

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 217

By: Garvin

AS INTRODUCED

An Act relating to the Oklahoma Juvenile Code; amending 10A O.S. 2011, Section 2-1-103, as last amended by Section 2, Chapter 254, O.S.L. 2017 (10A O.S. Supp. 2020, Section 2-1-103), which relates to definitions; modifying definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-1-103, as last amended by Section 2, Chapter 254, O.S.L. 2017 (10A O.S. Supp. 2020, Section 2-1-103), is amended to read as follows:

Section 2-1-103. When used in the Oklahoma Juvenile Code, unless the context otherwise requires:

1. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition filed pursuant to the provisions of Chapter 2 of the Oklahoma Juvenile Code are supported by the evidence and whether a juvenile should be adjudged to be a ward of the court;

2. "Alternatives to secure detention" means those services and facilities which are included in the State Plan for the

1 Establishment of Juvenile Detention Services adopted by the Board of  
2 Juvenile Affairs and which are used for the temporary detention of  
3 juveniles in lieu of secure detention in a juvenile detention  
4 facility;

5 3. "Behavioral health" means mental health, substance abuse or  
6 co-occurring mental health and substance abuse diagnoses, and the  
7 continuum of mental health, substance abuse, or co-occurring mental  
8 health and substance abuse treatment;

9 4. "Behavioral health facility" means a mental health or  
10 substance abuse facility as provided for by the Inpatient Mental  
11 Health and Substance Abuse Treatment of Minors Act;

12 5. "Board" means the Board of Juvenile Affairs;

13 6. "Child" or "juvenile" means any person under eighteen (18)  
14 years of age, except for any person charged and convicted for any  
15 offense specified in the Youthful Offender Act or against whom  
16 judgment and sentence has been deferred for such offense, or any  
17 person who is certified as an adult pursuant to any certification  
18 procedure authorized in the Oklahoma Juvenile Code for any offense  
19 which results in a conviction or against whom judgment and sentence  
20 has been deferred for such offense;

21 7. "Child or juvenile in need of mental health and substance  
22 abuse treatment" means a juvenile in need of mental health and  
23 substance abuse treatment as defined by the Inpatient Mental Health  
24 and Substance Abuse Treatment of Minors Act;

1       8. "Child or juvenile in need of supervision" means a juvenile  
2 who:

- 3           a. has repeatedly disobeyed reasonable and lawful  
4                commands or directives of the parent, legal guardian,  
5                or other custodian,
- 6           b. is willfully and voluntarily absent from his or her  
7                home without the consent of the parent, legal  
8                guardian, or other custodian for a substantial length  
9                of time or without intent to return,
- 10          c. is willfully and voluntarily absent from school, as  
11                specified in Section 10-106 of Title 70 of the  
12                Oklahoma Statutes, if the juvenile is subject to  
13                compulsory school attendance, or
- 14          d. has been served with an ex parte or final protective  
15                order pursuant to the Protection from Domestic Abuse  
16                Act;

17       9. "Community-based" means a facility, program or service  
18 located near the home or family of the juvenile, and programs of  
19 community prevention, diversion, supervision and service which  
20 maintain community participation in their planning, operation, and  
21 evaluation. These programs may include but are not limited to  
22 medical, educational, vocational, social, and psychological  
23 guidance, training, counseling, alcoholism treatment, drug  
24 treatment, prevention and diversion programs, diversion programs for

1 first-time offenders, transitional living, independent living and  
2 other rehabilitative services;

3 10. "Community intervention center" means a facility which  
4 serves as a short-term reception facility to receive and hold  
5 juveniles for an alleged violation of a municipal ordinance, state  
6 law or who are alleged to be in need of supervision, as provided for  
7 in subsection D of Section 2-7-305 of this title;

8 11. "Core community-based" means the following community-based  
9 facilities, programs or services provided through contract with the  
10 Office of Juvenile Affairs as provided in Section 2-7-306 of this  
11 title:

- 12 a. screening, evaluation and assessment which includes a  
13 face-to-face screening and evaluation to establish  
14 problem identification and to determine the risk level  
15 of a child or adolescent and may result in clinical  
16 diagnosis or diagnostic impression,
- 17 b. treatment planning which includes preparation of an  
18 individualized treatment plan which is usually done as  
19 part of the screening, evaluation and assessment,
- 20 c. treatment plan reviewing which includes a  
21 comprehensive review and evaluation of the  
22 effectiveness of the treatment plan,
- 23 d. individual counseling which includes face-to-face,  
24 one-on-one interaction between a counselor and a  
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- juvenile to promote emotional or psychological change to alleviate the issues, problems, and difficulties that led to a referral, including ongoing assessment of the status and response of the juvenile to treatment as well as psychoeducational intervention,
- e. group counseling which includes a method of treating a group of individuals using the interaction between a counselor and two or more juveniles or parents or guardians to promote positive emotional or behavioral change, not including social skills development or daily living skills,
  - f. family counseling which includes a face-to-face interaction between a counselor and the family of the juvenile to facilitate emotional, psychological or behavior changes and promote successful communication and understanding,
  - g. crisis intervention counseling which includes unanticipated, unscheduled face-to-face emergency intervention provided by a licensed level or qualified staff with immediate access to a licensed provider to resolve immediate, overwhelming problems that severely impair the ability of the juvenile to function or maintain in the community,

- 1 h. crisis intervention telephone support which includes  
2 supportive telephone assistance provided by a licensed  
3 level provider or qualified staff with immediate  
4 access to a licensed provider to resolve immediate,  
5 overwhelming problems that severely impair the ability  
6 of the juvenile to function or maintain in the  
7 community,
- 8 i. case management which includes planned linkage,  
9 advocacy and referral assistance provided in  
10 partnership with a client to support that client in  
11 self-sufficiency and community tenure,
- 12 j. case management and home-based services which includes  
13 that part of case management services dedicated to  
14 travel for the purpose of linkage, advocacy and  
15 referral assistance and travel to provide counseling  
16 and support services to families of children as needed  
17 to support specific youth and families in self-  
18 sufficiency and community tenure,
- 19 k. individual rehabilitative treatment which includes  
20 face-to-face service provided one-on-one by qualified  
21 staff to maintain or develop skills necessary to  
22 perform activities of daily living and successful  
23 integration into community life, including educational  
24 and supportive services regarding independent living,

1 self-care, social skills regarding development,  
2 lifestyle changes and recovery principles and  
3 practices,

4 1. group rehabilitative treatment which includes face-to-  
5 face group services provided by qualified staff to  
6 maintain or develop skills necessary to perform  
7 activities of daily living and successful integration  
8 into community life, including educational and  
9 supportive services regarding independent living,  
10 self-care, social skills regarding development,  
11 lifestyle changes and recovery principles and  
12 practices,

13 m. community-based prevention services which include  
14 services delivered in an individual or group setting  
15 by a qualified provider designed to meet the services  
16 needs of a child or youth and family of the child or  
17 youth who has been referred because of identified  
18 problems in the family or community. The group  
19 prevention planned activities must be focused on  
20 reducing the risk that individuals will experience  
21 behavioral, substance abuse or delinquency-related  
22 problems. Appropriate curriculum-based group  
23 activities include, but are not limited to, First  
24 Offender groups, prevention and relationship

enhancement groups, anger management groups, life skills groups, substance abuse education groups, smoking cessation groups, STD/HIV groups and parenting groups,

n. individual paraprofessional services which include services delineated in the treatment plan of the juvenile which are necessary for full integration of the juvenile into the home and community, but do not require a professional level of education and experience. Activities include assisting families with Medicaid applications, assisting with school and General Educational Development (GED) enrollment, assisting youth with independent living arrangements, providing assistance with educational problems and deficiencies, acting as a role model for youth while engaging them in community activities, assisting youth in seeking and obtaining employment, providing transportation for required appointments and activities, participating in recreational activities and accessing other required community support services necessary for full community integration and successful treatment,

o. tutoring which includes a tutor and student working together as a learning team to bring about overall



- 1 academic success, improved self-esteem and increased  
2 independence as a learner for the student,
- 3 p. community relations which include public or community  
4 relations activities directed toward the community or  
5 public at large or any segment of the public to  
6 encourage understanding, accessibility and use of  
7 community-based facilities, programs or services,
- 8 q. children's emergency resource centers that are  
9 community-based and that may provide emergency care  
10 and a safe and structured homelike environment or a  
11 host home for children providing food, clothing,  
12 shelter and hygiene products to each child served;  
13 after-school tutoring; counseling services; life-  
14 skills training; transition services; assessments;  
15 family reunification; respite care; transportation to  
16 or from school, doctors' appointments, visitations and  
17 other social, school, court or other activities when  
18 necessary; and a stable environment for children who  
19 have been detained as delinquent or in need of  
20 supervision and temporarily placed by a court, or  
21 children in crisis who are in custody of the Office of  
22 Juvenile Affairs if permitted under the Office's  
23 policies and regulations or who have been voluntarily  
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1 placed by a parent or custodian during a temporary  
2 crisis,

3 r. transitional living programs which include a  
4 structured program to help older homeless youth  
5 achieve self-sufficiency and avoid long-term  
6 dependence on social services,

7 s. community-at-risk services (C.A.R.S.) which include a  
8 program provided to juveniles in custody or under the  
9 supervision of the Office of Juvenile Affairs or a  
10 juvenile bureau to prevent out-of-home placement and  
11 to reintegrate juveniles returning from placements.  
12 The program shall include, but not be limited to,  
13 treatment plan development, counseling, diagnostic and  
14 evaluation services, mentoring, tutoring, and  
15 supervision of youth in independent living,

16 t. first offender programs which include alternative  
17 diversion programs, as defined by Section 2-2-404 of  
18 this title, and

19 u. other community-based facilities, programs or services  
20 designated by the Board as core community-based  
21 facilities, programs or services;

22 12. "Day treatment" means a program which provides intensive  
23 services to juveniles who reside in their own home, the home of a  
24 relative, or a foster home. Day treatment programs include

1 educational services and may be operated as a part of a residential  
2 facility;

3 13. "Delinquent child or juvenile" means a juvenile twelve (12)  
4 years of age or older who:

5 a. has violated any federal or state law or municipal  
6 ordinance except a traffic statute or traffic  
7 ordinance or any provision of the Oklahoma Wildlife  
8 Conservation Code, the Oklahoma Vessel and Motor  
9 Regulation Act or the Oklahoma Boating Safety  
10 Regulation Act, or has violated any lawful order of  
11 the court made pursuant to the provisions of the  
12 Oklahoma Juvenile Code, or

13 b. has habitually violated traffic laws, traffic  
14 ordinances or boating safety laws or rules;

15 14. "Dispositional hearing" means a hearing to determine the  
16 order of disposition which should be made with respect to a juvenile  
17 adjudged to be a ward of the court;

18 15. "Executive Director" means the Executive Director of the  
19 Office of Juvenile Affairs;

20 16. "Facility" means a place, an institution, a building or  
21 part thereof, a set of buildings, or an area whether ~~or not~~  
22 enclosing a building or set of buildings which is used for the  
23 lawful custody and treatment of juveniles. A facility shall not be  
24

1 considered a correctional facility subject to the provisions of  
2 Title 57 of the Oklahoma Statutes;

3 17. "Graduated sanctions" means a calibrated system of  
4 sanctions designed to ensure that juvenile offenders face uniform,  
5 immediate, and consistent consequences that correspond to the  
6 seriousness of each offender's current offense, prior delinquent  
7 history, and compliance with prior interventions;

8 18. "Group home" means a residential facility with a program  
9 which emphasizes family-style living in a homelike environment.  
10 Said group home may also offer a program within the community to  
11 meet the specialized treatment needs of its residents. A group home  
12 shall not be considered a correctional facility subject to the  
13 provisions of Title 57 of the Oklahoma Statutes;

14 19. "Independent living program" means a program designed to  
15 assist a juvenile to enhance skills and abilities necessary for  
16 successful adult living and may include but shall not be limited to  
17 minimal direct staff supervision and supportive services in making  
18 the arrangements necessary for an appropriate place of residence,  
19 completing an education, vocational training, obtaining employment  
20 or other similar services;

21 20. "Institution" means a residential facility offering care  
22 and treatment for more than twenty residents. An institution shall  
23 not be considered a correctional facility subject to the provisions  
24 of Title 57 of the Oklahoma Statutes. Said institution may:

- a. have a program which includes community participation and community-based services, or
- b. be a secure facility with a program exclusively designed for a particular category of resident;

21. "Juvenile detention facility" means a facility which is secured by locked rooms, buildings and fences, and meets the certification standards of the Office and which is entirely separate from any prison, jail, adult lockup, or other adult facility, for the temporary care of children. A juvenile detention facility shall not be considered a correctional facility subject to the provisions of Title 57 of the Oklahoma Statutes;

22. "Municipal juvenile facility" means a facility other than a community intervention center that accepts a child under eighteen (18) years of age charged with violating a municipal ordinance and meets the requirements of Section 2-2-102 of this title;

23. "Office" means the Office of Juvenile Affairs;

24. "Peer Review" means an initial or annual review and report to the Office of Juvenile Affairs of the organization, programs, records and financial condition of a Youth Services Agency by the Oklahoma Association of Youth Services, or another Oklahoma nonprofit corporation whose membership consists solely of Youth Services Agencies and of whom at least a majority of Youth Services Agencies are members. An annual review may consist of a review of

1 one or more major areas of the operation of the Youth Services  
2 Agency being reviewed;

3 25. "Person responsible for a juvenile's health or welfare"  
4 includes a parent, a legal guardian, custodian, a foster parent, a  
5 person eighteen (18) years of age or older with whom the juvenile's  
6 parent cohabitates or any other adult residing in the home of the  
7 child, an agent or employee of a public or private residential home,  
8 institution or facility, or an owner, operator, or employee of a  
9 child care facility as defined by Section 402 of Title 10 of the  
10 Oklahoma Statutes;

11 26. "Preliminary inquiry" or "intake" means a mandatory,  
12 preadjudicatory interview of the juvenile and, if available, the  
13 parents, legal guardian, or other custodian of the juvenile, which  
14 is performed by a duly authorized individual to determine whether a  
15 juvenile comes within the purview of the Oklahoma Juvenile Code,  
16 whether nonadjudicatory alternatives are available and appropriate,  
17 and if the filing of a petition is necessary;

18 27. "Probation" means a legal status created by court order  
19 whereby a delinquent juvenile is permitted to remain outside an  
20 Office of Juvenile Affairs facility directly or by contract under  
21 prescribed conditions and under supervision by the Office, subject  
22 to return to the court for violation of any of the conditions  
23 prescribed;

1       28. "Rehabilitative facility" means a facility maintained by  
2 the state exclusively for the care, education, training, treatment,  
3 and rehabilitation of juveniles in need of supervision;

4       29. "Responsible adult" means a stepparent, foster parent,  
5 person related to the juvenile in any manner who is eighteen (18)  
6 years of age or older, or any person having an obligation and  
7 authority to care for or safeguard the juvenile in the absence of  
8 another person who is eighteen (18) years of age or older;

9       30. "Secure detention" means the temporary care of juveniles  
10 who require secure custody in physically restricting facilities:

- 11           a. while under the continuing jurisdiction of the court
- 12                 pending court disposition, or
- 13           b. pending placement by the Office of Juvenile Affairs
- 14                 after adjudication;

15       31. "Secure facility" means a facility, maintained by the state  
16 exclusively for the care, education, training, treatment, and  
17 rehabilitation of delinquent juveniles or youthful offenders which  
18 relies on locked rooms and buildings, and fences for physical  
19 restraint in order to control behavior of its residents. A secure  
20 facility shall not be considered a correctional facility subject to  
21 the provisions of Title 57 of the Oklahoma Statutes;

22       32. "Transitional living program" means a residential program  
23 that may be attached to an existing facility or operated solely for  
24 the purpose of assisting juveniles to develop the skills and  
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1 abilities necessary for successful adult living. Said program may  
2 include but shall not be limited to reduced staff supervision,  
3 vocational training, educational services, employment and employment  
4 training, and other appropriate independent living skills training  
5 as a part of the transitional living program; and

6 33. "Youth Services Agency" means a nonprofit corporation with  
7 a local board of directors, officers and staff that has been  
8 designated by the Board as a Youth Services Agency, that is peer  
9 reviewed annually, and that provides community-based facilities,  
10 programs or services to juveniles and their families in the youth  
11 services service area in which it is located.

12 SECTION 2. This act shall become effective November 1, 2021.

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