

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 515

By: David

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5
6 AS INTRODUCED

7 An Act relating to the Office of Juvenile Affairs;
8 amending 10A O.S. 2011, Section 2-7-305, as amended
9 by Section 21, Chapter 404, O.S.L. 2013 (10A O.S.
10 Supp. 2014, Section 2-7-305), which relates to
11 community intervention centers; prohibiting certain
12 staffing requirements; providing promulgation of
13 rules; and providing an effective date.

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

15 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-305, as
16 amended by Section 21, Chapter 404, O.S.L. 2013 (10A O.S. Supp.
17 2014, Section 2-7-305), is amended to read as follows:

18 Section 2-7-305. A. The Office of Juvenile Affairs is
19 authorized to enter into contracts to establish or maintain
20 community-based youth service programs, shelters and community
21 intervention centers out of local, state and federal monies.

22 B. The Office of Juvenile Affairs shall take all necessary
23 steps to develop and implement a diversity of community services and
24 community-based residential care as needed to provide for adequate
and appropriate community-based care, treatment and rehabilitation

1 of children in the care, custody, and supervision of the Office of
2 Juvenile Affairs. Such community services and residential care
3 shall be consistent with the treatment needs of the child and the
4 protection of the public.

5 1. The Office of Juvenile Affairs shall, to the extent
6 reasonable and practicable, provide community-based services,
7 community residential care and community intervention centers to
8 children in the custody of the Office of Juvenile Affairs through
9 financial agreements, as authorized in Sections 2-7-303 and 2-7-304
10 of this title.

11 2. The Office of Juvenile Affairs shall establish procedures
12 for the letting of grants or contracts, and the conditions and
13 requirements for the receipt of such grants or contracts, for
14 community-based services, community residential care and community
15 intervention centers. A copy of such procedures shall be made
16 available to any member of the general public upon request.

17 C. Any state agency letting grants or contracts for the
18 establishment of community residential care or treatment facilities
19 for children shall require, as a condition for receipt of such
20 grants or contracts, documented assurance from the agency or
21 organization establishing such facility that appropriate
22 arrangements have been made for providing the educational services
23 to which residents of the facility are entitled pursuant to state
24 and federal law.

1 D. 1. The Office of Juvenile Affairs shall implement programs
2 for establishment and continued operation of community intervention
3 centers. The centers shall be established pursuant to interlocal
4 agreements between one or more municipalities or one or more
5 counties and the Office of Juvenile Affairs pursuant to rules
6 promulgated by the Office. The municipality or county may enter
7 into subcontracts with one or more service providers, subject to the
8 approval by the Office of Juvenile Affairs. The service provider,
9 whether a municipality, county or other entity, must have access to
10 the management information system provided for in Section 2-7-308 of
11 this title and must employ qualified staff, as determined by the
12 Office of Juvenile Affairs.

13 2. The community intervention center shall serve as a short-
14 term reception facility to receive and hold juveniles who have been
15 taken into custody by law enforcement agencies for the alleged
16 violation of a municipal ordinance or state law or who are alleged
17 to be in need of supervision and for whom detention is inappropriate
18 or unavailable. The community intervention center may be a secure
19 facility. Juveniles held in the community intervention facility
20 shall not be isolated from common areas other than for short-term
21 protective holding for combative or self-destructive behavior, as
22 defined by the Office of Juvenile Affairs. The Office shall not
23 require that a staff member of the same gender is present on the
24 premises of a center upon the arrival of a new juvenile into a

1 community intervention center. The Board shall promulgate rules to
2 implement the provisions of this subsection.

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

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

7 a. enter demographic information into the management
8 information system provided for in Section 2-7-308 of
9 this title,

10 b. immediately notify the parents or parent, guardian, or
11 other person legally responsible for the juvenile's
12 care, or if such legally responsible person is
13 unavailable the adult with whom the juvenile resides,
14 that the juvenile has been taken into custody and to
15 pick up the juvenile,

16 c. hold juveniles until they can be released to a parent,
17 guardian, or other responsible adult or until a
18 temporary placement can be secured, but in no event
19 for longer than twenty-four (24) hours, and

20 d. ensure that a written promise is executed by the
21 parent, guardian or other responsible adult to bring
22 the child to court at any time if a petition is to be
23 filed.

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

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

5 b. conduct an initial assessment pursuant to rules
6 promulgated by the Office of Juvenile Affairs. Such
7 initial assessment may be given without parental
8 consent if the juvenile agrees to participate in the
9 assessment, and

10 c. conduct an assessment pursuant to a Problem Behavior
11 Inventory or a Mental Status Checklist or an
12 equivalent assessment instrument authorized by rules
13 promulgated by the Office of Juvenile Affairs, if
14 written permission to do so is obtained from the
15 parent, guardian or other person legally responsible
16 for the care of the juvenile. Such person and the
17 juvenile may review the assessment instrument prior to
18 the assessment process, must be informed that
19 participation in the assessment is voluntary and that
20 refusal to participate shall not result in any
21 penalty, and must sign a written acknowledgment that
22 they were given an opportunity to review the
23 assessment instrument. The assessment shall be used
24 to develop recommendations to correct the behavior of

1 the juvenile, to divert the progression of the
2 juvenile into the juvenile justice system, to
3 determine if the juvenile is in need of nonemergency
4 medical treatment, and to determine if the juvenile is
5 the victim of violence. Information derived from the
6 assessment shall not be made available to prosecutors
7 or the court prior to adjudication of the alleged
8 offense, and shall not be used in any phase of
9 prosecution but may be used by the court following
10 adjudication for the dispositional order and may be
11 used for referrals to social services.

12 6. A juvenile alleged to have committed an offense which would
13 be a felony if committed by an adult may be fingerprinted at a
14 community intervention center. No other juveniles shall be
15 fingerprinted at community intervention centers.

16 7. Community intervention centers shall be certified pursuant
17 to standards established and rules promulgated by the Office of
18 Juvenile Affairs.

19 SECTION 2. This act shall become effective November 1, 2015.

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