

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3211

By: Lawson

COMMITTEE SUBSTITUTE

An Act relating to children; establishing a grievance process for children detained in adult facilities; directing administration by Oklahoma Commission on Children and Youth; requiring notice to certain agencies; requiring facilities to make procedures available; directing Oklahoma Commission on Children and Youth to promulgate rules; making grievance process inapplicable to certain children; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-3-105 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Commission on Children and Youth shall administer a grievance process to be utilized by children detained in an adult jail, adult lockup, adult detention or other adult facility. The grievance process shall be available to a child at any time prior to or after adjudication or conviction or during his

1 or her incarceration. Grievances may be filed either by the child
2 or by a person responsible for the juvenile's health or welfare as
3 defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes
4 acting on the child's behalf.

5 B. Grievances shall be directed to the Commission's Office of
6 Juvenile System Oversight for investigation, resolution and referral
7 to the appropriate agency if deemed necessary, including, but not
8 limited to, the State Department of Health.

9 1. The Office of Juvenile System Oversight shall have the
10 authority to investigate complaints, including, but not limited to,
11 the following:

- 12 a. placement,
- 13 b. treatment,
- 14 c. psychological services,
- 15 d. social services,
- 16 e. educational services,
- 17 f. recreation,
- 18 g. abuse, neglect or misconduct,
- 19 h. cleanliness and hygiene, and
- 20 i. routine problems with employees, contractors or other
21 incarcerated persons within the facility.

22 2. The Office of Juvenile System Oversight shall notify the
23 Office of Juvenile Affairs compliance monitor or designee when a
24 grievance is received. The Office of Juvenile System Oversight

1 shall notify the Oklahoma Department of Human Services when a
2 grievance is received regarding a child in the custody of the
3 Oklahoma Department of Human Services.

4 C. Each facility in which children are being held shall:

5 1. Make all grievance policies and procedures available upon
6 request to any member of the public;

7 2. Make grievance policies and procedures readily accessible to
8 any children in the facility; and

9 3. Explain all grievance policies and procedures to every child
10 during his or her intake at the facility.

11 D. The Oklahoma Commission on Children and Youth shall
12 promulgate rules for the purposes of administering this section that
13 are consistent with grievance procedures available to children
14 detained in juvenile detention facilities as promulgated by the
15 Office of Juvenile Affairs.

16 E. The provisions of this section shall not apply to any child
17 housed in a Department of Corrections facility or housed under a
18 contract with the Department of Corrections.

19 SECTION 2. This act shall become effective November 1, 2020.
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