

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2317

 By: Lawson

7 AS INTRODUCED

8 An Act relating to children; establishing a grievance
9 process for children detained in adult facilities;
10 directing administration by Oklahoma Commission on
11 Children and Youth; granting investigatory authority
12 to the Office of Juvenile System Oversight; requiring
13 notice to certain agencies; requiring facilities to
14 make procedures available; directing Oklahoma
15 Commission on Children and Youth to promulgate rules;
16 making grievance process inapplicable to certain
17 children; providing for codification; and providing
18 an effective date.

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

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

20 A. The Oklahoma Commission on Children and Youth shall
21 administer a grievance process to be utilized by children detained
22 in an adult jail, adult lockup, adult detention or other adult
23 facility. The grievance process shall be available to a child at
24 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, 2021.
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21 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
22 SERVICES, dated 02/09/2021 - DO PASS.
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