

BILL SUMMARY
2nd Session of the 53rd Legislature

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| Bill No.: | HB2741 |
| Version: | Introduced |
| Request Number: | 8621 |
| Author: | Representative Peters |
| Date: | 2/17/2012 |
| Impact: | \$0 |

Research Analysis

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 secures 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. It also requires OJA to identify and utilize appropriate validated risk and needs assessment instruments.

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 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 replaces the existing legislative intent language and adds definitions for *emerging best practices, evidence-based* and *research-based*. It 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

Office of Juvenile Affairs personnel provide that this measure as introduced, has no significant fiscal impact.

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Other Considerations

None