

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 460

By: Treat and Simpson

6 An Act relating to the Office of Juvenile Affairs;
7 amending 10A O.S. 2011, Section 2-7-201, as last
8 amended by Section 1, Chapter 386, O.S.L. 2016 (10A
9 O.S. Supp. 2018, Section 2-7-201), which relates to
10 the Executive Director of the Office; requiring that
11 Executive Director be appointed by Governor with
12 advice and consent of the Senate; requiring service
13 at pleasure of Governor; requiring Governor to fix
14 salary of Director; modifying powers and duties of
15 Executive Director; abolishing Board of Juvenile
16 Affairs and transferring its powers, duties and
17 responsibilities to the Executive Director; modifying
18 references to Board; providing that actions taken by
19 Board remain in effect unless changed by Executive
20 Director; amending 10 O.S. 2011, Section 404.1, as
21 last amended by Section 1, Chapter 109, O.S.L. 2017
22 (10 O.S. Supp. 2018, Section 404.1), which relates to
23 child care facilities; amending 10A O.S. 2011,
24 Sections 2-1-103, as last amended by Section 2,
Chapter 254, O.S.L. 2017, 2-3-103, as amended by
Section 1, Chapter 67, O.S.L. 2016, 2-4-101, as
amended by Section 1, Chapter 335, O.S.L. 2014, 2-4-
103, 2-5-212, as amended by Section 5, Chapter 362,
O.S.L. 2014, 2-7-202, as last amended by Section 1,
Chapter 222, O.S.L. 2018, 2-7-305, as last amended by
Section 1, Chapter 225, O.S.L. 2017, 2-7-306, as last
amended by Section 22, Chapter 404, O.S.L. 2013, 2-7-
311, 2-7-602, as amended by Section 2, Chapter 307,
O.S.L. 2016, 2-7-603, 2-7-606, as amended by Section
44, Chapter 304, O.S.L. 2012, 2-7-608, as amended by
Section 3, Chapter 67, O.S.L. 2016, 2-7-611, Section
1, Chapter 129, O.S.L. 2013, Sections 2 and 3,
Chapter 129, O.S.L. 2013, as amended by Sections 1
and 2, Chapter 67, O.S.L. 2014, Section 1, Chapter
201, O.S.L. 2014, as amended by Section 1, Chapter
232, O.S.L. 2016, Section 3, Chapter 307, O.S.L.
2016, 2-7-705, 2-7-801 and 2-7-802 (10A O.S. Supp.

1 2018, Sections 2-1-103, 2-3-103, 2-4-101, 2-5-212, 2-
2 7-202, 2-7-305, 2-7-306, 2-7-602, 2-7-606, 2-7-608,
3 2-7-613, 2-7-614, 2-7-615, 2-7-616 and 2-7-617),
4 which relate to the Oklahoma Juvenile Code; repealing
5 10A 2001, Section 2-7-101, which relates to the Board
6 of Juvenile Affairs; and declaring an emergency.

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

7 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-201, as
8 last amended by Section 1, Chapter 386, O.S.L. 2016 (10A O.S. Supp.
9 2018, Section 2-7-201), is amended to read as follows:

10 Section 2-7-201. A. ~~The Board of Juvenile Affairs~~ Governor
11 shall appoint the Executive Director of the Office of Juvenile
12 Affairs, with the advice and consent of the Senate. The Executive
13 Director shall serve at the pleasure of the ~~Board~~ Governor. The
14 Governor shall fix the salary of the Executive Director.

15 B. The Executive Director of the Office of Juvenile Affairs
16 shall be qualified for such position by character, ability,
17 education, training, and successful administrative experience in one
18 of the following: Corrections, juvenile justice, juvenile
19 delinquency, criminal justice, law, police science, criminology,
20 psychology, sociology, administration, education, or a related
21 social science.

22 C. The Executive Director shall provide for the administration
23 of the Office of Juvenile Affairs and shall:
24

1 1. Be the executive officer and supervise the activities of the
2 Office of Juvenile Affairs;

3 2. Pursuant to legislative authorization employ, discharge,
4 appoint or contract with, and fix the duties and compensation of
5 such assistants, attorneys, law enforcement officers, probation
6 officers, psychologists, social workers, medical professionals,
7 administrative, clerical and technical, investigators, aides and
8 such other personnel, either on a full-time, part-time, fee or
9 contractual basis, as in the judgment and discretion of the
10 Executive Director shall be deemed necessary in the performance or
11 carrying out of any of the purposes, objectives, responsibilities,
12 or statutory provisions relating to the Office of Juvenile Affairs,
13 or to assist the Executive Director of the Office of Juvenile
14 Affairs in the performance of official duties and functions;

15 3. Establish internal policies and procedures for the proper
16 and efficient administration of the Office of Juvenile Affairs; ~~and~~

17 4. Exercise all incidental powers which are necessary and
18 proper to implement the purposes of the Office of Juvenile Affairs
19 pursuant to the Oklahoma Juvenile Code;

20 5. Adopt and promulgate rules for the Office, including the
21 adoption of an official seal;

22 6. Prepare and administer the budget of the Office as provided
23 by law;

24

1 7. Conduct periodic reviews and planning activities related to
2 the goals, objectives, priorities, and policies of the Office;

3 8. Provide a public forum for receiving comments and
4 disseminating information to the public and the regulated community
5 regarding goals, objectives, priorities, and policies of the Office
6 at least quarterly; and

7 9. Establish contracting procedures for the Office and
8 guidelines for rates of payment for services provided by contract.

9 D. As the rulemaking entity of the Office, the Director is
10 specifically charged with the duty of promulgating rules which will
11 implement the duties and responsibilities of the Office pursuant to
12 the Oklahoma Juvenile Code.

13 E. The Board of Juvenile Affairs is hereby abolished and its
14 powers, duties and responsibilities are hereby transferred to the
15 Executive Director. Any reference in the Oklahoma Statutes to the
16 Board shall be deemed to be a reference to the Executive Director.
17 Any administrative rules or policies or performance standards
18 adopted by, or any actions taken by, the Board of Juvenile Affairs
19 related to personnel and other administrative issues and any rules
20 promulgated relating to the custody, care and supervision of
21 children adjudicated to be delinquent or in need of supervision
22 prior to November 1, 2019, shall be and remain in effect until
23 amended, repealed or superseded by actions of the Executive Director
24 as provided in this section.

1 ~~D.~~ F. The Executive Director shall employ an attorney to be
2 designated the "General Counsel" who shall be the legal advisor for
3 the Office ~~of Juvenile Affairs~~. Except as provided in this
4 subsection, the General Counsel is authorized to appear for and
5 represent the ~~Board and~~ Office in any litigation that may arise in
6 the discharge of the duties of the ~~Board and~~ Office.

7 It shall continue to be the duty of the Attorney General to give
8 an official opinion to the Executive Director of the Office ~~of~~
9 ~~Juvenile Affairs and the Office of Juvenile Affairs~~ and to prosecute
10 and defend actions therefor, if requested to do so. The Attorney
11 General may levy and collect costs, expenses of litigation and a
12 reasonable attorney fee for such legal services from the Office.
13 The Office shall not contract for representation by private legal
14 counsel unless approved by the Attorney General. Such contract for
15 private legal counsel shall be in the best interests of the state.
16 The Attorney General shall be notified by the Office of Juvenile
17 Affairs or its counsel of all lawsuits against the Office of
18 Juvenile Affairs or officers or employees thereof, that seek
19 injunctive relief which would impose obligations requiring the
20 expenditure of funds in excess of unencumbered monies in the
21 agency's appropriations or beyond the current fiscal year. The
22 Attorney General shall review any such cases and may represent the
23 interests of the state, if the Attorney General considers it to be
24 in the best interest of the state to do so, in which case the

1 Attorney General shall be paid as provided in this subsection.
2 Representation of multiple defendants in such actions may, at the
3 discretion of the Attorney General, be divided with counsel for the
4 Office as necessary to avoid conflicts of interest.

5 ~~E. G.~~ The Executive Director ~~of the Office of Juvenile Affairs~~
6 shall have the authority to commission certified employees within
7 the Office ~~of Juvenile Affairs~~ as peace officers. The authority of
8 employees so commissioned shall only include the authority to
9 investigate crimes committed against the Office or crimes committed
10 in the course of any program administered by the Office. Employees
11 so commissioned shall also have the authority to serve and execute
12 process, bench warrants, and other court orders in any judicial or
13 administrative proceeding in which the agency is a party or
14 participant. Use and possession of firearms for this purpose only
15 shall be permitted. To become qualified as peace officers for the
16 commission, employees shall first obtain a certificate as provided
17 for in Section 3311 of Title 70 of the Oklahoma Statutes.

18 ~~F. H.~~ The Executive Director ~~of the Office of Juvenile Affairs,~~
19 ~~based upon rules established by the Board of Juvenile Affairs,~~ shall
20 have the authority to appoint and commission campus police for
21 secure juvenile facilities and their adjacent grounds under the
22 jurisdiction of the Office ~~of Juvenile Affairs~~ in the same manner
23 and with the same powers as campus police appointed by governing
24 boards of state institutions for higher education under the

1 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
2 Statutes.

3 ~~G.~~ I. In the event of the Executive Director's temporary
4 absence, the Executive Director may delegate the exercise of such
5 powers and duties to a designee during the Executive Director's
6 absence. In the event of a vacancy in the position of Executive
7 Director, the ~~Board of Juvenile Affairs~~ Governor shall appoint a new
8 Executive Director. The ~~Board~~ Governor may designate an interim or
9 acting Executive Director who is authorized to exercise such powers
10 and duties until a permanent Executive Director is employed.

11 SECTION 2. AMENDATORY 10 O.S. 2011, Section 404.1, as
12 last amended by Section 1, Chapter 109, O.S.L. 2017 (10 O.S. Supp.
13 2018, Section 404.1), is amended to read as follows:

14 Section 404.1. A. On and after November 1, 2013:

15 1. Prior to the issuance of a permit or license, owners and
16 responsible entities making a request to establish or operate a
17 child care facility shall have:

- 18 a. an Oklahoma State Courts Network search conducted by
19 the Department,
- 20 b. a Restricted Registry search conducted by the
21 facility,
- 22 c. a national criminal history records search conducted
23 pursuant to paragraph 10 of this subsection,

24

- 1 d. a criminal history records and sex offender registry
2 search conducted by an authorized source, when the
3 individual has lived outside this state within the
4 last five (5) years,
- 5 e. a search of the Department of Corrections' files
6 maintained pursuant to the Sex Offenders Registration
7 Act and conducted by the Department of Human Services,
- 8 f. a search of any available child abuse and neglect
9 registry within a state the individual has resided in
10 within the last five (5) years,
- 11 g. search of the nontechnical services worker abuse
12 registry maintained by the State Department of Health
13 pursuant to Section 1-1950.7 of Title 63 of the
14 Oklahoma Statutes, and
- 15 h. a search of the community services worker registry
16 maintained by the Department of Human Services
17 pursuant to Section 1025.3 of Title 56 of the Oklahoma
18 Statutes;

19 2. Prior to the employment of an individual:

- 20 a. an Oklahoma State Courts Network search, conducted by
21 the Department, shall be requested and received by the
22 facility; provided however, if twenty-four (24) hours
23 has passed from the time the request to the Department
24

1 was made, the facility may initiate employment,
2 notwithstanding the provisions of this paragraph,

3 b. a Restricted Registry search shall be conducted by the
4 facility with notification of the search submitted to
5 the Department,

6 c. a national criminal history records search pursuant to
7 paragraph 10 of this subsection shall be submitted,

8 d. a criminal history records and sex offender registry
9 search conducted by an authorized source, when the
10 individual has lived outside this state within the
11 last five (5) years, shall be submitted to the
12 Department,

13 e. a search of the Department of Corrections' files
14 maintained pursuant to the Sex Offenders Registration
15 Act shall be conducted by the Department and received
16 by the facility,

17 f. a search of any available child abuse and neglect
18 registry within a state the individual has resided in
19 within the last five (5) years,

20 g. search of the nontechnical services worker abuse
21 registry maintained by the State Department of Health
22 pursuant to Section 1-1950.7 of Title 63 of the
23 Oklahoma Statutes, and
24

1 h. a search of the community services worker registry
2 maintained by the Department of Human Services
3 pursuant to Section 1025.3 of Title 56 of the Oklahoma
4 Statutes;

5 3. Prior to allowing unsupervised access to children by
6 employees or individuals, including contract employees and
7 volunteers and excluding the exceptions in paragraph 8 of this
8 subsection:

9 a. Oklahoma State Courts Network search results,
10 conducted by the Department, shall be received by the
11 facility,

12 b. a Child Care Restricted Registry search shall be
13 conducted by the facility with notification of the
14 search submitted to the Department,

15 c. national criminal history records search results
16 pursuant to paragraph 10 of this subsection shall be
17 received by the facility,

18 d. a criminal history records and sex offender registry
19 search conducted by an authorized source, when the
20 individual has lived outside this state within the
21 last five (5) years shall be submitted to the
22 Department,

23 e. a search of the Department of Corrections' files
24 maintained pursuant to the Sex Offenders Registration

1 Act shall be conducted by the Department and received
2 by the facility,

3 f. a search of any available child abuse and neglect
4 registry within a state the individual has resided in
5 within the last five (5) years,

6 g. search of the nontechnical services worker abuse
7 registry maintained by the State Department of Health
8 pursuant to Section 1-1950.7 of Title 63 of the
9 Oklahoma Statutes, and

10 h. a search of the community services worker registry
11 maintained by the Department of Human Services
12 pursuant to Section 1025.3 of Title 56 of the Oklahoma
13 Statutes;

14 4. Prior to the issuance of a permit or license and prior to
15 the residence of adults who subsequently move into a facility,
16 adults living in the facility excluding the exception in paragraph 7
17 of this subsection shall have:

18 a. an Oklahoma State Courts Network search conducted by
19 the Department and the facility shall be in receipt of
20 the search results,

21 b. a Restricted Registry search conducted by the facility
22 with notification of the search submitted to the
23 Department,
24

- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
- d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
- e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility,
- f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
- g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
- h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;

5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:

- a. an Oklahoma State Courts Network search conducted by the Department,
- b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
- d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;

6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;

7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;

8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal

1 history records search. The provisions in paragraph 3 of this
2 subsection shall not be required for specialized service
3 professionals who are not employed by the program and have
4 unsupervised access to a child when a release is signed by the
5 parent or legal guardian noting his or her understanding of this
6 exception. These exceptions shall not preclude the Department from
7 requesting a national fingerprint or an Oklahoma State Bureau of
8 Investigation name-based criminal history records search or
9 investigating criminal, abusive, or harmful behavior of such
10 individuals, if warranted;

11 9. A national criminal history records search pursuant to
12 paragraph 10 of this subsection shall be required on or before
13 November 1, 2016, for existing owners, responsible entities,
14 employees, individuals with unsupervised access to children, and
15 adults living in the facility, as of November 1, 2013, unless
16 paragraph 6 of this subsection applies;

17 10. The Department shall require a national criminal history
18 records search based upon submission of fingerprints that shall:

19 a. be conducted by the Oklahoma State Bureau of
20 Investigation and the Federal Bureau of Investigation
21 pursuant to Section 150.9 of Title 74 of the Oklahoma
22 Statutes and the federal National Child Protection Act
23 and the federal Volunteers for Children Act with the
24 Department as the authorized agency,

- 1 b. be submitted and have results received between the
2 Department and the Oklahoma State Bureau of
3 Investigation through secure electronic transmissions,
4 c. include Oklahoma State Bureau of Investigation rap
5 back, requiring the Oklahoma State Bureau of
6 Investigation to immediately notify the Department
7 upon receipt of subsequent criminal history activity,
8 and
9 d. be paid by the individual or the facility;

10 11. The Director of the Department, or designee, shall
11 promulgate rules that may authorize an exception to the
12 fingerprinting requirements for individuals who have a severe
13 physical condition which precludes such individuals from being
14 fingerprinted;

15 12. The Director of the Department, or designee, shall
16 promulgate rules that ensure individuals obtain a criminal history
17 records search, not to include the re-submission of fingerprints,
18 not less than once during each five (5) year period;

19 13. Any individual who refuses to consent to the criminal
20 background check or knowingly makes a materially-false statement in
21 connection with such criminal background check shall be ineligible
22 for ownership of, employment of or residence in a child care
23 facility; and
24

1 14. The Office of Juvenile Affairs shall require national
2 criminal history records searches, as defined by Section 150.9 of
3 Title 74 of the Oklahoma Statutes, which shall be provided by the
4 Oklahoma State Bureau of Investigation for the purpose of obtaining
5 the national criminal history records search, including Rap Back
6 notification of and through direct request by the Office of Juvenile
7 Affairs on behalf of any:

- 8 a. operator or responsible entity making a request to
9 establish or operate a secure detention center,
10 municipal juvenile facility, community intervention
11 center or secure facility licensed or certified by the
12 Office of Juvenile Affairs,
13 b. employee or applicant of a secure detention center,
14 municipal juvenile facility, community intervention
15 center or secure facility licensed or certified by the
16 Office of Juvenile Affairs, or
17 c. persons allowed unsupervised access to children,
18 including contract employees or volunteers, of a
19 secure detention center, municipal juvenile facility,
20 community intervention center or secure facility
21 licensed or certified by the Office of Juvenile
22 Affairs.

23 B. 1. a. On and after September 1, 1998:
24

1 (1) any child-placing agency contracting with a
2 person for foster family home services or in any
3 manner for services for the care and supervision
4 of children shall also, prior to executing a
5 contract, complete:

6 (a) a foster parent eligibility assessment for
7 the foster care provider except as otherwise
8 provided by divisions (2) and (4) of this
9 subparagraph, and

10 (b) a national criminal history records search
11 based upon submission of fingerprints for
12 any adult residing in the foster family home
13 through the Department of Human Services
14 pursuant to the provisions of Section 1-7-
15 106 of Title 10A of the Oklahoma Statutes,
16 except as otherwise provided by divisions
17 (2) and (4) of this subparagraph,

18 (2) the child-placing agency may place a child
19 pending completion of the national criminal
20 history records search if the foster care
21 provider and every adult residing in the foster
22 family home has resided in this state for at
23 least five (5) years immediately preceding such
24 placement,

1 (3) a national criminal history records search based
2 upon submission of fingerprints to the Oklahoma
3 State Bureau of Investigation shall also be
4 completed for any adult who subsequently moves
5 into the foster family home,

6 (4) provided, however, the Director of Human Services
7 or the Director of the Office of Juvenile
8 Affairs, or a designee, may authorize an
9 exception to the fingerprinting requirement for a
10 person residing in the home who has a severe
11 physical condition which precludes such person's
12 being fingerprinted, and

13 (5) any child care facility contracting with any
14 person for foster family home services shall
15 request the Office of Juvenile Affairs to conduct
16 a juvenile justice information system review,
17 pursuant to the provisions of Sections 2-7-905
18 and 2-7-308 of Title 10A of the Oklahoma
19 Statutes, for any child over the age of thirteen
20 (13) years residing in the foster family home,
21 other than a foster child, or who subsequently
22 moves into the foster family home. As a
23 condition of contract, the child care facility
24

1 shall obtain the consent of the parent or legal
2 guardian of the child for such review.

3 b. The provisions of this paragraph shall not apply to
4 foster care providers having a contract or contracting
5 with a child-placing agency, the Department of Human
6 Services or the Office of Juvenile Affairs prior to
7 September 1, 1998. Such existing foster care
8 providers shall comply with the provisions of this
9 section, until otherwise provided by rules of the
10 Department or by law.

11 2. a. (1) On and after September 1, 1998, except as
12 otherwise provided in divisions (2) and (4) of
13 this subparagraph, prior to contracting with a
14 foster family home for placement of any child who
15 is in the custody of the Department of Human
16 Services or the Office of Juvenile Affairs, each
17 Department shall complete a foster parent
18 eligibility assessment, pursuant to the
19 provisions of the Oklahoma Child Care Facilities
20 Licensing Act, for such foster family applicant.
21 In addition, except as otherwise provided by
22 divisions (2) and (4) of this subparagraph, the
23 Department shall complete a national criminal
24 history records search based upon submission of

1 fingerprints for any adult residing in such
2 foster family home.

3 (2) The Department of Human Services and Office of
4 Juvenile Affairs may place a child pending
5 completion of the national criminal history
6 records search if the foster care provider and
7 every adult residing in the foster family home
8 has resided in this state for at least five (5)
9 years immediately preceding such placement.

10 (3) A national criminal history records search based
11 upon submission of fingerprints conducted by the
12 Oklahoma State Bureau of Investigation shall also
13 be completed for any adult who subsequently moves
14 into the foster family home.

15 (4) The Director of Human Services or the Director of
16 the Office of Juvenile Affairs or their designee
17 may authorize an exception to the fingerprinting
18 requirement for any person residing in the home
19 who has a severe physical condition which
20 precludes such person's being fingerprinted.

21 b. The provisions of this paragraph shall not apply to
22 foster care providers having a contract or contracting
23 with a child-placing agency, the Department of Human
24 Services or the Office of Juvenile Affairs prior to

1 September 1, 1998. Such existing foster care
2 providers shall comply with the provisions of this
3 section, until otherwise provided by rules of the
4 Department or by law.

5 3. The Department of Human Services or the Office of Juvenile
6 Affairs shall provide for a juvenile justice information system
7 review pursuant to Section 2-7-308 of Title 10A of the Oklahoma
8 Statutes for any child over the age of thirteen (13) years residing
9 in a foster family home, other than the foster child, or who
10 subsequently moves into the foster family home.

11 C. The Department or the ~~Board~~ Executive Director of the Office
12 of Juvenile Affairs shall promulgate rules to identify circumstances
13 when a criminal history records search or foster parent eligibility
14 assessment for an applicant or contractor, or any person over the
15 age of thirteen (13) years residing in a private residence in which
16 a child care facility is located, shall be expanded beyond the
17 records search conducted by the Oklahoma State Bureau of
18 Investigation or as otherwise provided pursuant to this section.

19 D. Except as otherwise provided by the Oklahoma Children's Code
20 and subsection F of this section, a conviction for a crime shall not
21 be an absolute bar to employment, but shall be considered in
22 relation to specific employment duties and responsibilities.

23 E. 1. Information received pursuant to this section by an
24 owner, administrator, or responsible entity of a child care

1 facility, shall be maintained in a confidential manner pursuant to
2 applicable state and federal laws.

3 2. The information, along with any other information relevant
4 to the ability of the individual to perform tasks that require
5 direct contact with children, may be released to another child care
6 facility in response to a request from the child care facility that
7 is considering employing or contracting with the individual unless
8 deemed confidential by state and federal laws.

9 3. Requirements for confidentiality and recordkeeping with
10 regard to the information shall be the same for the child care
11 facility receiving the information in response to a request as those
12 provided for in paragraph 1 of this subsection for the child care
13 facility releasing such information.

14 4. Information received by any facility certified by the Office
15 of Juvenile Affairs may be released to another facility certified by
16 the Office if an individual is being considered for employment or
17 contract, along with any other relevant information, unless the
18 information is deemed confidential by state or federal law. Any
19 information received by the Office shall be maintained in a
20 confidential manner pursuant to applicable state and federal law.

21 F. 1. It shall be unlawful for individuals who are required to
22 register pursuant to the Sex Offenders Registration Act to work with
23 or provide services to children or to reside in a child care
24 facility and for any employer who offers or provides services to

1 children to knowingly and willfully employ or contract with, or
2 allow continued employment of or contracting with individuals who
3 are required to register pursuant to the Sex Offenders Registration
4 Act. Individuals required to register pursuant to the Sex Offenders
5 Registration Act who violate any provision of Section 401 et seq. of
6 this title shall, upon conviction, be guilty of a felony punishable
7 by incarceration in a correctional facility for a period of not more
8 than five (5) years and a fine of not more than Five Thousand
9 Dollars (\$5,000.00) or both such fine and imprisonment.

10 2. Upon a determination by the Department of any violation of
11 the provisions of this section, the violator shall be subject to and
12 the Department may pursue:

- 13 a. an emergency order,
- 14 b. license revocation or denial,
- 15 c. injunctive proceedings,
- 16 d. an administrative penalty not to exceed Ten Thousand
17 Dollars (\$10,000.00), and
- 18 e. referral for criminal proceedings.

19 3. In addition to the penalties specified by this section, the
20 violator may be liable for civil damages.

21 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-1-103, as
22 last amended by Section 2, Chapter 254, O.S.L. 2017 (10A O.S. Supp.
23 2018, Section 2-1-103), is amended to read as follows:

24

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

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

8 2. "Alternatives to secure detention" means those services and
9 facilities which are included in the State Plan for the
10 Establishment of Juvenile Detention Services adopted by the ~~Board~~
11 Executive Director of the Office of Juvenile Affairs and which are
12 used for the temporary detention of juveniles in lieu of secure
13 detention in a juvenile detention facility;

14 3. "Behavioral health" means mental health, substance abuse or
15 co-occurring mental health and substance abuse diagnoses, and the
16 continuum of mental health, substance abuse, or co-occurring mental
17 health and substance abuse treatment;

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

21 5. ~~"Board" means the Board of Juvenile Affairs;~~

22 6. "Child" or "juvenile" means any person under eighteen (18)
23 years of age, except for any person charged and convicted for any
24 offense specified in the Youthful Offender Act or against whom

1 judgment and sentence has been deferred for such offense, or any
2 person who is certified as an adult pursuant to any certification
3 procedure authorized in the Oklahoma Juvenile Code for any offense
4 which results in a conviction or against whom judgment and sentence
5 has been deferred for such offense;

6 ~~7.~~ 6. "Child or juvenile in need of mental health and substance
7 abuse treatment" means a juvenile in need of mental health and
8 substance abuse treatment as defined by the Inpatient Mental Health
9 and Substance Abuse Treatment of Minors Act;

10 ~~8.~~ 7. "Child or juvenile in need of supervision" means a
11 juvenile who:

- 12 a. has repeatedly disobeyed reasonable and lawful
13 commands or directives of the parent, legal guardian,
14 or other custodian,
- 15 b. is willfully and voluntarily absent from his or her
16 home without the consent of the parent, legal
17 guardian, or other custodian for a substantial length
18 of time or without intent to return,
- 19 c. is willfully and voluntarily absent from school, as
20 specified in Section 10-106 of Title 70 of the
21 Oklahoma Statutes, if the juvenile is subject to
22 compulsory school attendance, or

23

24

1 d. has been served with an ex parte or final protective
2 order pursuant to the Protection from Domestic Abuse
3 Act;

4 ~~9.~~ 8. "Community-based" means a facility, program or service
5 located near the home or family of the juvenile, and programs of
6 community prevention, diversion, supervision and service which
7 maintain community participation in their planning, operation, and
8 evaluation. These programs may include but are not limited to
9 medical, educational, vocational, social, and psychological
10 guidance, training, counseling, alcoholism treatment, drug
11 treatment, prevention and diversion programs, diversion programs for
12 first-time offenders, transitional living, independent living and
13 other rehabilitative services;

14 ~~10.~~ 9. "Community intervention center" means a facility which
15 serves as a short-term reception facility to receive and hold
16 juveniles for an alleged violation of a municipal ordinance, state
17 law or who are alleged to be in need of supervision, as provided for
18 in subsection D of Section 2-7-305 of this title;

19 ~~11.~~ 10. "Core community-based" means the following community-
20 based facilities, programs or services provided through contract
21 with the Office of Juvenile Affairs as provided in Section 2-7-306
22 of this title:

23 a. screening, evaluation and assessment which includes a
24 face-to-face screening and evaluation to establish

1 problem identification and to determine the risk level
2 of a child or adolescent and may result in clinical
3 diagnosis or diagnostic impression,

4 b. treatment planning which includes preparation of an
5 individualized treatment plan which is usually done as
6 part of the screening, evaluation and assessment,

7 c. treatment plan reviewing which includes a
8 comprehensive review and evaluation of the
9 effectiveness of the treatment plan,

10 d. individual counseling which includes face-to-face,
11 one-on-one interaction between a counselor and a
12 juvenile to promote emotional or psychological change
13 to alleviate the issues, problems, and difficulties
14 that led to a referral, including ongoing assessment
15 of the status and response of the juvenile to
16 treatment as well as psychoeducational intervention,

17 e. group counseling which includes a method of treating a
18 group of individuals using the interaction between a
19 counselor and two or more juveniles or parents or
20 guardians to promote positive emotional or behavioral
21 change, not including social skills development or
22 daily living skills,

23 f. family counseling which includes a face-to-face
24 interaction between a counselor and the family of the

1 juvenile to facilitate emotional, psychological or
2 behavior changes and promote successful communication
3 and understanding,

4 g. crisis intervention counseling which includes
5 unanticipated, unscheduled face-to-face emergency
6 intervention provided by a licensed level or qualified
7 staff with immediate access to a licensed provider to
8 resolve immediate, overwhelming problems that severely
9 impair the ability of the juvenile to function or
10 maintain in the community,

11 h. crisis intervention telephone support which includes
12 supportive telephone assistance provided by a licensed
13 level provider or qualified staff with immediate
14 access to a licensed provider to resolve immediate,
15 overwhelming problems that severely impair the ability
16 of the juvenile to function or maintain in the
17 community,

18 i. case management which includes planned linkage,
19 advocacy and referral assistance provided in
20 partnership with a client to support that client in
21 self-sufficiency and community tenure,

22 j. case management and home-based services which includes
23 that part of case management services dedicated to
24 travel for the purpose of linkage, advocacy and

1 referral assistance and travel to provide counseling
2 and support services to families of children as needed
3 to support specific youth and families in self-
4 sufficiency and community tenure,

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

14 l. group rehabilitative treatment which includes face-to-
15 face group services provided by qualified staff to
16 maintain or develop skills necessary to perform
17 activities of daily living and successful integration
18 into community life, including educational and
19 supportive services regarding independent living,
20 self-care, social skills regarding development,
21 lifestyle changes and recovery principles and
22 practices,

23 m. community-based prevention services which include
24 services delivered in an individual or group setting

1 by a qualified provider designed to meet the services
2 needs of a child or youth and family of the child or
3 youth who has been referred because of identified
4 problems in the family or community. The group
5 prevention planned activities must be focused on
6 reducing the risk that individuals will experience
7 behavioral, substance abuse or delinquency-related
8 problems. Appropriate curriculum-based group
9 activities include, but are not limited to, First
10 Offender groups, prevention and relationship
11 enhancement groups, anger management groups, life
12 skills groups, substance abuse education groups,
13 smoking cessation groups, STD/HIV groups and parenting
14 groups,

15 n. individual paraprofessional services which include
16 services delineated in the treatment plan of the
17 juvenile which are necessary for full integration of
18 the juvenile into the home and community, but do not
19 require a professional level of education and
20 experience. Activities include assisting families
21 with Medicaid applications, assisting with school and
22 General Educational Development (GED) enrollment,
23 assisting youth with independent living arrangements,
24 providing assistance with educational problems and

1 deficiencies, acting as a role model for youth while
2 engaging them in community activities, assisting youth
3 in seeking and obtaining employment, providing
4 transportation for required appointments and
5 activities, participating in recreational activities
6 and accessing other required community support
7 services necessary for full community integration and
8 successful treatment,

9 o. tutoring which includes a tutor and student working
10 together as a learning team to bring about overall
11 academic success, improved self-esteem and increased
12 independence as a learner for the student,

13 p. community relations which include public or community
14 relations activities directed toward the community or
15 public at large or any segment of the public to
16 encourage understanding, accessibility and use of
17 community-based facilities, programs or services,

18 q. children's emergency resource centers that are
19 community-based and that may provide emergency care
20 and a safe and structured homelike environment or a
21 host home for children providing food, clothing,
22 shelter and hygiene products to each child served;
23 after-school tutoring; counseling services; life-
24 skills training; transition services; assessments;

1 family reunification; respite care; transportation to
2 or from school, doctors' appointments, visitations and
3 other social, school, court or other activities when
4 necessary; and a stable environment for children who
5 have been detained as delinquent or in need of
6 supervision and temporarily placed by a court, or
7 children in crisis who are in custody of the Office of
8 Juvenile Affairs if permitted under the Office's
9 policies and regulations or who have been voluntarily
10 placed by a parent or custodian during a temporary
11 crisis,

12 r. transitional living programs which include a
13 structured program to help older homeless youth
14 achieve self-sufficiency and avoid long-term
15 dependence on social services,

16 s. community-at-risk services (C.A.R.S.) which include a
17 program provided to juveniles in custody or under the
18 supervision of the Office of Juvenile Affairs or a
19 juvenile bureau to prevent out-of-home placement and
20 to reintegrate juveniles returning from placements.
21 The program shall include, but not be limited to,
22 treatment plan development, counseling, diagnostic and
23 evaluation services, mentoring, tutoring, and
24 supervision of youth in independent living,

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

4 u. other community-based facilities, programs or services
5 designated by the ~~Board~~ Executive Director as core
6 community-based facilities, programs or services;

7 ~~12.~~ 11. "Day treatment" means a program which provides
8 intensive services to juveniles who reside in their own home, the
9 home of a relative, or a foster home. Day treatment programs
10 include educational services and may be operated as a part of a
11 residential facility;

12 ~~13.~~ 12. "Delinquent child or juvenile" means a juvenile who:

13 a. has violated any federal or state law or municipal
14 ordinance except a traffic statute or traffic
15 ordinance or any provision of the Oklahoma Wildlife
16 Conservation Code, the Oklahoma Vessel and Motor
17 Regulation Act or the Oklahoma Boating Safety
18 Regulation Act, or has violated any lawful order of
19 the court made pursuant to the provisions of the
20 Oklahoma Juvenile Code, or

21 b. has habitually violated traffic laws, traffic
22 ordinances or boating safety laws or rules;

1 ~~14.~~ 13. "Dispositional hearing" means a hearing to determine
2 the order of disposition which should be made with respect to a
3 juvenile adjudged to be a ward of the court;

4 ~~15.~~ 14. "Executive Director" means the Executive Director of
5 the Office of Juvenile Affairs;

6 ~~16.~~ 15. "Facility" means a place, an institution, a building or
7 part thereof, a set of buildings, or an area whether or not
8 enclosing a building or set of buildings which is used for the
9 lawful custody and treatment of juveniles. A facility shall not be
10 considered a correctional facility subject to the provisions of
11 Title 57 of the Oklahoma Statutes;

12 ~~17.~~ 16. "Graduated sanctions" means a calibrated system of
13 sanctions designed to ensure that juvenile offenders face uniform,
14 immediate, and consistent consequences that correspond to the
15 seriousness of each offender's current offense, prior delinquent
16 history, and compliance with prior interventions;

17 ~~18.~~ 17. "Group home" means a residential facility with a
18 program which emphasizes family-style living in a homelike
19 environment. ~~Said~~ The group home may also offer a program within
20 the community to meet the specialized treatment needs of its
21 residents. A group home shall not be considered a correctional
22 facility subject to the provisions of Title 57 of the Oklahoma
23 Statutes;

24

1 ~~19.~~ 18. "Independent living program" means a program designed
2 to assist a juvenile to enhance skills and abilities necessary for
3 successful adult living and may include but shall not be limited to
4 minimal direct staff supervision and supportive services in making
5 the arrangements necessary for an appropriate place of residence,
6 completing an education, vocational training, obtaining employment
7 or other similar services;

8 ~~20.~~ 19. "Institution" means a residential facility offering
9 care and treatment for more than twenty residents. An institution
10 shall not be considered a correctional facility subject to the
11 provisions of Title 57 of the Oklahoma Statutes. ~~Said~~ The
12 institution may:

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

17 ~~21.~~ 20. "Juvenile detention facility" means a facility which is
18 secured by locked rooms, buildings and fences, and meets the
19 certification standards of the Office and which is entirely separate
20 from any prison, jail, adult lockup, or other adult facility, for
21 the temporary care of children. A juvenile detention facility shall
22 not be considered a correctional facility subject to the provisions
23 of Title 57 of the Oklahoma Statutes;

24

1 ~~22.~~ 21. "Municipal juvenile facility" means a facility other
2 than a community intervention center that accepts a child under
3 eighteen (18) years of age charged with violating a municipal
4 ordinance and meets the requirements of Section 2-2-102 of this
5 title;

6 ~~23.~~ 22. "Office" means the Office of Juvenile Affairs;

7 ~~24.~~ 23. "Peer Review" means an initial or annual review and
8 report to the Office of Juvenile Affairs of the organization,
9 programs, records and financial condition of a Youth Services Agency
10 by the Oklahoma Association of Youth Services, or another Oklahoma
11 nonprofit corporation whose membership consists solely of Youth
12 Services Agencies and of whom at least a majority of Youth Services
13 Agencies are members. An annual review may consist of a review of
14 one or more major areas of the operation of the Youth Services
15 Agency being reviewed;

16 ~~25.~~ 24. "Person responsible for a juvenile's health or welfare"
17 includes a parent, a legal guardian, custodian, a foster parent, a
18 person eighteen (18) years of age or older with whom the juvenile's
19 parent cohabitates or any other adult residing in the home of the
20 child, an agent or employee of a public or private residential home,
21 institution or facility, or an owner, operator, or employee of a
22 child care facility as defined by Section 402 of Title 10 of the
23 Oklahoma Statutes;

24

1 ~~26.~~ 25. "Preliminary inquiry" or "intake" means a mandatory,
2 preadjudicatory interview of the juvenile and, if available, the
3 parents, legal guardian, or other custodian of the juvenile, which
4 is performed by a duly authorized individual to determine whether a
5 juvenile comes within the purview of the Oklahoma Juvenile Code,
6 whether nonadjudicatory alternatives are available and appropriate,
7 and if the filing of a petition is necessary;

8 ~~27.~~ 26. "Probation" means a legal status created by court order
9 whereby a delinquent juvenile is permitted to remain outside an
10 Office of Juvenile Affairs facility directly or by contract under
11 prescribed conditions and under supervision by the Office, subject
12 to return to the court for violation of any of the conditions
13 prescribed;

14 ~~28.~~ 27. "Rehabilitative facility" means a facility maintained
15 by the state exclusively for the care, education, training,
16 treatment, and rehabilitation of juveniles in need of supervision;

17 ~~29.~~ 28. "Responsible adult" means a stepparent, foster parent,
18 person related to the juvenile in any manner who is eighteen (18)
19 years of age or older, or any person having an obligation and
20 authority to care for or safeguard the juvenile in the absence of
21 another person who is eighteen (18) years of age or older;

22 ~~30.~~ 29. "Secure detention" means the temporary care of
23 juveniles who require secure custody in physically restricting
24 facilities:

- 1 a. while under the continuing jurisdiction of the court
2 pending court disposition, or
3 b. pending placement by the Office of Juvenile Affairs
4 after adjudication;

5 ~~31.~~ 30. "Secure facility" means a facility, maintained by the
6 state exclusively for the care, education, training, treatment, and
7 rehabilitation of delinquent juveniles or youthful offenders which
8 relies on locked rooms and buildings, and fences for physical
9 restraint in order to control behavior of its residents. A secure
10 facility shall not be considered a correctional facility subject to
11 the provisions of Title 57 of the Oklahoma Statutes;

12 ~~32.~~ 31. "Transitional living program" means a residential
13 program that may be attached to an existing facility or operated
14 solely for the purpose of assisting juveniles to develop the skills
15 and abilities necessary for successful adult living. ~~Said~~ The
16 program may include but shall not be limited to reduced staff
17 supervision, vocational training, educational services, employment
18 and employment training, and other appropriate independent living
19 skills training as a part of the transitional living program; and

20 ~~33.~~ 32. "Youth Services Agency" means a nonprofit corporation
21 with a local board of directors, officers and staff that has been
22 designated by the ~~Board~~ Executive Director as a Youth Services
23 Agency, that is peer reviewed annually, and that provides community-

1 based facilities, programs or services to juveniles and their
2 families in the youth services service area in which it is located.

3 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-3-103, as
4 amended by Section 1, Chapter 67, O.S.L. 2016 (10A O.S. Supp. 2018,
5 Section 2-3-103), is amended to read as follows:

6 Section 2-3-103. A. Provision shall be made for the temporary
7 detention of children in a juvenile detention facility or the court
8 may arrange for the care and custody of such children temporarily in
9 private homes, subject to the supervision of the court, or the court
10 may provide shelter or may enter into a contract with any
11 institution or agency to receive, for temporary care and custody,
12 children within the jurisdiction of the court. The Office of
13 Juvenile Affairs shall not be ordered to provide detention unless
14 ~~said~~ the Office has designated and is operating detention services
15 or facilities.

16 B. County sheriffs, their designee, private contractors under
17 contract with the Office of Juvenile Affairs for transportation
18 services, or juvenile court officers shall provide for the
19 transportation of juveniles to and from secure detention for
20 purposes of admission, interfacility transfer, discharge, medical or
21 dental attention, court appearance, or placement designated by the
22 Office. No private contract for transportation services shall be
23 entered into by the Office unless the private contractor
24 demonstrates to the satisfaction of the Office that such contractor

1 is able to obtain insurance or provide self-insurance to indemnify
2 the Office against possible lawsuits and meets the requirements of
3 subparagraphs a, b and d of paragraph 4 of subsection C of this
4 section. The Office of Juvenile Affairs shall not be ordered to
5 provide transportation for a juvenile who is detained in or is
6 destined for secure detention. The Office of Juvenile Affairs shall
7 provide reimbursement to the entity transporting juveniles for
8 necessary and actual expenses for transporting juveniles who are
9 detained in or destined for a secure detention center as follows:

- 10 1. A fee for the cost of personal services at the rate of
11 Twelve Dollars (\$12.00) per hour;
- 12 2. Mileage reimbursement for each mile actually traveled at the
13 rate established in the State Travel Reimbursement Act;
- 14 3. Meals for transporting personnel, not to exceed Six Dollars
15 (\$6.00) per meal; and
- 16 4. Meals for juveniles being transported, not to exceed Six
17 Dollars (\$6.00) per meal.

18 The Office of Juvenile Affairs shall process and mail
19 reimbursement claims within sixty (60) days of receipt. Payments
20 for services provided by a county sheriff's office shall be paid to
21 the county and deposited in the service fee account of the sheriff.

22 C. 1. All juvenile detention facilities shall be certified by
23 the Office of Juvenile Affairs. To be certified, a juvenile
24 detention facility shall be required to meet standards for

1 certification promulgated by the ~~Board~~ Executive Director of the
2 Office of Juvenile Affairs.

3 2. The board of county commissioners of every county shall
4 provide for the temporary detention of a child who is or who may be
5 subject to secure detention and may construct a building or rent
6 space for such purpose. The boards of county commissioners shall
7 provide for temporary detention services and facilities in
8 accordance with the provisions of the State Plan for the
9 Establishment of Juvenile Detention Services adopted pursuant to
10 subsection D of this section and in accordance with subsections A
11 and C of Section 2-7-608 of this title. The boards of county
12 commissioners are hereby authorized to create multicounty trust
13 authorities for the purpose of operating juvenile detention
14 facilities.

15 3. In order to operate the juvenile detention facilities
16 designated in the State Plan for the Establishment of Juvenile
17 Detention Services and in subsections A and C of Section 2-7-608 of
18 this title, the boards of county commissioners in the designated
19 host counties shall:

- 20 a. operate the juvenile detention facility through a
21 statutorily constituted juvenile bureau subject to the
22 supervision of the district court, or
- 23 b. operate the juvenile detention facility by employing a
24 manager who may employ personnel and incur other

1 expenses as may be necessary for its operation and
2 maintenance, or

3 c. contract with a public agency, private agency,
4 federally recognized tribe, or single or multi-county
5 trust authority for the operation of the juvenile
6 detention facility. In the event any board of county
7 commissioners contracts with a public or private
8 agency or a federally recognized tribe, pursuant to
9 the provisions of this section, the Office is
10 authorized to directly contract with and pay such
11 public or private agency or federally recognized tribe
12 for provision of detention services. Any contract
13 with a federally recognized tribe shall become
14 effective upon approval by the board of county
15 commissioners.

16 4. Management contracts for privately operated detention
17 facilities shall be negotiated with the firm found most qualified by
18 the board of county commissioners. However, no private management
19 contract shall be entered into by the board unless the private
20 contractor demonstrates to the satisfaction of the board:

21 a. that the contractor has the qualifications,
22 experience, and personnel necessary to implement the
23 terms of the contract,
24

- 1 b. that the financial condition of the contractor is such
2 that the term of the contract can be fulfilled,
3 c. that the ability of the contractor to obtain insurance
4 or provide self-insurance to indemnify the county
5 against possible lawsuits and to compensate the county
6 for any property damage or expenses incurred due to
7 the private operation of the juvenile detention
8 facility, and
9 d. that the contractor has the ability to comply with
10 applicable court orders and rules of the Office of
11 Juvenile Affairs.

12 5. All counties to be served by a secure juvenile detention
13 facility may, upon the opening of such facility, contract with the
14 operators for the use of the facility for the temporary detention of
15 children who are subject to secure detention; provided, however, a
16 jail, adult lockup, or other adult detention facility may be used
17 for the secure detention of a child as provided for in Section 2-3-
18 101 of this title.

19 6. Expenses incurred in carrying out the provisions of this
20 section shall be paid from the general fund of the county or from
21 other public funds lawfully appropriated for such purposes or from
22 private funds that are available for such purposes. A county may
23 also issue bonds for the construction of detention facilities.
24

1 7. The operation of a juvenile detention facility by a county
2 shall constitute a quasi-judicial function and is also hereby
3 declared to be a function of the State of Oklahoma for purposes of
4 the Eleventh Amendment to the United States Constitution. In
5 addition, no contract authorized by the provisions of this section
6 for the providing of transportation services or for the operation of
7 a juvenile detention facility shall be awarded until the contractor
8 demonstrates to the satisfaction of the county that the contractor
9 has obtained liability insurance with the limits specified by The
10 Governmental Tort Claims Act against lawsuits arising from the
11 operation of the juvenile detention facility by the contractor, or
12 if the contract is for the providing of transportation services, the
13 contractor has obtained liability insurance with the limits
14 specified by The Governmental Tort Claims Act against lawsuits
15 arising from the transportation of juveniles as authorized by
16 subsection A of this section.

17 D. The ~~Board~~ Executive Director of the Office of Juvenile
18 Affairs, from monies appropriated for that purpose, shall develop,
19 adopt, and implement a plan for secure juvenile detention services
20 and alternatives to secure detention, to be known as the State Plan
21 for the Establishment of Juvenile Detention Services, which shall
22 provide for the establishment of juvenile detention facilities and
23 services with due regard for appropriate geographical distribution
24 and existing juvenile detention programs operated by statutorily

1 constituted juvenile bureaus. ~~Said~~ The plan may be amended or
2 modified by the ~~Board~~ Executive Director as necessary and
3 appropriate. ~~Until said plan is adopted by the Board, the plan~~
4 ~~adopted by the Commission for Human Services shall remain in effect.~~

5 1. The ~~Board~~ Executive Director of the Office of Juvenile
6 Affairs shall establish procedures for the letting of contracts or
7 grants, including grants to existing juvenile detention programs
8 operated by statutorily constituted juvenile bureaus, and the
9 conditions and requirements for the receipt of ~~said~~ the grants or
10 contracts for juvenile detention services and facilities as provided
11 in this section and Section 2-7-401 of this title. A copy of such
12 procedures shall be made available to any member of the general
13 public upon request. All such grants or contracts shall require the
14 participation of local resources in the funding of juvenile
15 detention facilities. A contract for services shall be based upon a
16 formula approved by the ~~Board~~ Executive Director which shall set the
17 contract amount in accordance with the services offered and the
18 degree of compliance with standards for certification.

19 2. The ~~Board of Juvenile Affairs~~ Executive Director shall
20 establish standards for the certification of detention services and
21 juvenile detention facilities. Such standards may include, but not
22 be limited to: screening for detention; education and recreation
23 opportunities for juveniles in secure detention; and accreditation
24 by the American Correctional Association. As a condition of

1 continuing eligibility for grants or contracts, secure juvenile
2 detention services and facilities shall be certified by the ~~Board~~
3 Executive Director within two (2) years of the date of the initial
4 grant or contract.

5 E. The State Department of Health, with the assistance of the
6 Office of Juvenile Affairs, shall establish standards for the
7 certification of jails, adult lockups, and adult detention
8 facilities used to detain juveniles. Such standards shall include
9 but not be limited to: separation of juveniles from adults;
10 supervision of juveniles; and health and safety measures for
11 juveniles. The Department of Health is authorized to inspect any
12 jail, adult lockup, or adult detention facility for the purpose of
13 determining compliance with such standards. No jail, adult lockup,
14 or other adult detention facility shall be used to detain juveniles
15 unless such jail, adult lockup, or other adult detention facility
16 complies with the standards established by the Department of Health
17 and is designated as a place for the detention of juveniles by the
18 judge having juvenile docket responsibility in the county from a
19 list of eligible facilities supplied by the Department of Health.

20 The development and approval of the standards provided for in
21 this paragraph shall comply with the provisions of the
22 Administrative Procedures Act.

23 F. The State Board of Health shall promulgate rules providing
24 for the routine recording and reporting of the use of any adult

1 jail, lockup or other adult facility for the detention of any person
2 under the age of eighteen (18).

3 1. For the purpose of ensuring the uniformity and compatibility
4 of information related to the detention of persons under age
5 eighteen (18), ~~said~~ the rules shall be reviewed and approved by the
6 Oklahoma Commission on Children and Youth prior to their adoption by
7 the State Board of Health; and

8 2. Records of detention shall be reviewed during each routine
9 inspection of adult jails, lockups or other adult detention
10 facilities inspected by the State Department of Health and a
11 statistical report of ~~said~~ the detentions shall be submitted to the
12 Office of Juvenile Affairs at least every six (6) months in a form
13 approved by the ~~Board~~ Executive Director of the Office of Juvenile
14 Affairs.

15 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-4-101, as
16 amended by Section 1, Chapter 335, O.S.L. 2014 (10A O.S. Supp. 2018,
17 Section 2-4-101), is amended to read as follows:

18 Section 2-4-101. A. In each county having a population of
19 eighty thousand (80,000) or more, as shown by the last preceding
20 Federal Decennial Census, there is created a juvenile bureau and a
21 citizens' advisory committee.

22 1. The juvenile bureau shall be responsible for the provision
23 of juvenile justice services to children, youth, and families
24

1 located within its county and subject to the jurisdiction of the
2 juvenile division of that county's district court.

3 2. For the purposes of this section, "juvenile justice
4 services" may include, but not be limited to:

5 a. services provided to the child or youth to remediate
6 or alleviate the conditions that led to court
7 involvement, including educational, vocational-
8 educational, medical, substance abuse treatment, and
9 other programs that may be beneficial to the child or
10 youth,

11 b. services provided to the parent, legal guardian, legal
12 custodian, stepparent, or other family members or
13 adults subjecting themselves to the jurisdiction of
14 the court to remediate or alleviate the conditions
15 that led to the adjudication of the child or youth,
16 including programs to strengthen the family unit,
17 prevent or correct child abuse or neglect, or to
18 assist the family in providing proper care and
19 supervision of the child or youth,

20 c. community-based diversion and preventive services and
21 programs to assist in diverting children and youth
22 from the juvenile justice system. Such programs may
23 include, but not be limited to, medical, educational,
24 vocational, social and psychological guidance,

1 training, counseling, substance abuse treatment,
2 recreation, mediation, crisis intervention,
3 transitional living, independent living and other
4 rehabilitative services, and

5 d. services or programs provided in collaboration with
6 other juvenile justice agencies or programs as defined
7 in Section 2-7-902 of this title.

8 3. Nothing in this section shall be construed to prevent the
9 Office of Juvenile Affairs ~~or Board of Juvenile Affairs~~ from
10 contracting with designated Youth Services Agencies as provided for
11 in Section 2-7-306 of this title. The services provided in
12 paragraph 1 of subsection A of this section shall be in addition to,
13 or in collaboration with, other state, municipal or privately funded
14 services to children and youth in the county therein.

15 B. In each county having a duly constituted juvenile bureau as
16 of January 1, 2005, as provided for in subsection A of this section,
17 the juvenile bureau shall remain in place and continue in operation.
18 No other counties shall establish juvenile bureaus.

19 SECTION 6. AMENDATORY 10A O.S. 2011, Section 2-4-103, is
20 amended to read as follows:

21 Section 2-4-103. A. The director, under the general
22 supervision of the judge, shall organize, direct and develop the
23 administrative work of the court, including the social, financial
24 and clerical work, and the director shall perform such other duties

1 as to children as any judge of the court shall direct. The
2 technical and professional employees shall have charge of cases
3 assigned to them for investigation or treatment and shall perform
4 such other duties as may be assigned to them by the director.

5 B. To assure uniformity of procedures and care throughout the
6 state, each juvenile bureau shall perform its statutory duties for
7 children alleged or adjudicated to be in need of supervision or
8 delinquent in accordance with the procedures and guidelines
9 promulgated by the ~~Board~~ Executive Director of the Office of
10 Juvenile Affairs and implemented by the Office of Juvenile Affairs.

11 SECTION 7. AMENDATORY 10A O.S. 2011, Section 2-5-212, as
12 amended by Section 5, Chapter 362, O.S.L. 2014 (10A O.S. Supp. 2018,
13 Section 2-5-212), is amended to read as follows:

14 Section 2-5-212. A. Whenever a youthful offender is committed
15 to the custody of the Office of Juvenile Affairs, the Office ~~of~~
16 ~~Juvenile Affairs~~ may:

17 1. Place the youthful offender in a secure facility or other
18 institution or facility maintained by the state for delinquents or
19 youthful offenders;

20 2. Place the youthful offender in a group home or community
21 residential facility for delinquents or youthful offenders;

22 3. Place the youthful offender under community supervision
23 prior to or after a period of placement in one or more of the
24 facilities referred to in paragraphs 1 and 2 of this subsection.

1 The Office of ~~Juvenile Affairs~~ may place a youthful offender in his
2 or her own home, or an independent living or other similar living
3 arrangement within the community of the residence of the youthful
4 offender only upon the approval of the court; provided, the court
5 shall not prohibit the reintegration of the youthful offender into
6 the community except upon finding that the youthful offender has not
7 reasonably completed the rehabilitation plan objectives established
8 as preconditions for reintegration into the community or that the
9 public would not be adequately protected if the youthful offender is
10 reintegrated into the community; or

11 4. Place the youthful offender in a sanction program if the
12 youthful offender fails to comply with a written plan of
13 rehabilitation or fails substantially to achieve reasonable
14 treatment objectives while in community or other nonsecure programs.

15 B. Placement of the youthful offender pursuant to this section
16 or any other provision of law shall be the responsibility of the
17 Office of Juvenile Affairs and shall occur as soon as reasonably
18 possible but not more than forty-five (45) days following the filing
19 and adoption of the written rehabilitation plan as provided in
20 Section 2-5-210 of this title. This placement time period may be
21 extended upon the declaration of an emergency by the ~~Board~~ Executive
22 Director of the Office of Juvenile Affairs. For the purposes of
23 this section, "emergency" means any situation that places the
24 health, safety and well-being of the residents or staff in imminent

1 peril. The court shall not have authority to require specific
2 placement of a youthful offender in a time frame which would require
3 the removal of any other juvenile or youthful offender from such
4 placement.

5 C. The Office of Juvenile Affairs shall be responsible for the
6 care and control of a youthful offender placed in the custody of the
7 Office of Juvenile Affairs, and shall have the duty and the
8 authority to provide food, clothing, shelter, ordinary medical care,
9 education, discipline and in an emergency to authorize surgery or
10 other extraordinary care. The medical care, surgery and
11 extraordinary care shall be charged to the appropriate agency where
12 the youthful offender qualifies for the care under law, rule,
13 regulation or administrative order or decision. Nothing in this
14 section shall abrogate the right of a youthful offender to any
15 benefits provided through public funds nor the parent's statutory
16 duty or responsibility to provide ~~said~~ the necessities; further, no
17 person, agency or institution shall be liable in a civil suit for
18 damages for authorizing or not authorizing surgery or extraordinary
19 care in an emergency, as determined by competent medical authority.
20 A youthful offender placed in the custody of the Office of Juvenile
21 Affairs who has attained eighteen (18) years of age or older may
22 authorize and consent to the medical care sought on behalf of the
23 youthful offender by the Office of Juvenile Affairs and to be
24 provided to the youthful offender by a qualified health care

1 professional. No state employee shall be liable for the costs of
2 any medical care or behavioral health services provided to any child
3 in the custody of the Office of Juvenile Affairs.

4 D. A youthful offender in the custody of the Office of Juvenile
5 Affairs shall:

6 1. Be entitled to the rights afforded juvenile delinquents
7 pertaining to any due process afforded delinquents in regard to
8 movement from a nonsecure to a secure placement; and

9 2. As appropriate to the age and circumstances of the youthful
10 offender, be provided education, employment, and employment skills
11 and vocational and technical or higher education services,
12 apprenticeship programs and similar opportunities.

13 E. The Office of Juvenile Affairs shall have standing to seek
14 review, including appellate review, of any order directing the
15 Office of Juvenile Affairs to take any action with regard to a
16 youthful offender placed in the custody or under the supervision of
17 the Office of Juvenile Affairs.

18 SECTION 8. AMENDATORY 10A O.S. 2011, Section 2-7-202, as
19 last amended by Section 1, Chapter 222, O.S.L. 2018 (10A O.S. Supp.
20 2018, Section 2-7-202), is amended to read as follows:

21 Section 2-7-202. A. There is hereby created the Office of
22 Juvenile Affairs which shall be responsible for programs and
23 services for juveniles alleged or adjudicated to be delinquent or in
24

1 need of supervision. Within the Office of Juvenile Affairs there is
2 hereby created:

3 1. The Division of Institutional Services which shall be
4 responsible for the institutions operated by or contracted for by
5 the Office of Juvenile Affairs;

6 2. The Division of Community-based Youth Services which shall
7 be responsible for contracting with, monitoring, evaluation and
8 support of community-based Youth Services Agencies;

9 3. The Division of Juvenile and Treatment Services which shall
10 be responsible for intake, probation and parole services,
11 supervision and placement of juveniles and the contracting for,
12 monitoring and evaluation of residential and treatment programs
13 other than institutions and community-based Youth Services Agencies;
14 and

15 4. Such other divisions specifically established by the
16 Executive Director of the Office of Juvenile Affairs, ~~with the~~
17 ~~approval of the Board.~~

18 The Executive Director of the Office of Juvenile Affairs, ~~with~~
19 ~~the approval of the Board,~~ shall appoint a Director of the Division
20 of Institutional Services, a Director of the Division of Community-
21 based Youth Services, and a Director of the Division of Juvenile and
22 Treatment Services to serve as the administrative head of each
23 division, respectively. The Division Directors shall have at least
24 six (6) years of experience in the same or similar programs or

1 facilities as they are to supervise and a baccalaureate degree or
2 higher level of education.

3 B. Suitable office space shall be provided by the Office of
4 Management and Enterprise Services to the Office of Juvenile
5 Affairs, to the extent necessary for the Office to implement its
6 jurisdictional duties provided by the Oklahoma Juvenile Code, and
7 the Office may incur necessary expenses for office rent.

8 C. Effective July 1, 1995, the Office of Juvenile Affairs shall
9 be a Merit System agency and all employees of the Office of Juvenile
10 Affairs shall be classified employees who are subject to the
11 Oklahoma Personnel Act and the Merit System of Personnel
12 Administration, except as otherwise provided by law. Effective June
13 1, 2020, employees hired for service at the Southwest Oklahoma
14 Juvenile Center in Manitou shall be considered unclassified and
15 employed in a term-limited appointment. If state services continue
16 at the facility after the designated term, the employee may be
17 transferred into a non-term-limited position. Current employees and
18 employees hired prior to June 1, 2020, shall not be subject to this
19 provision.

20 D. Effective July 1, 1995, within its jurisdictional areas of
21 responsibility, the Office of Juvenile Affairs, acting through the
22 Executive Director, or persons authorized by law, rule or designated
23 by the Executive Director to perform such acts, shall have the power
24 and duty to:

- 1 1. Advise, consult, cooperate and enter into agreements with
2 agencies of the state, municipalities and counties, other states and
3 the federal government, and other persons;
- 4 2. Enter into agreements for, accept, administer and use,
5 disburse and administer grants of money, personnel and property from
6 the federal government or any department or agency thereof, or from
7 any state or state agency, or from any other source, to promote and
8 carry on in this state any program within its jurisdictional area of
9 responsibility;
- 10 3. Require the establishment and maintenance of records and
11 reports;
- 12 4. Establish a system of training for personnel in order to
13 assure uniform statewide application of law and rules;
- 14 5. Enforce the provisions of the Oklahoma Juvenile Code and
15 rules promulgated thereunder and orders issued pursuant thereto;
- 16 6. Charge and receive fees pursuant to fee schedules
17 promulgated by the ~~Board~~ Executive Director of the Office of
18 Juvenile Affairs;
- 19 7. Conduct studies, research and planning of programs and
20 functions, pursuant to the authority granted by the Oklahoma
21 Juvenile Code;
- 22 8. Enter into interagency agreements;

23
24

1 9. ~~Provide administrative and support services to the Board of~~
2 ~~Juvenile Affairs as necessary to assist the Board in the performance~~
3 ~~of their duties;~~

4 ~~10.~~ Establish and maintain such facilities and institutions as
5 are necessary or convenient for the operation of programs for
6 children under the jurisdiction of the Office of Juvenile Affairs;

7 ~~11.~~ 10. Lease, from time to time, any real property which the
8 ~~Board of Juvenile Affairs~~ Executive Director shall determine
9 advisable to more fully carry into effect the operation of the
10 Office of Juvenile Affairs in accordance with applicable state
11 statutes. All such leases for real property shall be subject to the
12 provisions of Section 63 of Title 74 of the Oklahoma Statutes;

13 ~~12.~~ 11. Purchase or lease any equipment, supplies or materials
14 pursuant to The Oklahoma Central Purchasing Act;

15 ~~13.~~ 12. Contract for professional services;

16 ~~14.~~ 13. Acquire, construct, extend, and operate any and all
17 facilities of all kinds which in the judgment of the Executive
18 Director and the approval of the Legislature shall be necessary or
19 convenient to carry out the duties of the Office of Juvenile
20 Affairs, as authorized by law; and

21 ~~15.~~ 14. Exercise all incidental powers which are necessary and
22 proper to implement and administer the purposes of the Oklahoma
23 Juvenile Code.

24

1 E. The Office of Juvenile Affairs shall maintain a fair, simple
2 and expeditious system for resolution of grievances of all persons
3 committed to the Office of Juvenile Affairs regarding the substance
4 or application of any written or unwritten policy, rule of the ~~Board~~
5 ~~of Juvenile Affairs~~ Executive Director or of an agent or contractor
6 of the Office of Juvenile Affairs or any decision, behavior or
7 action by an employee, agent or contractor or by any other person
8 committed to the Office of Juvenile Affairs.

9 F. Effective November 1, 2012, the Office of Juvenile Affairs
10 shall establish a system of certification in accordance with the
11 Oklahoma Child Care Facilities Licensing Act for the shelters
12 managed and operated by the Department of Human Services pursuant to
13 the requirements of Section 1-9-111 of this title. The Office of
14 Juvenile Affairs shall certify shelters pursuant to the requirements
15 of existing rules as established by the Oklahoma Commission on
16 Children and Youth until such time the Office of Juvenile Affairs
17 has promulgated rules for the certification of shelters.

18 SECTION 9. AMENDATORY 10A O.S. 2011, Section 2-7-305, as
19 last amended by Section 1, Chapter 225, O.S.L. 2017 (10A O.S. Supp.
20 2018, Section 2-7-305), is amended to read as follows:

21 Section 2-7-305. A. The Office of Juvenile Affairs is
22 authorized to enter into contracts to establish or maintain
23 community-based youth service programs, shelters and community
24 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 certify community
6 intervention centers that are established by one or more
7 municipalities or one or more counties or juvenile bureaus pursuant
8 to rules promulgated by the ~~Board~~ Executive Director of the Office
9 of Juvenile Affairs. The municipality, county or juvenile bureau
10 may enter into contracts or subcontracts with one or more service
11 providers. The service provider, whether a municipality, county or
12 other entity, must have access to the management information system
13 provided for in Section 2-7-308 of this title and must employ
14 qualified staff, as determined by the Office of Juvenile Affairs.

15 2. The community intervention center shall serve as a short-
16 term reception facility to receive and hold juveniles who have been
17 taken into custody by law enforcement agencies for the alleged
18 violation of a municipal ordinance or state law or who are alleged
19 to be in need of supervision and for whom detention is inappropriate
20 or unavailable. The community intervention center may receive and
21 hold juveniles for whom detention is appropriate and available
22 pending transportation by law enforcement to a detention facility;
23 provided, custody by law enforcement shall not be relinquished to
24 the community intervention center until detention eligibility and

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

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

9 4. The community intervention center shall perform the
10 following functions:

- 11 a. enter demographic information into the management
12 information system provided for in Section 2-7-308 of
13 this title,
- 14 b. immediately notify the parents or parent, guardian, or
15 other person legally responsible for the juvenile's
16 care, or if such legally responsible person is
17 unavailable the adult with whom the juvenile resides,
18 that the juvenile has been taken into custody and to
19 pick up the juvenile,
- 20 c. hold juveniles until they can be released to a parent,
21 guardian, or other responsible adult or until a
22 temporary placement can be secured, but in no event
23 for longer than twenty-four (24) hours, and

24

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

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

7 a. gather information to determine if the juvenile is in
8 need of immediate medical attention,

9 b. conduct an initial assessment pursuant to rules
10 promulgated by the ~~Board~~ Executive Director. Such
11 initial assessment may be given without parental
12 consent if the juvenile agrees to participate in the
13 assessment, and

14 c. conduct an assessment pursuant to a Problem Behavior
15 Inventory or a Mental Status Checklist or an
16 equivalent assessment instrument authorized by rules
17 promulgated by the ~~Board~~ Executive Director, if
18 written permission to do so is obtained from the
19 parent, guardian or other person legally responsible
20 for the care of the juvenile. Such person and the
21 juvenile may review the assessment instrument prior to
22 the assessment process, must be informed that
23 participation in the assessment is voluntary and that
24 refusal to participate shall not result in any

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

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

20 7. Community intervention centers shall be certified pursuant
21 to standards established by the Office of Juvenile Affairs and rules
22 promulgated by the ~~Board~~ Executive Director.

1 SECTION 10. AMENDATORY 10A O.S. 2011, Section 2-7-306,
2 as last amended by Section 22, Chapter 404, O.S.L. 2013 (10A O.S.
3 Supp. 2018, Section 2-7-306), is amended to read as follows:

4 Section 2-7-306. A. Funds specifically appropriated to the
5 Office of Juvenile Affairs for designated Youth Services Agency
6 programs for both the Office of Juvenile Affairs and the Department
7 of Human Services, or funds allocated by the Department of Human
8 Services for designated Youth Services programs and provided to the
9 Office of Juvenile Affairs by interagency agreement, shall be made
10 available through contracts negotiated by the Office of Juvenile
11 Affairs to organizations designated by the ~~Board~~ Executive Director
12 of the Office of Juvenile Affairs as "Youth Services Agencies". All
13 core community-based programs and services to be performed by a
14 Youth Services Agency during a contract period shall be included in
15 one contract or contract extension for that period. Designations of
16 Youth Services Agencies ~~by the Board~~ shall be granted based on
17 community needs, as indicated in the State Plan for Youth Services
18 Agencies which shall be adopted by rule by the ~~Board~~ Executive
19 Director. The State Plan for Youth Services Agencies shall be
20 adopted in accordance with criteria approved by the ~~Board of~~
21 ~~Juvenile Affairs~~ Executive Director after full consideration of any
22 recommendations of the Department of Human Services and the Oklahoma
23 Association of Youth Services. The criteria and plan adopted by the
24 ~~Board~~ Executive Director shall designate community-based Youth

1 Services Agency Service Areas that will serve as the primary
2 catchment area for each Youth Services Agency. ~~Until the criteria~~
3 ~~is established by the Board, the criteria established by the~~
4 ~~Commission for Human Services shall remain in effect.~~ The criteria
5 for designation of Youth Services Agencies shall include but shall
6 not be limited to:

7 1. Capability to deliver all or part of the compensable
8 services enumerated in Section 2-7-303 of this title, if the Youth
9 Services Agency is to provide such services;

10 2. Capability to deliver all or part of the compensable
11 children's services that the Department of Human Services is
12 authorized to provide for by contract with a private agency, if the
13 Youth Services Agency is to provide such services;

14 3. Adequate and qualified staff who are available as needed,
15 within a reasonable time after being contacted for services in each
16 county served by the agency;

17 4. Adequate services in the Youth Services Agency Area served
18 by the agency;

19 5. Financial viability;

20 6. A documented need for the local services to be offered as
21 determined by a local needs assessment for the Youth Services Agency
22 Service Area that shall be reviewed and approved or modified by the
23 ~~Board~~ Executive Director and included in the State Plan for Youth
24 Services Agencies; and

1 7. Any negative impact on the ability to provide services or
2 the financial viability of an existing Youth Services Agency.

3 As used in this section, "financial viability" means the ability
4 of a Youth Services Agency to continue to achieve its operating
5 objectives and fulfill its mission over the long term. When
6 determining the financial viability of a Youth Services Agency, the
7 Office of Juvenile Affairs shall develop an analysis that takes into
8 consideration the three (3) previous fiscal years' financial audits,
9 if available; the previous fiscal year program audits, if available;
10 the current fiscal year financial position; and one-year future
11 revenue and expenditure projection.

12 B. The criteria for designation of Youth Services Agencies also
13 may include:

14 1. Successful completion of an initial peer review by the
15 Oklahoma Association of Youth Services or another Oklahoma nonprofit
16 corporation whose membership consists solely of Youth Services
17 Agencies and of whom at least a majority of Youth Services Agencies
18 are members; and

19 2. Such other criteria as the ~~Board of Juvenile Affairs~~
20 Executive Director determines appropriate.

21 C. Each Youth Services Agency receiving, by grant or contract
22 from the Department of Human Services on June 30, 1995, state funds
23 specifically appropriated for community-based youth services
24

1 programs, is hereby automatically designated a "Youth Services
2 Agency".

3 D. ~~The Board of Juvenile Affairs, on recommendation of the~~
4 ~~Office of Juvenile Affairs,~~ Executive Director may terminate the
5 designation of a Youth Services Agency that:

- 6 1. Is seriously deficient in the administration of its program;
- 7 2. Loses financial viability; or
- 8 3. Fails to successfully complete the annual peer review
9 process by the Oklahoma Association of Youth Services or another
10 Oklahoma nonprofit corporation whose membership consists solely of
11 Youth Services Agencies and of whom at least a majority of Youth
12 Services Agencies are members.

13 Before the ~~Board of Juvenile Affairs~~ Executive Director
14 terminates the designation of a Youth Services Agency, the Office of
15 Juvenile Affairs shall complete a report documenting its reasons for
16 the termination. The report shall be submitted to the ~~Board~~
17 Executive Director for review. The report shall contain an analysis
18 of the program administration, financial viability and most recent
19 peer review report of the Youth Services Agency. The Office of
20 Juvenile Affairs shall also develop a plan to ensure that services
21 provided by the Youth Services Agency whose designation is being
22 terminated shall continue to be provided by another Youth Services
23 Agency or agencies. In developing the plan, the Office of Juvenile
24 Affairs shall give full consideration to any recommendations of the

1 Oklahoma Association of Youth Services. The plan shall be submitted
2 to the ~~Board~~ Executive Director as part of the report documenting
3 the reasons for termination of the Youth Services Agency by the
4 Office of Juvenile Affairs.

5 Any applicant organization denied designation as a Youth
6 Services Agency or any Youth Services Agency whose designation as a
7 Youth Services Agency is being terminated, is entitled to an
8 individual proceeding as provided in Article II of the
9 Administrative Procedures Act.

10 E. No Youth Services Agency shall be eligible to receive
11 funding until the beginning of the fiscal year after it receives its
12 designation as a Youth Services Agency unless it is replacing a
13 Youth Services Agency whose designation has been terminated. No
14 Youth Services Agency shall receive funding for the first time if
15 such funding will result in lowering the contract amount from the
16 previous fiscal year for any existing Youth Services Agency.

17 F. The Office of Juvenile Affairs shall be the sole
18 administrator of Youth Services Agency contracts. Any contracting
19 procedure shall include a procedure for converting all contracts to
20 a system of payment which will be structured in a manner that will
21 allow for the receipt of all available federal funds. Provided, the
22 Office of Juvenile Affairs shall make no requirement that would
23 require a juvenile to be inappropriately diagnosed for the purpose
24 of receiving federal reimbursement for services.

1 G. The Office of Juvenile Affairs and the Department of Human
2 Services shall enter into a cooperative agreement that establishes
3 procedures to ensure the continuation of services provided for in
4 paragraph 2 of subsection A of this section by Youth Services
5 Agencies. The Office of Juvenile Affairs shall consult with the
6 Department of Human Services when assessing the capability of a
7 Youth Services Agency to deliver services pursuant to paragraph 2 of
8 subsection A of this section.

9 H. Funds for the support of Youth Services Agencies shall be
10 authorized by the Office of Juvenile Affairs only on the basis of
11 cost reimbursement performance contracts or fee-for-service
12 contracts. If a Youth Services Agency provides some services on a
13 fee-for-services basis and some services on a cost reimbursement
14 basis, no cost which has been included as part of the rate for
15 services provided on a fee-for-service basis shall be reimbursable
16 under the cost reimbursement portion of the contract. Fees charged
17 for annual peer reviews shall be reimbursable.

18 I. The ~~Board~~ Executive Director may establish a fixed and
19 uniform rate for any community-based prevention service, including
20 services to individuals, groups, and community relations directed
21 toward the larger community, so long as the segment of the larger
22 community or target audience of persons to benefit is identified and
23 the specific prevention activities to be performed are described in
24 the rate.

1 J. Contracts for the support of, or for services by, Youth
2 Services Agencies shall be negotiated in the following manner:

3 1. The local board of the Youth Services Agency, based upon its
4 knowledge and assessment of the needs of the community, shall
5 prepare and present to the Office of Juvenile Affairs a proposal to
6 provide community-based services to juveniles and families in the
7 youth services service area in which it is located. The proposal
8 shall be specific in terms of its program objectives and goals and
9 the services the Youth Services Agency proposes to render;

10 2. Upon receipt of the proposal of the Youth Services Agency,
11 the Office of Juvenile Affairs shall determine if the proposal meets
12 the criteria adopted by the ~~Board of Juvenile Affairs~~ Executive
13 Director in the State Plan for Youth Services Agencies and, within
14 the resources available, meets the need for community-based services
15 in the youth services service area. If no State Plan for Youth
16 Services exists, the proposal shall be deemed to meet the need for
17 community-based services in the youth services area;

18 3. Contracts shall require performance of a specific service or
19 services to be performed. Where the services cannot be broken down
20 into units, specifically measurable and reviewable services shall be
21 stated. Contracts may contain requirements of performance based
22 upon measurable quality outcome indicators. Documentation required
23 for monitoring and evaluation of the contract shall be consistent
24 with the terms of the contract, shall be in accordance with

1 generally accepted governmental accounting practices, and so far as
2 possible, sufficient for the Office of Juvenile Affairs to monitor
3 the performance of the contract without being overly burdensome to
4 the Youth Services Agency. The documentation to be required is the
5 proper subject of negotiation as part of the contracts, and the
6 parties may rely on the Office of Management and Enterprise Services
7 for assistance if they are unable to reach agreement;

8 4. The Office of Juvenile Affairs and the Youth Services Agency
9 shall negotiate the final terms and enter into the contract. Youth
10 Services Agencies may authorize the Oklahoma Association of Youth
11 Services or another Oklahoma nonprofit corporation, whose membership
12 consists solely of Youth Services Agencies and of whom at least a
13 majority of Youth Services Agencies are members, to negotiate on
14 their behalf; and

15 5. The Office of Juvenile Affairs and a Youth Services Agency
16 may agree to extend their fiscal year 2006 contracts for a period
17 not to exceed one (1) year in order to implement the provisions of
18 this subsection. The amount of money in the contracts may be
19 amended to reflect any change in the money appropriated for fiscal
20 year 2007 for community-based service agencies.

21 K. Contracts with Youth Services Agencies for community-based
22 services shall be for a period of twelve (12) months, beginning at
23 the first of each fiscal year, and renewable on an annual basis.
24 Contracts shall be considered during the third and fourth quarter of

1 the fiscal year for contracting the following year. Consideration
2 for renewal shall include a review of the performance of the current
3 contract including the annual peer review. If the Office of
4 Juvenile Affairs determines the contractual relationship shall be
5 renewed, it shall be in a new contract for the upcoming fiscal year
6 and may or may not contain the same terms, conditions, form and
7 format as the previous contract. Any change from the contract of
8 the previous year that is proposed by the Youth Services Agency or
9 the Office of Juvenile Affairs shall be the subject of negotiation
10 at the request of either party.

11 L. The Oklahoma Association of Youth Services, or another
12 Oklahoma nonprofit corporation whose membership consists solely of
13 Youth Services Agencies and of whom at least a majority of Youth
14 Services Agencies are members may provide technical assistance to
15 the Youth Services Agencies in the preparation and presentation of
16 their proposals or negotiations as requested by a Youth Services
17 Agency.

18 M. The Office of Juvenile Affairs is authorized to contract
19 with the Oklahoma Association of Youth Services or another Oklahoma
20 nonprofit corporation whose membership consists solely of Youth
21 Services Agencies and of whom at least a majority of Youth Services
22 Agencies are members for evaluation, training and program materials
23 and for statewide office support, including rental of office space
24

1 and general technical assistance for Youth Services Agencies with
2 which the Office of Juvenile Affairs has contracts.

3 SECTION 11. AMENDATORY 10A O.S. 2011, Section 2-7-311,
4 is amended to read as follows:

5 Section 2-7-311. A. The Office of Juvenile Affairs shall from
6 time to time, but not less often than annually, review its programs
7 and services and submit a report to the Governor, the Speaker of the
8 House of Representatives, the President Pro Tempore of the Senate,
9 the Supreme Court of the State of Oklahoma, ~~the Board of Juvenile~~
10 ~~Affairs,~~ and the Oklahoma Commission on Children and Youth analyzing
11 and evaluating the effectiveness of its programs and services. The
12 report shall include, but not be limited to:

13 1. An analysis and evaluation of programs and services
14 continued, established and discontinued during the period covered by
15 the report;

16 2. A description of programs and services which should be
17 implemented;

18 3. Relevant information concerning the number of children
19 comprising the population of any facility operated by the Office of
20 Juvenile Affairs during the period covered by the report;

21 4. An analysis and evaluation, by age, of the number of
22 children assessed for literacy skills, the number who failed to
23 demonstrate age-appropriate reading skills, and the number who were
24

1 required to participate in a literacy skills improvement program;
2 and

3 5. Such other information as will enable a user of the report
4 to ascertain the effectiveness of the programs, services and
5 facilities.

6 B. The Office of Juvenile Affairs shall annually analyze and
7 evaluate the implementation of the Youthful Offender Act, the
8 effectiveness of the Youthful Offender Act and any problems which
9 have occurred which have limited the effectiveness of the Youthful
10 Offender Act. The annual analysis and evaluation shall be
11 incorporated in the report required by subsection A of this section.

12 SECTION 12. AMENDATORY 10A O.S. 2011, Section 2-7-602,
13 as amended by Section 2, Chapter 307, O.S.L. 2016 (10A O.S. Supp.
14 2018, Section 2-7-602), is amended to read as follows:

15 Section 2-7-602. A. The Office of Juvenile Affairs shall
16 establish and maintain such methods of administration, including
17 those necessary to establish and maintain a merit system of
18 personnel administration, and shall promulgate such rules as it
19 deems necessary for the efficient and effective operation of the
20 juvenile institutions and facilities operated by the Office.

21 B. The Executive Director of the Office of Juvenile Affairs
22 shall employ and fix the duties and compensation of a
23 superintendent, and such other personnel as the Executive Director
24 deems necessary, for each of the juvenile institutions and

1 facilities operated by the Office of Juvenile Affairs. The Office
2 shall promulgate, and in its hiring and employment practices, the
3 Office shall adhere to, written minimum qualifications by position
4 for personnel working with or around juveniles in ~~said~~ the
5 institutions and facilities. Such minimum qualifications shall be
6 designed to assure that such personnel possess sufficient education,
7 training, experience and background to provide adequate and safe
8 professional care and services to ~~said~~ the juveniles; and that the
9 juveniles will not be exposed to abuse, deprivation, criminal
10 conduct, or other unwholesome conditions attributable to employee
11 incompetence or misconduct.

12 C. 1. The Office of Juvenile Affairs may directly request
13 national criminal history records searches as defined by Section
14 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State
15 Bureau of Investigation for the purpose of investigating the
16 criminal history of any employee or applicant of the Office of
17 Juvenile Affairs. The Oklahoma State Bureau of Investigation may
18 charge a search fee as provided in Section 150.9 of Title 74 of the
19 Oklahoma Statutes. The fee shall be deposited in the OSBI Revolving
20 Fund.

21 2. ~~The Board of Juvenile Affairs~~ Executive Director shall
22 promulgate rules for the Office of Juvenile Affairs to obtain
23 national criminal history records for personnel described in
24 subsection B of this section, except that such rules may permit

1 employment of applicants pending receipt of the results of national
2 criminal history record searches.

3 D. The superintendent of a juvenile institution or facility
4 shall be the guardian of the person of each juvenile in the
5 institution or facility for the limited purpose of providing care
6 and protection for any life-threatening situation that may arise.

7 SECTION 13. AMENDATORY 10A O.S. 2011, Section 2-7-603,
8 is amended to read as follows:

9 Section 2-7-603. A. The ~~Board~~ Executive Director of the Office
10 of Juvenile Affairs shall promulgate written rules, outline policies
11 and procedures governing the operation of those facilities operated
12 by or through contract with the Office of Juvenile Affairs wherein
13 juveniles may be housed. ~~Said~~ The policies and procedures shall
14 include, but not be limited to, standards of cleanliness,
15 temperature and lighting, availability of medical and dental care,
16 provision of food, furnishings, clothing and toilet articles,
17 supervision, appropriate and permissible use of restriction and
18 confinement, procedures for enforcing rules of conduct consistent
19 with due process of law and visitation privileges.

20 B. The policies prescribed shall, at a minimum, ensure that:

21 1. A child shall not be punished by physical force, deprivation
22 of nutritious meals, deprivation of family visits or solitary
23 confinement;

24

1 2. A child shall have the opportunity to participate in
2 physical exercise each day;

3 3. A child shall be allowed daily access to showers and the
4 child's own clothing or individualized clothing which is clean.
5 When a child is participating in an outdoor adventure program that
6 takes the child away from the permanent facility, the child shall be
7 provided with the opportunity to wash with soap and water daily;

8 4. A child shall have constant access to writing materials and
9 may send mail without limitation, censorship or prior reading, and
10 may receive mail without prior reading, except that mail may be
11 opened in the presence of the child, without being read, to inspect
12 for contraband, as defined by Section 21 of Title 57 of the Oklahoma
13 Statutes or as otherwise defined by rules promulgated by the ~~Board~~
14 Executive Director of the Office of Juvenile Affairs, or to inspect
15 for material harmful to minors, as defined by Section 1040.75 of
16 Title 21 of the Oklahoma Statutes. Provided that, when based on
17 legitimate facility interests of order and security as determined by
18 the facility superintendent, mail addressed to a child or sent by a
19 child may be read, censored, or rejected, except that mail addressed
20 to a child from the attorney of the child or sent by the child to
21 the attorney of ~~said~~ the child shall not be opened, censored, or
22 withheld in any way. The child shall be notified when incoming or
23 outgoing mail is withheld in part or in full;

24

1 5. A child shall have reasonable opportunity to communicate and
2 to visit with the child's family on a regular basis and to
3 communicate with persons in the community;

4 6. A child shall have immediate access to medical care as
5 needed and shall receive necessary behavioral health services;

6 7. A child in the custody or care of the Office of Juvenile
7 Affairs shall be provided access to education including teaching,
8 educational materials and books, provided, that such policies shall
9 provide emphasis upon basic literacy skills, including but not
10 limited to curricula requirements stressing reading, writing,
11 mathematics, science, vocational-technical education, and other
12 courses of instruction designed to assure that such children will be
13 capable of being assimilated into society as productive adults
14 capable of self-support and full participation;

15 8. A child shall have reasonable access to an attorney upon
16 request;

17 9. A child shall be afforded a grievance procedure, including
18 an appeal procedure;

19 10. The behavioral health needs and mental well-being of a
20 child will be met, protected and served through provision of
21 guidance, counseling and treatment programs, staffed by competent,
22 professionally qualified persons, serving under the supervision of
23 licensed psychologists, psychiatrists or licensed clinical social
24

1 workers as defined by the regulations of the State Board of Licensed
2 Social Workers; and

3 11. Upon leaving the custody of the Office of Juvenile Affairs,
4 a child shall be afforded a copy of the literacy progress section of
5 the individualized service plan developed for the child for
6 continued use at the next school placement of the child.

7 C. Any contract or agreement between the Office of Juvenile
8 Affairs and the Department of Mental Health and Substance Abuse
9 Services for the care and treatment of children in the custody of
10 the Office of Juvenile Affairs shall provide that the Department of
11 Mental Health and Substance Abuse Services shall comply with the
12 provisions of subsections A and B of this section and the provisions
13 of Section 2-7-604 of this title.

14 SECTION 14. AMENDATORY 10A O.S. 2011, Section 2-7-606,
15 as amended by Section 44, Chapter 304, O.S.L. 2012 (10A O.S. Supp.
16 2018, Section 2-7-606), is amended to read as follows:

17 Section 2-7-606. A. The Office of Juvenile Affairs shall have
18 the supervision, management, operation and control of the
19 institution for children located at Tecumseh, formerly known and
20 designated as Girls' Town and now known as Central Oklahoma Juvenile
21 Center, and all property, equipment and supplies related thereto.

22 B. The Central Oklahoma Juvenile Center shall maintain
23 facilities and bed-space capacity for programs that are consistent
24

1 with providing statewide juvenile justice and delinquency prevention
2 services.

3 C. It shall be the duty of the State Fire Marshal and the State
4 Commissioner of Health, to cause regular, periodic, not less than
5 quarterly, unannounced inspections of ~~said~~ the institution,
6 utilizing adequately trained and qualified inspection personnel, to
7 determine and evaluate conditions and programs being maintained and
8 carried on at ~~said~~ the institution in their respective areas of
9 agency jurisdiction. Such inspections shall include, but not be
10 limited to, the following: compliance with minimum fire, life and
11 health safety standards; compliance with minimum standards governing
12 general sanitation of the institution, with particular emphasis upon
13 food storage, preparation, serving and transportation, respectively.
14 Reports of such inspections will be made in writing, itemizing and
15 identifying any deficiencies and recommending corrective measures,
16 and shall be filed with the ~~Board of Juvenile Affairs,~~ the Executive
17 Director of the Office of Juvenile Affairs, the Attorney General,
18 the Speaker of the House of Representatives, the President Pro
19 Tempore of the Senate, the Office of Juvenile System Oversight and
20 the Oklahoma Commission on Children and Youth. The Office of
21 Juvenile Affairs shall file copies of the reports of the inspections
22 and recommendations of the accrediting agencies listed in subsection
23 D of this section with the Office of Juvenile System Oversight.

24

1 D. The Office of Juvenile Affairs is authorized and directed to
2 establish, subject to the limits of funds available therefor, a
3 diversity of placement alternatives for children committed to the
4 custody of the Office including, but not limited to, foster family
5 homes, foster family group homes, and group homes. All child care
6 services and facilities operated by the Office shall be accredited
7 by the American Correctional Association, the Joint Commission on
8 Accreditation of Hospitals or the Child Welfare League of America,
9 as appropriate for the service or facility. The Office may directly
10 contract for accreditation fees, training or training conferences
11 with the organization accrediting the service or facility as
12 required by this subsection.

13 SECTION 15. AMENDATORY 10A O.S. 2011, Section 2-7-608,
14 as amended by Section 3, Chapter 67, O.S.L. 2016 (10A O.S. Supp.
15 2018, Section 2-7-608), is amended to read as follows:

16 Section 2-7-608. A. Beginning July 1, 1995, the Office of
17 Juvenile Affairs shall oversee the expansion of the number of
18 preadjudicatory secure detention beds available in this state. It
19 is the intent of the Legislature to establish detention beds on a
20 geographic basis throughout the state in order to provide more
21 accessibility to services for all regions of the state. The beds
22 established by this subsection shall be established and operated in
23 accordance with Section 2-3-103 of this title.

24

1 B. Effective July 1, 1995, the responsibilities for
2 establishing and operating a regional juvenile facility in the
3 southwestern part of the state shall be transferred to the Office of
4 Juvenile Affairs. The facility shall include six transitional beds
5 and seventy medium secure beds for such programs as the Office of
6 Juvenile Affairs determines will most appropriately and effectively
7 provide required services; provided, no more than thirty-two beds
8 shall be used for any one type of program. It is the intent of the
9 Legislature that the Office of Juvenile Affairs locates an existing
10 facility that can be remodeled and used for this purpose.

11 C. Beginning July 1, 1998, detention beds constructed and
12 operated by a county solely through revenues from county sources
13 shall be exempt from the provisions of the State Plan for the
14 Establishment of Juvenile Detention Services adopted pursuant to
15 subsection D of Section 2-3-103 of this title.

16 D. The ~~Board~~ Executive Director of the Office of Juvenile
17 Affairs shall promulgate rules to implement the provisions of this
18 act.

19 SECTION 16. AMENDATORY 10A O.S. 2011, Section 2-7-611,
20 is amended to read as follows:

21 Section 2-7-611. A. For purposes of this section, "electronic
22 communication" means any transfer of signs, signals, writings,
23 images, sounds, data, or intelligence of any nature transmitted in
24 whole or part by a wire, radio, electromagnetic, photo-electronic,

1 or photo-optical system, and includes, but is not limited to, the
2 transfer of that communication through the Internet.

3 B. 1. The Office of Juvenile Affairs shall certify all secure
4 facilities, including secure facilities collocated with adult
5 facilities or juvenile detention facilities. Such collocated
6 facilities shall meet applicable criteria of the federal Juvenile
7 Justice Delinquency Prevention Act for collocation. To be
8 certified, a secure facility shall be required to meet standards for
9 certification promulgated by the ~~Board~~ Executive Director of the
10 Office of Juvenile Affairs.

11 2. Any person, including a resident of the facility, who
12 knowingly, willfully and without authority brings into or has in his
13 or her possession in any certified secure facility or certified
14 juvenile detention facility any gun, knife, bomb or other dangerous
15 instrument, any controlled dangerous substance as defined by Section
16 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating
17 beverage or low-point beer as defined by Sections 163.1 and 163.2 of
18 Title 37 of the Oklahoma Statutes, any cellular phone or electronic
19 device capable of sending or receiving any electronic communication,
20 money, or financial documents for a person other than the juvenile
21 or youthful offender or relative of the juvenile or youthful
22 offender, shall be guilty of a felony and is subject to imprisonment
23 in the custody of the Department of Corrections for not less than
24 one (1) year or more than five (5) years, or a fine of not less than

1 One Hundred Dollars (\$100.00) or more than One Thousand Dollars
2 (\$1,000.00), or both such fine and imprisonment.

3 C. Any person, including a resident of the facility, who
4 knowingly, willfully and without authority brings into or has in his
5 or her possession in any certified secure facility or certified
6 juvenile detention facility any cigarettes, cigars, snuff, chewing
7 tobacco, or any other form of tobacco product shall, upon
8 conviction, be guilty of a misdemeanor punishable by imprisonment in
9 the county jail not to exceed one (1) year, or by a fine not
10 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
11 imprisonment.

12 SECTION 17. AMENDATORY Section 1, Chapter 129, O.S.L.
13 2013 (10A O.S. Supp. 2018, Section 2-7-613), is amended to read as
14 follows:

15 Section 2-7-613. A. The Office of Juvenile Affairs shall
16 establish a program of foster care for children in the custody of
17 the Office of Juvenile Affairs, and in implementing the program of
18 foster care, shall:

19 1. Recruit foster families for children in the custody of the
20 Office of Juvenile Affairs;

21 2. Contract with foster parents and child-placing agencies to
22 provide foster care services to children within the custody of the
23 Office of Juvenile Affairs;

24

1 3. Exercise supervision over all foster placements with whom
2 the Office of Juvenile Affairs has a contract for foster care
3 services;

4 4. Establish rules and standards for providing foster care
5 services in addition to those required by the Oklahoma Child Care
6 Facilities Licensing Act;

7 5. Require initial and ongoing foster parent training and
8 education programs; and

9 6. Establish a grievance procedure in accordance with rules
10 promulgated by the ~~Board~~ Executive Director of the Office of
11 Juvenile Affairs, including a statement of foster parent rights, for
12 foster parents with whom the Office of Juvenile Affairs contracts.

13 B. The Office of Juvenile Affairs shall not be liable for any
14 costs or expenses expended voluntarily by a foster parent for a
15 foster child which are in excess of the funds authorized for
16 providing foster care services to the foster child.

17 SECTION 18. AMENDATORY Section 2, Chapter 129, O.S.L.
18 2013, as amended by Section 1, Chapter 67, O.S.L. 2014 (10A O.S.
19 Supp. 2018, Section 2-7-614), is amended to read as follows:

20 Section 2-7-614. A. Except as otherwise provided by this
21 section, no child in the custody of the Office of Juvenile Affairs
22 shall be placed with any foster placement unless the foster
23 placement meets licensing standards as required by rules promulgated
24 by the ~~Board~~ Executive Director of the Office of Juvenile Affairs

1 and the Oklahoma Child Care Facilities Licensing Act and is
2 otherwise approved for foster care by the Office of Juvenile Affairs
3 for children within its custody.

4 B. Except as otherwise provided by this section, no person
5 shall receive a child for foster care or provide foster care
6 services to a child unless such person meets licensing standards as
7 required by the Oklahoma Child Care Facilities Licensing Act and
8 rules promulgated by the ~~Board of Juvenile Affairs~~ Executive
9 Director, and is otherwise approved by the Office of Juvenile
10 Affairs for children within its custody.

11 SECTION 19. AMENDATORY Section 3, Chapter 129, O.S.L.
12 2013, as amended by Section 2, Chapter 67, O.S.L. 2014 (10A O.S.
13 Supp. 2018, Section 2-7-615), is amended to read as follows:

14 Section 2-7-615. A. The Office of Juvenile Affairs shall enter
15 into a written contract with the foster care placement provider.
16 The contract shall provide, at a minimum:

17 1. That the Office of Juvenile Affairs shall have access at all
18 times to the child and to the foster placement;

19 2. A listing of any specific requirements, specific duties or
20 restrictions in providing foster care services;

21 3. That any foster child shall have access to and be accessible
22 by any court-appointed special advocate for the foster child and the
23 foster child's attorney;

24

1 4. That any foster care placement provider shall comply with
2 performance standards required pursuant to the Oklahoma Child Care
3 Facilities Licensing Act and rules promulgated by the ~~Board~~
4 Executive Director of the Office of Juvenile Affairs;

5 5. Information regarding the amount of payment to be made for
6 foster care services, including but not limited to a description of
7 the process involved in receiving payment, including projected time
8 frames, information related to reimbursements for eligible costs and
9 expenses for which the foster parent may be reimbursed and any
10 information concerning the accessibility and availability of funds
11 for foster parents;

12 6. Except as provided in this section, the Office of Juvenile
13 Affairs may remove a child in its custody from a foster placement
14 whenever the agency determines that removal is in the best interests
15 of the child or consistent with the state's interest in the
16 protection of the public; and

17 7. Such other information required by the Office of Juvenile
18 Affairs.

19 B. The Office of Juvenile Affairs shall provide the following
20 information to the foster parent at the time of placement, along
21 with a copy of the written contract required pursuant to subsection
22 A of this section:

23 1. The names and telephone numbers of the child's caseworkers;
24

1 2. A copy of applicable policy and procedures of the Office of
2 Juvenile Affairs as pertaining to placement operations as
3 established by the Office of Juvenile Affairs;

4 3. The name and telephone number of any foster parent
5 association in the county of residence of the foster parent; and

6 4. A copy of the statement of foster parent rights.

7 SECTION 20. AMENDATORY Section 1, Chapter 201, O.S.L.
8 2014, as amended by Section 1, Chapter 232, O.S.L. 2016 (10A O.S.
9 Supp. 2018, Section 2-7-616), is amended to read as follows:

10 Section 2-7-616. A. For the purposes of establishing and
11 operating a charter school, pursuant to the provisions of Section 3-
12 130 et seq. of Title 70 of the Oklahoma Statutes, the ~~Board~~
13 Executive Director of the Office of Juvenile Affairs may serve as
14 the governing body of the charter school and may take any action
15 necessary to serve in such capacity and in accordance with rules of
16 the State Board of Education. The ~~Board of Juvenile Affairs~~
17 Executive Director may promulgate rules as necessary for the
18 establishment and operation of such charter school and shall
19 establish policies and provide oversight for any such charter
20 school.

21 B. The Executive Director ~~of the Office of Juvenile Affairs~~
22 shall provide for the administration and operation of any charter
23 school established and operated by the Office of Juvenile Affairs.
24

1 C. The Executive Director ~~of the Office of Juvenile Affairs~~ may
2 employ instructional and administrative personnel necessary for the
3 operation of a charter school and may contract with such personnel
4 for the terms and conditions of their employment or for the services
5 provided. Instructional and administrative personnel employed by
6 the Office of Juvenile Affairs shall be in the unclassified service.
7 Such personnel shall be eligible for membership or participation in
8 the Teachers' Retirement System of Oklahoma.

9 D. To implement the provisions of this section, the Office of
10 Management and Enterprise Services shall have the authority to
11 exempt the Office of Juvenile Affairs from specific statutes that
12 are in conflict with requirements of operating a charter school.
13 The Office of Management and Enterprise Services shall take any
14 action necessary to assist the Office of Juvenile Affairs in
15 operating a charter school, including but not limited to:

- 16 1. Establishing a special agency account; and
- 17 2. Authorizing a surety bond as required by Section 5-116a of
18 Title 70 of the Oklahoma Statutes.

19 SECTION 21. AMENDATORY Section 3, Chapter 307, O.S.L.
20 2016 (10A O.S. Supp. 2018, Section 2-7-617), is amended to read as
21 follows:

22 Section 2-7-617. A. Prior to the issuing by the Office of
23 Juvenile Affairs a certification to any person or entity for a
24 secure detention center, municipal juvenile facility, community

1 intervention center or secure facility, such persons or entities
2 shall have a national criminal history records search conducted
3 pursuant to paragraph 12 of subsection A of Section 404.1 of Title
4 10 of the Oklahoma Statutes. Such persons or entities shall include
5 any:

- 6 1. Operators and responsible entities;
- 7 2. Individual employee or applicant; or
- 8 3. Employee or individual allowed unsupervised access to
9 children, including contract employees and volunteers.

10 B. The Oklahoma State Bureau of Investigation may charge a
11 search fee as provided in Section 150.9 of Title 74 of the Oklahoma
12 Statutes. The fee shall be deposited in the OSBI Revolving Fund.
13 The fee shall be paid for by the persons or entities identified in
14 subsection A of this section.

15 C. The Office of Juvenile Affairs and the Oklahoma State Bureau
16 of Investigation are authorized to enter into an agreement pursuant
17 to the Interlocal Cooperation Act, Section 1001 et seq. of Title 74
18 of the Oklahoma Statutes, to implement the provisions of this
19 section, including the transfer of funds to offset the cost
20 associated with national criminal history records searches.

21 D. The ~~Board~~ Executive Director of the Office of Juvenile
22 Affairs may promulgate rules to implement the provisions of this
23 act.

24

1 SECTION 22. AMENDATORY 10A O.S. 2011, Section 2-7-705,
2 is amended to read as follows:

3 Section 2-7-705. A. The Office of Juvenile Affairs shall have
4 the responsibility for implementation and evaluation of the
5 Delinquency and Youth Gang Intervention and Prevention Act and any
6 modifications thereto.

7 B. Any contract executed by the Office of Juvenile Affairs with
8 an eligible entity on and after ~~the effective date of this act~~ June
9 4, 2004, for delinquency prevention and early intervention programs,
10 subject to the Delinquency and Youth Gang Intervention and
11 Prevention Act, shall require the eligible entity to prepare and
12 submit to the Office, in a manner prescribed by the Office, an
13 outcome-based performance report including, but not limited to, the
14 following:

15 1. A description of the target population, service eligibility
16 criteria, and risk factors;

17 2. A description of program services, the number of clients
18 referred each year, the number of clients served each year, and the
19 number of clients discharged each year;

20 3. The average cost per client participating in program
21 services each year; and

22 4. Performance measures referencing service completion and
23 recidivism which employ uniform definitions developed by the Office.
24

1 C. The Office of Juvenile Affairs shall submit to the Speaker
2 of the House of Representatives, the President Pro Tempore of the
3 Senate, and the Governor by January 15 of each year, an annual
4 report, including a summary detailing the following information
5 derived from the outcome-based performance reports submitted by the
6 eligible entities pursuant to the provisions of subsection A of this
7 section and other information available to the Office:

8 1. Total amount of funds per state fiscal year expended for the
9 delinquency prevention programs subject to the Delinquency and Youth
10 Gang Intervention and Prevention Act;

11 2. Average expenditures per juvenile during the most recent
12 state fiscal year;

13 3. Analyses of the nature and effectiveness of gang-related
14 delinquency prevention and early intervention programs provided by
15 eligible entities pursuant to contracts;

16 4. Effectiveness of each of the programs provided by the
17 eligible entities;

18 5. Recommendations regarding distribution of the funds based
19 upon the effectiveness of the programs provided by the eligible
20 entities; and

21 6. Any other information or recommendations deemed necessary by
22 the ~~Board~~ Executive Director of the Office of Juvenile Affairs.

23 SECTION 23. AMENDATORY 10A O.S. 2011, Section 2-7-801,
24 is amended to read as follows:

1 Section 2-7-801. A. There is hereby created a program of
2 juvenile crime victim restitution to be administered by the Office
3 of Juvenile Affairs. The program shall be known as the "Juvenile
4 Offender Victim Restitution Work Program".

5 B. The ~~Board~~ Executive Director of the Office of Juvenile
6 Affairs shall promulgate rules necessary for the implementation of
7 the provisions of this section. ~~Until the rules are promulgated by~~
8 ~~the Board, the rules promulgated by the Commission for Human~~
9 ~~Services shall remain in effect.~~

10 C. The programs developed under the provisions of this section
11 shall provide restitution to a victim by requiring the juvenile to
12 work or provide a service for the victim, or to make monetary
13 restitution to the victim from money earned from such a program.
14 Restitution shall be made through the employment of the juvenile in
15 work programs. The supervised work or service program shall not
16 deprive the juvenile of schooling which is appropriate to the age,
17 need, and specific rehabilitative goals of the juvenile. The
18 program shall not prohibit the juvenile from fulfilling restitution
19 obligations through jobs the juvenile has found, by performing
20 volunteer services for the community, or by doing work for the
21 victim.

22 D. Agreements for participation in the programs under this
23 section may include restitution not in excess of actual damages
24 caused by the juvenile which shall be paid from the net earnings of

1 the juvenile received through participation in a constructive
2 program of service or education acceptable to the juvenile, the
3 victim, the Office of Juvenile Affairs, the district attorney and/or
4 the district court. During the course of such service, the juvenile
5 shall be paid no less than the federal minimum wage. In considering
6 a restitution agreement, the Office of Juvenile Affairs, the
7 district attorney and/or the district court shall take into account
8 the age, physical and mental capacity of the juvenile. The service
9 shall be designed to relate to the juvenile a sense of
10 responsibility for the injuries caused to the person or property of
11 another. If a petition has not been filed, the district attorney
12 shall approve the nature of the work, the number of hours to be
13 spent performing the assigned tasks and shall further specify that
14 as part of a plan of treatment and rehabilitation, that seventy-five
15 percent (75%) or more of the net earnings of the juvenile shall be
16 used for restitution in order to provide positive reinforcement for
17 the work performed. If a petition has been filed, the district
18 court may approve the nature of the work, the number of hours to be
19 spent performing the assigned tasks and may further specify that as
20 part of a plan of treatment and rehabilitation, that seventy-five
21 percent (75%) or more of the net earnings of the juvenile shall be
22 used for restitution.

23 E. The Office of Juvenile Affairs may enter into contracts with
24 private service providers for implementation of the program required

1 by this section. The Office may require, as a condition of the
2 contract, that the service provider pay restitution directly to the
3 victim or victims and pay any amounts due to the juvenile directly
4 to the juvenile. The records of any service provider that contracts
5 with the Office pursuant to this section shall be subject to
6 inspection by any employee of the Office of Juvenile Affairs
7 designated by the Executive Director of the Office of Juvenile
8 Affairs. The Office of Juvenile Affairs may subsidize the
9 employment of a juvenile for the purposes of participation in a work
10 program as provided by this section.

11 F. Any person, entity or political subdivision who is an
12 employer of juveniles or recipient of services from a juvenile,
13 pursuant to an agreement with the Juvenile Offender Victim
14 Restitution Work Program shall not be liable for ordinary negligence
15 for:

16 1. Damage to the property of the juvenile or injury to the
17 juvenile except as to the liability established by the Workers'
18 Compensation Act if the juvenile is covered thereunder; or

19 2. Damage to any property or injury to any person which results
20 from the services of the juvenile pursuant to this section.

21 SECTION 24. AMENDATORY 10A O.S. 2011, Section 2-7-802,
22 is amended to read as follows:

23 Section 2-7-802. A. This act shall be known and may be cited
24 as the "Juvenile Justice Public Works Act".

1 B. As used in the Juvenile Justice Public Works Act:

2 1. "Director" means the Director of the Office of Juvenile
3 Affairs;

4 2. "Public works project" means a project that has been
5 determined by the Director of the Office of Juvenile Affairs to be
6 necessary for the public well-being and conducive to rehabilitation
7 and the reduction of recidivism among participating juveniles or
8 youthful offenders; and

9 3. "Juvenile or youthful offender" means any person who is
10 under the custody and control of the Office of Juvenile Affairs.

11 C. The Office of Juvenile Affairs shall establish and maintain
12 the Juvenile Justice Public Works Program. The purpose of the
13 Juvenile Justice Public Works Program shall be to:

14 1. Provide labor for community service projects in order to
15 develop lands pursuant to public works projects;

16 2. Provide improvements and beautification to public lands and
17 buildings; and

18 3. Reduce recidivism for juvenile or youthful offenders by
19 aiding such individuals in transitioning between institutions and
20 the community.

21 D. No juvenile or youthful offender shall be assigned to any
22 public works project if the offender:

23 1. Is deemed by the Director to be a threat to public safety;
24 or

1 2. Has escaped or attempted to escape from an institution or
2 other placement within the last year.

3 E. The ~~Board~~ Executive Director of the Office of Juvenile
4 Affairs shall promulgate rules as necessary to implement the
5 provisions of the Juvenile Justice Public Works Act. At a minimum,
6 the rules shall provide guidelines that establish criteria for
7 selection and assignment to the Juvenile Justice Public Works
8 Program and the duties to be performed by the participants in the
9 program.

10 F. The Juvenile Justice Public Works Act shall not be construed
11 to restore, in whole or in part, the civil rights of any juvenile or
12 youthful offender. No juvenile or youthful offender participating
13 in the Juvenile Justice Public Works Program shall be considered an
14 employee of the state or the Office of Juvenile Affairs, nor shall
15 any such participant be subject to the provisions of the labor laws
16 of this state. Any eligible juvenile or youthful offender assigned
17 to the Juvenile Justice Public Works Program shall be exempt from
18 the provisions of the Workers' Compensation Act.

19 G. 1. All state and local government agencies, nonprofit
20 organizations, community service agencies, educational programs and
21 other treatment programs are immune from liability for torts
22 committed by or against any eligible juvenile or youthful offender
23 assigned to the Juvenile Justice Public Works Program, except that
24 the Office of Juvenile Affairs shall provide basic or necessary

1 medical and dental care to the juvenile or youthful offenders placed
2 in the program in such instances.

3 2. Without waiving the immunity of the state, the Executive
4 Director of the Office of Juvenile Affairs may authorize the repair
5 or replacement of the personal property of a third party if the
6 personal property is damaged or destroyed by a juvenile or youthful
7 offender who is in the custody of the Office of Juvenile Affairs and
8 while participating in the Juvenile Justice Public Works Program.
9 Any personal property repaired or replaced shall be comparable in
10 kind, quality and cost to the original property. Reimbursement
11 shall not duplicate insurance coverage carried by the third party.

12 SECTION 25. REPEALER 10A O.S. 2011, Section 2-7-101, is
13 hereby repealed.

14 SECTION 26. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON RULES
19 February 27, 2019 - DO PASS AS AMENDED
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