

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1208

By: David

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Juvenile Code;
8 amending 10A O.S. 2011, Section 2-1-103, as last
9 amended by Section 3, Chapter 362, O.S.L. 2014 (10A
10 O.S. Supp. 2015, Section 2-1-103), which relates to
11 definitions; clarifying language; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-1-103, as
15 last amended by Section 3, Chapter 362, O.S.L. 2014 (10A O.S. Supp.
16 2015, Section 2-1-103), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

3 a. has repeatedly disobeyed reasonable and lawful
4 commands or directives of the parent, legal guardian,
5 or other custodian,

6 b. is willfully and voluntarily absent from his or her
7 home without the consent of the parent, legal
8 guardian, or other custodian for a substantial length
9 of time or without intent to return,

10 c. is willfully and voluntarily absent from school, as
11 specified in Section 10-106 of Title 70 of the
12 Oklahoma Statutes, if the juvenile is subject to
13 compulsory school attendance, or

14 d. has been served with an ex parte or final protective
15 order pursuant to the Protection from Domestic Abuse
16 Act;

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

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

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

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

- 12 a. screening, evaluation and assessment which includes a
13 face-to-face screening and evaluation to establish
14 problem identification and to determine the risk level
15 of a child or adolescent and may result in clinical
16 diagnosis or diagnostic impression,
- 17 b. treatment planning which includes preparation of an
18 individualized treatment plan which is usually done as
19 part of the screening, evaluation and assessment,
- 20 c. treatment plan reviewing which includes a
21 comprehensive review and evaluation of the
22 effectiveness of the treatment plan,
- 23 d. individual counseling which includes face-to-face,
24 one-on-one interaction between a counselor and a

- 1 juvenile to promote emotional or psychological change
2 to alleviate the issues, problems, and difficulties
3 that led to a referral, including ongoing assessment
4 of the status and response of the juvenile to
5 treatment as well as psychoeducational intervention,
- 6 e. group counseling which includes a method of treating a
7 group of individuals using the interaction between a
8 counselor and two or more juveniles or parents or
9 guardians to promote positive emotional or behavioral
10 change, not including social skills development or
11 daily living skills,
- 12 f. family counseling which includes a face-to-face
13 interaction between a counselor and the family of the
14 juvenile to facilitate emotional, psychological or
15 behavior changes and promote successful communication
16 and understanding,
- 17 g. crisis intervention counseling which includes
18 unanticipated, unscheduled face-to-face emergency
19 intervention provided by a licensed level or qualified
20 staff with immediate access to a licensed provider to
21 resolve immediate, overwhelming problems that severely
22 impair the ability of the juvenile to function or
23 maintain in the community,
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- 1 h. crisis intervention telephone support which includes
2 supportive telephone assistance provided by a licensed
3 level provider or qualified staff with immediate
4 access to a licensed provider to resolve immediate,
5 overwhelming problems that severely impair the ability
6 of the juvenile to function or maintain in the
7 community,
- 8 i. case management which includes planned linkage,
9 advocacy and referral assistance provided in
10 partnership with a client to support that client in
11 self-sufficiency and community tenure,
- 12 j. case management and home-based services which includes
13 that part of case management services dedicated to
14 travel for the purpose of linkage, advocacy and
15 referral assistance and travel to provide counseling
16 and support services to families of children as needed
17 to support specific youth and families in self-
18 sufficiency and community tenure,
- 19 k. individual rehabilitative treatment which includes
20 face-to-face service provided one-on-one by qualified
21 staff to maintain or develop skills necessary to
22 perform activities of daily living and successful
23 integration into community life, including educational
24 and supportive services regarding independent living,

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

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

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

- 1 enhancement groups, anger management groups, life
2 skills groups, substance abuse education groups,
3 smoking cessation groups, ~~STD~~ sexually transmitted
4 infections (STIs)/HIV groups and parenting groups,
- 5 n. individual paraprofessional services which include
6 services delineated in the treatment plan of the
7 juvenile which are necessary for full integration of
8 the juvenile into the home and community, but do not
9 require a professional level of education and
10 experience. Activities include assisting families
11 with Medicaid applications, assisting with school and
12 General Educational Development (GED) enrollment,
13 assisting youth with independent living arrangements,
14 providing assistance with educational problems and
15 deficiencies, acting as a role model for youth while
16 engaging them in community activities, assisting youth
17 in seeking and obtaining employment, providing
18 transportation for required appointments and
19 activities, participating in recreational activities
20 and accessing other required community support
21 services necessary for full community integration and
22 successful treatment,
- 23 o. tutoring which includes a tutor and student working
24 together as a learning team to bring about overall

1 academic success, improved self-esteem and increased
2 independence as a learner for the student,

3 p. community relations which include public or community
4 relations activities directed toward the community or
5 public at large or any segment of the public to
6 encourage understanding, accessibility and use of
7 community-based facilities, programs or services,

8 q. emergency shelters and shelter host homes which
9 include emergency living accommodations twenty-four
10 (24) hours a day for a short term, usually ninety (90)
11 days or less, for children and youth in a crisis
12 situation such as abandonment, abuse, neglect,
13 runaway, respite, or law enforcement or court
14 involvement. The shelter or shelter host homes may
15 provide care, education, mental health assessment and
16 treatment, counseling, recreational activities,
17 medical care and referrals needed by children and
18 youth to minimize trauma and aid the transition to a
19 permanent placement,

20 r. transitional living programs which include a
21 structured program to help older homeless youth
22 achieve self-sufficiency and avoid long-term
23 dependence on social services,
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- 1 s. community-at-risk services (~~C-A-R-S~~) which include a
2 program provided to juveniles in custody or under the
3 supervision of the Office of Juvenile Affairs or a
4 juvenile bureau to prevent out-of-home placement and
5 to reintegrate juveniles returning from placements.
6 The program shall include, but not be limited to,
7 treatment plan development, counseling, diagnostic and
8 evaluation services, mentoring, tutoring, and
9 supervision of youth in independent living,
- 10 t. first offender programs which include alternative
11 diversion programs, as defined by Section 2-2-404 of
12 this title, and
- 13 u. other community-based facilities, programs or services
14 designated by the Board as core community-based
15 facilities, programs or services;

16 12. "Day treatment" means a program which provides intensive
17 services to juveniles who reside in their own home, the home of a
18 relative, or a foster home. Day treatment programs include
19 educational services and may be operated as a part of a residential
20 facility;

21 13. "Delinquent child or juvenile" means a juvenile who:

- 22 a. has violated any federal or state law or municipal
23 ordinance except a traffic statute or traffic
24 ordinance or any provision of the Oklahoma Wildlife

1 Conservation Code, the Oklahoma Vessel and Motor
2 Regulation Act or the Oklahoma Boating Safety
3 Regulation Act, or has violated any lawful order of
4 the court made pursuant to the provisions of the
5 Oklahoma Juvenile Code, or

6 b. has habitually violated traffic laws, traffic
7 ordinances or boating safety laws or rules;

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

11 15. "Executive Director" means the Executive Director of the
12 Office of Juvenile Affairs;

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

19 17. "Graduated sanctions" means a calibrated system of
20 sanctions designed to ensure that juvenile offenders face uniform,
21 immediate, and consistent consequences that correspond to the
22 seriousness of each offender's current offense, prior delinquent
23 history, and compliance with prior interventions;

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

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

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

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

22 21. "Juvenile detention facility" means a facility which is
23 secured by locked rooms, buildings and fences, and meets the
24 certification standards of the Office and which is entirely separate

1 from any prison, jail, adult lockup, or other adult facility, for
2 the temporary care of children. A juvenile detention facility shall
3 not be considered a correctional facility subject to the provisions
4 of Title 57 of the Oklahoma Statutes;

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

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

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

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

1 child care facility as defined by Section 402 of Title 10 of the
2 Oklahoma Statutes;

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

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

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

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

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

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

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

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

22 33. "Youth Services Agency" means a nonprofit corporation with
23 a local board of directors, officers and staff that has been
24 designated by the Board as a Youth Services Agency, that is peer

1 reviewed annually, and that provides community-based facilities,
2 programs or services to juveniles and their families in the youth
3 services service area in which it is located.

4 SECTION 2. This act shall become effective November 1, 2016.

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