

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2446

By: Munson

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6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Section 2-7-202, as last amended by Section 1,
9 Chapter 222, O.S.L. 2018 (10A O.S. Supp. 2020,
10 Section 2-7-202), which relates to the Office of
11 Juvenile Affairs; directing the responsibility for
12 programs and services for youthful offenders to the
13 Office of Juvenile Affairs; directing responsibility
14 for established divisions to the Executive Director;
15 directing the Executive Director to appoint Division
16 Directors; and providing an effective date.

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

18 SECTION 1. 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 2020, 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 youthful offenders and juveniles alleged or adjudicated
24 to be delinquent or in need of supervision. ~~Within~~ The Executive
Director shall be responsible for established divisions and
appointing Division Directors within the Office of Juvenile Affairs
~~there is hereby created:~~

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

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

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

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

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

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

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

18 D. Effective July 1, 1995, within its jurisdictional areas of
19 responsibility, the Office of Juvenile Affairs, acting through the
20 Executive Director, or persons authorized by law, rule or designated
21 by the Executive Director to perform such acts, shall have the power
22 and duty to:
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- 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 of Juvenile Affairs;
- 18 7. Conduct studies, research and planning of programs and
19 functions, pursuant to the authority granted by the Oklahoma
20 Juvenile Code;
- 21 8. Enter into interagency agreements;
- 22 9. Provide administrative and support services to the Board of
23 Juvenile Affairs as necessary to assist the Board in the performance
24 of their duties;

1 10. Establish and maintain such facilities and institutions as
2 are necessary or convenient for the operation of programs for
3 children under the jurisdiction of the Office of Juvenile Affairs;

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

10 12. Purchase or lease any equipment, supplies or materials
11 pursuant to the Oklahoma Central Purchasing Act;

12 13. Contract for professional services;

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

18 15. Exercise all incidental powers which are necessary and
19 proper to implement and administer the purposes of the Oklahoma
20 Juvenile Code.

21 E. The Office of Juvenile Affairs shall maintain a fair, simple
22 and expeditious system for resolution of grievances of all persons
23 committed to the Office of Juvenile Affairs regarding the substance
24 or application of any written or unwritten policy, rule of the Board

1 of Juvenile Affairs or of an agent or contractor of the Office of
2 Juvenile Affairs or any decision, behavior or action by an employee,
3 agent or contractor or by any other person committed to the Office
4 of Juvenile Affairs.

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

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

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