

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 228

By: Griffin of the Senate

and

Lawson of the House

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to the Office of Juvenile Affairs;
12 amending 10A O.S. 2011, Section 2-7-305, as last
13 amended by Section 1, Chapter 273, O.S.L. 2015 (10A
14 O.S. Supp. 2016, Section 2-7-305), which relates to
15 the establishment of certain programs; removing
16 certain requirement of the Office; directing
17 certification of certain facilities; permitting
18 juvenile bureaus to enter into certain contracts;
19 amending 10A O.S. 2011, Section 2-7-504, as amended
20 by Section 8, Chapter 362, O.S.L. 2014 (10A O.S.
21 Supp. 2016, Section 2-7-504), which relates to
22 adjudicated children; requiring certain notice under
23 certain circumstances; and providing an effective
24 date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-305, as
last amended by Section 1, Chapter 273, O.S.L. 2015 (10A O.S. Supp.
2016, Section 2-7-305), is amended to read as follows:

1 Section 2-7-305. A. The Office of Juvenile Affairs is
2 authorized to enter into contracts to establish or maintain
3 community-based youth service programs, shelters and community
4 intervention centers out of local, state and federal monies.

5 B. The Office of Juvenile Affairs shall take all necessary
6 steps to develop and implement a diversity of community services and
7 community-based residential care as needed to provide for adequate
8 and appropriate community-based care, treatment and rehabilitation
9 of children in the care, custody, and supervision of the Office of
10 Juvenile Affairs. Such community services and residential care
11 shall be consistent with the treatment needs of the child and the
12 protection of the public.

13 1. The Office of Juvenile Affairs shall, to the extent
14 reasonable and practicable, provide community-based services,
15 community residential care and community intervention centers to
16 children in the custody of the Office of Juvenile Affairs through
17 financial agreements, as authorized in Sections 2-7-303 and 2-7-304
18 of this title.

19 2. The Office of Juvenile Affairs shall establish procedures
20 for the letting of grants or contracts, and the conditions and
21 requirements for the receipt of such grants or contracts, for
22 community-based services, community residential care and community
23 intervention centers. A copy of such procedures shall be made
24 available to any member of the general public upon request.

1 C. Any state agency letting grants or contracts for the
2 establishment of community residential care or treatment facilities
3 for children shall require, as a condition for receipt of such
4 grants or contracts, documented assurance from the agency or
5 organization establishing such facility that appropriate
6 arrangements have been made for providing the educational services
7 to which residents of the facility are entitled pursuant to state
8 and federal law.

9 D. 1. The Office of Juvenile Affairs shall ~~implement programs~~
10 ~~for establishment and continued operation of~~ certify community
11 intervention centers. ~~The centers shall be~~ that are established
12 ~~pursuant to interlocal agreements between~~ by one or more
13 municipalities or one or more counties ~~and the Office of Juvenile~~
14 ~~Affairs or juvenile bureaus~~ pursuant to rules promulgated by the
15 ~~Office~~ Board of Juvenile Affairs. The municipality ~~or~~, county or
16 juvenile bureau may enter into contracts or subcontracts with one or
17 more service providers, ~~subject to the approval by the Office of~~
18 ~~Juvenile Affairs~~. The service provider, whether a municipality,
19 county or other entity, must have access to the management
20 information system provided for in Section 2-7-308 of this title and
21 must employ qualified staff, as determined by the Office of Juvenile
22 Affairs.

23 2. The community intervention center shall serve as a short-
24 term reception facility to receive and hold juveniles who have been

1 taken into custody by law enforcement agencies for the alleged
2 violation of a municipal ordinance or state law or who are alleged
3 to be in need of supervision and for whom detention is inappropriate
4 or unavailable. The community intervention center may receive and
5 hold juveniles for whom detention is appropriate and available
6 pending transportation by law enforcement to a detention facility;
7 provided, custody by law enforcement shall not be relinquished to
8 the community intervention center until detention eligibility and
9 bed availability are determined by the designated detention screener
10 and an order for detention is issued. The community intervention
11 center may be a secure facility. Juveniles held in the community
12 intervention facility shall not be isolated from common areas other
13 than for short-term protective holding for combative or self-
14 destructive behavior, as defined by the Office of Juvenile Affairs.

15 3. Juveniles shall not be held in a community intervention
16 center for more than twenty-four (24) hours.

17 4. The community intervention center shall perform the
18 following functions:

- 19 a. enter demographic information into the management
20 information system provided for in Section 2-7-308 of
21 this title,
- 22 b. immediately notify the parents or parent, guardian, or
23 other person legally responsible for the juvenile's
24 care, or if such legally responsible person is

1 unavailable the adult with whom the juvenile resides,
2 that the juvenile has been taken into custody and to
3 pick up the juvenile,

- 4 c. hold juveniles until they can be released to a parent,
5 guardian, or other responsible adult or until a
6 temporary placement can be secured, but in no event
7 for longer than twenty-four (24) hours, and
8 d. ensure that a written promise is executed by the
9 parent, guardian or other responsible adult to bring
10 the child to court at any time if a petition is to be
11 filed.

12 5. The community intervention center may perform the following
13 functions:

- 14 a. gather information to determine if the juvenile is in
15 need of immediate medical attention,
16 b. conduct an initial assessment pursuant to rules
17 promulgated by the ~~Office of Juvenile Affairs~~ Board.
18 Such initial assessment may be given without parental
19 consent if the juvenile agrees to participate in the
20 assessment, and
21 c. conduct an assessment pursuant to a Problem Behavior
22 Inventory or a Mental Status Checklist or an
23 equivalent assessment instrument authorized by rules
24 promulgated by the ~~Office of Juvenile Affairs~~ Board,

1 if written permission to do so is obtained from the
2 parent, guardian or other person legally responsible
3 for the care of the juvenile. Such person and the
4 juvenile may review the assessment instrument prior to
5 the assessment process, must be informed that
6 participation in the assessment is voluntary and that
7 refusal to participate shall not result in any
8 penalty, and must sign a written acknowledgment that
9 they were given an opportunity to review the
10 assessment instrument. The assessment shall be used
11 to develop recommendations to correct the behavior of
12 the juvenile, to divert the progression of the
13 juvenile into the juvenile justice system, to
14 determine if the juvenile is in need of nonemergency
15 medical treatment, and to determine if the juvenile is
16 the victim of violence. Information derived from the
17 assessment shall not be made available to prosecutors
18 or the court prior to adjudication of the alleged
19 offense, and shall not be used in any phase of
20 prosecution but may be used by the court following
21 adjudication for the dispositional order and may be
22 used for referrals to social services.

23 6. A juvenile alleged to have committed an offense which would
24 be a felony if committed by an adult may be fingerprinted at a

1 community intervention center. No other juveniles shall be
2 fingerprinted at community intervention centers.

3 7. Community intervention centers shall be certified pursuant
4 to standards established by the Office of Juvenile Affairs and rules
5 promulgated by the ~~Office of Juvenile Affairs~~ Board.

6 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-504, as
7 amended by Section 8, Chapter 362, O.S.L. 2014 (10A O.S. Supp. 2016,
8 Section 2-7-504), is amended to read as follows:

9 Section 2-7-504. A. Except as otherwise provided by law, all
10 children adjudicated delinquent and committed to the Office of
11 Juvenile Affairs shall be discharged at such time as the Office
12 determines there is a reasonable probability that it is no longer
13 necessary, either for the rehabilitation and treatment of the child,
14 or for the protection of the public, that the Office retain legal
15 custody. Following a hearing, the court may also order that a child
16 adjudged delinquent and committed to the Office shall be discharged
17 by the Office provided the child is on parole status and the court
18 deems the discharge in the best interest of the child and public.
19 The Office shall give a fifteen-day notice to the court and the
20 district attorney before discharging from legal custody any child
21 committed and confined in a secure facility.

22 B. Except as otherwise provided by law, all children adjudged
23 delinquent and committed to the Office of Juvenile Affairs and not
24 discharged under subsection A of this section shall be discharged

1 when the child becomes eighteen (18) years of age, unless the Office
2 is authorized by the court to retain custody of the child until
3 nineteen (19) years of age. Upon the court's own motion or motion
4 of the Office or the district attorney, which must be filed prior to
5 the date the child becomes eighteen (18) years of age, the court,
6 after notice to the delinquent child and to the parents and attorney
7 of ~~said~~ the child, may authorize the Office to retain custody of the
8 child until the child reaches nineteen (19) years of age in order
9 for the child to complete the previously adopted plan of
10 rehabilitation or achieve reasonable treatment objectives. If the
11 court sustains a motion to retain custody, the delinquent child
12 during the extended period shall be considered as a child for
13 purposes of receiving services from the Office and for the purposes
14 of secure detention. If a child is in a juvenile detention facility
15 pending placement and the court has ordered or the Office has
16 requested that the Office retain custody of the child until the
17 child reaches nineteen (19) years of age, the Office shall notify
18 the juvenile detention facility at least five (5) days prior to the
19 child's eighteenth birthday that the child will be remaining in the
20 juvenile detention facility pending placement. If a criminal
21 offense is committed by the individual during the extended period,
22 ~~said~~ the offense shall be considered as having been committed by an
23 adult. Except to the extent necessary to effectuate the purposes of
24

1 this section, an individual after age eighteen (18) years is
2 considered an adult for purposes of other applicable law.

3 C. The Office of Juvenile Affairs shall not place a child under
4 ten (10) years of age in an institution maintained for delinquent
5 children.

6 D. The court may retain jurisdiction over a child adjudged
7 delinquent beyond the age of eighteen (18) years to the extent
8 necessary for the child to complete payment of court costs. The
9 court may institute contempt proceedings pursuant to Sections 565
10 through 567 of Title 21 of the Oklahoma Statutes against any person
11 adjudged delinquent and ordered to pay court costs who neglects or
12 refuses to pay such court costs. Any child referred to in this
13 subsection over whom the court retains jurisdiction solely for
14 payment of court costs shall not be considered to be in the custody
15 of or under the supervision of the Office of Juvenile Affairs.

16 E. Following a hearing, the court may order that any child
17 shall be discharged by the Office of Juvenile Affairs provided the
18 child is on parole status and the court deems the discharge in the
19 best interest of the child and public. The Office of Juvenile
20 Affairs shall give a fifteen-day notice to the district attorney
21 before discharging from legal custody any child committed and
22 confined in a secure facility.

SECTION 3. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
SERVICES, dated 03/29/2017 - DO PASS, As Amended.