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February 20, 2017

AS AMENDED

SENATE BILL NO. 228

By: Griffin of the Senate

and

Lawson of the House

An Act relating to the Office of Juvenile Affairs; amending 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), which relates to the establishment of certain programs; removing certain requirement of the Office; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts; amending 10A O.S. 2011, Section 2-7-504, as amended by Section 8, Chapter 362, O.S.L. 2014 (10A O.S. Supp. 2016, Section 2-7-504), which relates to adjudicated children; requiring certain notice under certain circumstances; and providing an effective 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:

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

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

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

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

21 C. Any state agency letting grants or contracts for the
22 establishment of community residential care or treatment facilities
23 for children shall require, as a condition for receipt of such
24 grants or contracts, documented assurance from the agency or

1 organization establishing such facility that appropriate
2 arrangements have been made for providing the educational services
3 to which residents of the facility are entitled pursuant to state
4 and federal law.

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

18 2. The community intervention center shall serve as a short-
19 term reception facility to receive and hold juveniles who have been
20 taken into custody by law enforcement agencies for the alleged
21 violation of a municipal ordinance or state law or who are alleged
22 to be in need of supervision and for whom detention is inappropriate
23 or unavailable. The community intervention center may receive and
24 hold juveniles for whom detention is appropriate and available

1 pending transportation by law enforcement to a detention facility;
2 provided, custody by law enforcement shall not be relinquished to
3 the community intervention center until detention eligibility and
4 bed availability are determined by the designated detention screener
5 and an order for detention is issued. The community intervention
6 center may be a secure facility. Juveniles held in the community
7 intervention facility shall not be isolated from common areas other
8 than for short-term protective holding for combative or self-
9 destructive behavior, as defined by the Office of Juvenile Affairs.

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

12 4. The community intervention center shall perform the
13 following functions:

- 14 a. enter demographic information into the management
15 information system provided for in Section 2-7-308 of
16 this title,
- 17 b. immediately notify the parents or parent, guardian, or
18 other person legally responsible for the juvenile's
19 care, or if such legally responsible person is
20 unavailable the adult with whom the juvenile resides,
21 that the juvenile has been taken into custody and to
22 pick up the juvenile,
- 23 c. hold juveniles until they can be released to a parent,
24 guardian, or other responsible adult or until a

1 temporary placement can be secured, but in no event
2 for longer than twenty-four (24) hours, and

- 3 d. ensure that a written promise is executed by the
4 parent, guardian or other responsible adult to bring
5 the child to court at any time if a petition is to be
6 filed.

7 5. The community intervention center may perform the following
8 functions:

- 9 a. gather information to determine if the juvenile is in
10 need of immediate medical attention,

- 11 b. conduct an initial assessment pursuant to rules
12 promulgated by the ~~Office~~ **Board** of Juvenile Affairs.
13 Such initial assessment may be given without parental
14 consent if the juvenile agrees to participate in the
15 assessment, and

- 16 c. conduct an assessment pursuant to a Problem Behavior
17 Inventory or a Mental Status Checklist or an
18 equivalent assessment instrument authorized by rules
19 promulgated by the Office of Juvenile Affairs, if
20 written permission to do so is obtained from the
21 parent, guardian or other person legally responsible
22 for the care of the juvenile. Such person and the
23 juvenile may review the assessment instrument prior to
24 the assessment process, must be informed that

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

18 6. A juvenile alleged to have committed an offense which would
19 be a felony if committed by an adult may be fingerprinted at a
20 community intervention center. No other juveniles shall be
21 fingerprinted at community intervention centers.

22 7. Community intervention centers shall be certified pursuant
23 to standards established and rules promulgated by the Office of
24 Juvenile Affairs.

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

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

17 B. Except as otherwise provided by law, all children adjudged
18 delinquent and committed to the Office of Juvenile Affairs and not
19 discharged under subsection A of this section shall be discharged
20 when the child becomes eighteen (18) years of age, unless the Office
21 is authorized by the court to retain custody of the child until
22 nineteen (19) years of age. Upon the court's own motion or motion
23 of the Office or the district attorney, which must be filed prior to
24 the date the child becomes eighteen (18) years of age, the court,

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

21 C. The Office of Juvenile Affairs shall not place a child under
22 ten (10) years of age in an institution maintained for delinquent
23 children.
24

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
20 February 20, 2017 - DO PASS AS AMENDED
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