ethical obligation to the juvenile client. It 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.

It also requires that delinquency hearings and records remain confidential, with limited exceptions. It prohibits the court from allowing anyone other than parents or a guardian in a hearing where medical, behavioral health or deprivation information is presented.

The measure allows the court to find a child both deprived and delinquent if merited and provides certain due process rights in redisposition hearings, particularly in those cases where a youth is court-ordered into an out-of-home placement. It provides that any modification, revocation or redisposition 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. In addition, the measure 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. The measure provides for conditions of confinement and modifies secure detention requirements.

It also requires parental participation in the delinquency court and treatment processes and includes consequences for non-compliance with court orders. It 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. It also requires the court to order the records of a person alleged to be delinquent to be sealed in a specific manner.

The measure authorizes and 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. It 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.

The measure 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. It also amends the School Code to prevent the suspensions of students who have been adjudicated as delinquents for non-violent offenses.

The measure replaces the existing legislative intent language 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

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