



State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School

BOARD OF JUVENILE AFFAIRS

AND

BOARD OF OKLAHOMA YOUTH ACADEMY CHARTER SCHOOL

AGENDA

February 16, 2021

9:00 a.m.

Zoom Teleconference

<https://zoom.us/j/98473301569?pwd=dGRLWHpXWTBrMEswLOZLR3JVeVZzZz09>

Meeting ID: 984 7330 1569

Password: 749093

Dial in: +1 346 248 7799 US (Houston) or +1 312 626 6799 US (Chicago)

The regularly scheduled Board of Juvenile Affairs meeting is being held virtually in accordance with the Open Meeting Act, 25 O.S. § 307.1(C) (see [SB1031](#) (2/10/21)).

Board members appearing through videoconference are Sean Burrage, Dr. Sidney Ellington, Dr. Amy Emerson, Janet Foss, Dr. Stephen Grissom, Dr. Mautra Jones, Timothy Tardibono, Jenna Worthen, and Karen Youngblood.

If connection is lost at any time during this meeting, the meeting will be stopped and reconvened once connection is reestablished. Board members may reestablish connection through the teleconference number if at any time their video connection is lost.

If connection cannot be restored after thirty (30) minutes the meeting will be stopped and a special meeting will be scheduled.

Documents presented to the board today are available at the link labeled board packet under the Tuesday, February 16th meeting on the [OJA website](#) (<https://oklahoma.gov/oja/board-of-directors/board-meetings.html>).

For Virtual Public Comment – Please sign up with Audrey Rockwell ***no later than 8:30 a.m. on Tuesday, February 16, 2021*** at audrey.rockwell@oja.ok.gov. Please include your name. If you are speaking on behalf of an organization, please include that name, and the method you will be joining the meeting. Public comments will be limited to 3 minutes per person.

- I. Call to Order and Recording of Members Present and Absent – Ms. Karen Youngblood, Chair
- II. Public Comments – Ms. Karen Youngblood, Chair
- III. Presentation on the Oklahoma youth service agencies COVID-19 youth shelters – Dr. Peter A. Messiah, OAYS Chief Executive Officer, and Ms. Shanna Rice, Southwest Youth and Family Services Chief Executive Officer and OAYS Board President
- IV. Director's Report, a report to the board of agency activities regarding advocates/ programs, public relations, community-based services, residential placement support, pandemic response, legislative agenda, and other meetings – Ms. Rachel Holt, Executive Director

***Note:** The Board may discuss, vote to approve, vote to disapprove, vote to table, or decide not to discuss any item on the agenda.

****Note:** The Executive Director, pursuant to [10A O.S. § 2-7-101\(B\)\(3\)](#), is an ex officio member of the Board, but shall be entitled to vote only in case of a tie vote.

- V. Board Action Items
 - A. Approval of minutes for the January 19, 2021 board meeting
- VI. Discussion and/or possible vote to endorse the proposed 2021 OJA Legislative Agenda – Ms. Rachel Holt, Executive Director
- VII. Update on the Next Generation Campus Project – Facilities Subcommittee and Mr. Kevin Clagg, Chief Financial Office
 - A. Discussion and/or possible vote to approve change order NGF-071 to Flintco contract – Fencing and landscaping/ sidewalk between the two north parking lots \$19,798
 - B. Discussion and/or possible vote to approve change order NGF-072 to Flintco contract – Secure area around intake building emergency generator/ transformer \$6,040
- VIII. Reports and Possible Action Items
 - A. Discussion and/or possible vote to approve the year-to-date OJA Finance Report – Mr. Kevin Clagg, Chief Financial Officer
- IX. Oklahoma Youth Academy Charter School (OYACS) Reports and Possible Action Items
 - A. Discussion and/or possible vote to approve the 2020-2021 year-to-date Oklahoma Youth Academy Charter School Finance Report – Mr. Kevin Clagg, Chief Financial Officer
 - B. Discussion and/or possible vote to approve modifications to the FY2021 encumbrances for the Oklahoma Youth Academy Charter School – Mr. Kevin Clagg, Chief Financial Officer
- X. Executive Session – If determined to be necessary, executive session will continue on Zoom, in accordance with [25 O.S. § 307.1\(D\)](#) (see [SB1031](#) (2/10/21)). All participants, who are not legally allowed to participate in executive session will be moved to a Zoom waiting room by the moderator until executive session is complete.
 - A. Discussion and possible vote to enter executive session, as authorized by [25 O.S. § 307](#) – Mr. Benjamin C. Brown, General Counsel
 - B. Advocate General’s Report; as authorized by [25 O.S. § 307\(B\)\(7\)](#) – Ms. Donna Glandon, Advocate General
 - i. OCA confirmed allegations report; confidentiality of juvenile records, as authorized by [10A O.S. § 2-6-102\(A\)](#)
 - 1. 2118668
 - ii. Reportable Incident Investigations by OPI; confidentiality of juvenile records authorized by [10A O.S. § 2-6-102\(A\)](#)
 - 1. CO20-11-073
 - 2. CO20-12-044
 - C. Discussion of Potential and Pending Litigation; as authorized by [25 O.S. § 307\(B\)\(4\) and \(B\)\(7\)](#) — Mr. Benjamin C. Brown, General Counsel
 - i. Matter of S.W.; confidentiality of juvenile records authorized by [10A O.S. § 2-6-102\(A\)](#)

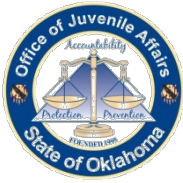
***Note:** The Board may discuss, vote to approve, vote to disapprove, vote to table, or decide not to discuss any item on the agenda.

****Note:** The Executive Director, pursuant to [10A O.S. § 2-7-101\(B\)\(3\)](#), is an ex officio member of the Board, but shall be entitled to vote only in case of a tie vote.

- XI. Discussion and possible vote to return to regular session
- XII. Discussion and/or possible vote on items arising from executive session
- XIII. Announcements/comments
- XIV. New business; as authorized by [25 O.S. § 311\(A\)\(9\)](#)
- XV. Adjournment

***Note:** The Board may discuss, vote to approve, vote to disapprove, vote to table, or decide not to discuss any item on the agenda.

****Note:** The Executive Director, pursuant to [10A O.S. § 2-7-101\(B\)\(3\)](#), is an ex officio member of the Board, but shall be entitled to vote only in case of a tie vote.



State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School

Meeting Minutes

January 19, 2021

Board Members Present via Videoconference

Amy Emerson

Janet Foss

Stephen Grissom, virtual

Mautra Jones

Timothy Tardibono

Jenna Worthen, virtual

Karen Youngblood

Absent

Sean Burrage

Sidney Ellington

Call to Order

Chair Youngblood called the January 19, 2021, the Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School Zoom meeting to order at 9:11 a.m. and requested roll be called.

Public Comments

No public comment.

Director's Report

Interim Executive Director Holt ran through her board report, see attached.

Election of the 2021 Board of Juvenile Affairs Chair

Ms. Worthen nominated Karen Youngblood with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Karen Youngblood elected 2021 Board of Juvenile Affairs Chair.

Chair Youngblood: Thank you, I am honored by my peers.

Election of the 2021 Board of Juvenile Affairs Vice Chair

Chair Youngblood: Mr. Burrage has been serving as vice chair, but new to his job responsibilities this may be difficult, we have not heard back from him. Dr. Jones are you willing to serve?

Dr. Jones: Yes.

Judge Foss nominated Mautra Jones with a second by Ms. Worthen

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Mautra Jones elected 2020 Board of Juvenile Affairs Vice Chair.

Discussion and/or possible vote to approve a Chairman for the Rates and Standards Committee

Chair Youngblood: Rachel, help me with this one. I know as chair, I am already on rates and standards.

Secretary Rockwell: The rule states, the chair of finance is automatically a member and the Board elects the Chair.

Chair Youngblood: Great. This is where they put me on it in the past.

Secretary Rockwell: Correct.

Chair Youngblood: Timothy, Judge Foss and I have had many discussions about the board committees.

Mr. Tardibono: I have been delinquent.

Chair Youngblood: No, you have not. We have had a lot to deal with Covid. We have discussed recreating the subcommittees. So we can address new areas we would like to focus on. Mr. Burrage is currently serving as finance chair and, therefore, serving on rates in standards, per the rule. Do we need to vote to amend subcommittees?

Rockwell: No, You can change those at will.

Chair Youngblood: Chairman of rates and standards serves on rates and standards.

Rockwell: The finance chair becomes an automatic member and the Board elects the chair.

Youngblood: Finance is one of the most important committees, the chair has always been the vice chair of the board. In the past, it has been the chair acting as the chair of rates and standards. However, we have such an amazing board, I don't think we necessarily need to continue that tradition. Any member of finance could be a member of Rates and Standards. Is there a name to

bring forward? I have been serving. If someone feels passionate, please step up. If not, please put my name forward.

Dr. Jones nominated Karen Youngblood with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Karen Youngblood elected Chairman for the Rates and Standards Committee.

Minutes for the November 10, 2020 Board Meeting

Dr. Jones moved to approve with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Minutes for the November 10, 2020 Board Meeting approved.

Presentation on recommended Rates and Standards

Mr. Clagg went through the attached presentation.

Judge Foss: What is prompting the changes in 1, 2, and 3? Those are expansions, right?

Mr. Clagg: In 1, it is a clarification of a rate and splitting it into two rates, reducing one rate and the other is an increase. I am sorry Judge, is your specific question on the rate or the standard?

Judge Foss: I don't know what prompted the need for the changes. Are they just clarifications, it appears we are expanding in one beyond CARS.

Mr. Clagg: Yes, all these rates are receiving additional scrutiny. We want to make it a requirement to review all rates yearly. This is part of this change. All of the rates are utilized in community-based youth services contracts. We have been moving to rates reimbursement. Covid, has slowed down the move. Many of the agencies have moved to rates and will be moving to 100% rates in the future. We are analyzing the data, when reviewing the rates, and modifying as needed.

Judge Foss: Thank you.

Chair: From being in the meeting, sometimes it is that Kevin goes in to analyze the rate, notices it is under-utilized and we want the agency to utilize the rate, so we do this to incentive the agency. Occasionally, we found the requirements were stringent, doctoral required, when a

master level would be acceptable. Or we find we need more stringent qualifications and make those amendments. Also, there was work to modernize for new technologies, or to address COVID issues, or stress if we felt one-on-one services needed to be utilized. I love #3, the data entry, they could make hundreds of dollars for a few key strokes, so we adjusted accordingly.

Tardibono: How does this impact our budget?

Mr. Clagg: We anticipate no budget impact. The contracts are set up so they don't exceed a set amount. It may change the number of services available in a given year. We expect services to increase, with the hope there will be less lapse at the end of the year. Also, this makes the rates more equitable.

Mr. Tardibono: With Medicaid Expansion, are any of these rates tied to or will we have more access to funding, we will have more access to funds?

Mr. Clagg: One thing Medicaid expansion could effect, is they could provide additional services than we contract for. These services would be billed directly to the Health Care Authority. It should not affect our contracts. We may shift our funds, as needed.

Public Comment on proposed Rates and Standards

No public comment.

Discussion and/or possible vote to modify rates and standards Client Advocacy Services

Individual Direct Service, RS21-002-001b from \$15.63 per 15 minutes to \$14.00 per 15 minutes

Dr. Emerson moved to approve with a second by Judge Foss

Ms. Worthen: I think it is important to acknowledge everyone's work. It is a lot of work to look at these details. It matters to me, and the Board. We are grateful for the work. I don't want to miss that as we go through the votes. So thank you to all that worked on this.

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Modification to rates and standards Client Advocacy Services Individual Direct Service, RS21-002-001b from \$15.63 per 15 minutes to \$14.00 per 15 minutes approved.

Discussion and/or possible vote to modify and approve rates and standards Clinical Supervision – modify - RS21-002-002a – Clinical Supervision from \$8.23 per 15 minutes to \$17.00 per 15 minutes

Dr. Jones moved to approve with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Modification to rate and standard - RS21-002-002a – Clinical Supervision from \$8.23 per 15 minutes to \$17.00 per 15 minutes approved.

Discussion and/or possible vote to modify and approve rates and standards Clinical Supervision - RS21-002-002b – new rate - Case Staffing \$14.00 per 15 minutes

Dr. Jones moved to approve with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

New rate and standard RS21-002-002b – Case Staffing \$14.00 per 15 minutes approved.

Discussion and/or possible vote to modify rates and standards Data Entry, RS21-002-003, to 5% of the data entry fee for direct services only

Dr. Jones moved to approve with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Modification to rate and standard Data Entry, RS21-002-003, to 5% of the data entry fee for direct services only approved.

Discussion and/or possible vote to modify rates and standards Community-based Travel, RS21-002-004 from GSA mileage compensation to \$14.50 per 15 minutes of travel time

Dr. Emerson moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Modification to rate and standard Community-based Travel, RS21-002-004 from GSA mileage compensation to \$14.50 per 15 minutes of travel time approved.

Video update on the next generation project shown. Mr. Clagg ran through the attached presentation on change orders.

Chair Youngblood: What was the name of the building that was the home for wayward girls?

Judge Foss: Girls Town. They used to be called Industrial Schools.

Chair Youngblood: I took joy in seeing those building come down. It is great to see the new replace the old. Thank you to the facility subcommittee for being so involved. The committee continued to meet, despite the cancelled meeting, to avoid any delays in the project. I appreciate that.

Discussion and/or possible vote to approve change order NGF-061 to Flintco contract – Time Extension #1 37 days due to COVID-19 \$0.00

Dr. Grissom moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-061 to Flintco contract – Time Extension #1 37 days due to COVID-19 \$0.00 approved.

Discussion and/or possible vote to approve change order NGF-062 to Flintco contract – temporary gravel road for construction and emergency access \$6,040.00

Dr. Grissom moved to approve with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-062 to Flintco contract – temporary gravel road for construction and emergency access \$6,040.00 approved.

Discussion and/or possible vote to approve change order NGF-064 to Flintco contract – unsuitable soil at supply building \$60,805.00

Judge Foss moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-064 to Flintco contract – unsuitable soil at supply building \$60,805.00 approved.

Discussion and/or possible vote to approve change order NGF-065 to Flintco contract – relocate and replace electric lines and boxes behind the pool \$51,234.00

Judge Foss moved to approve with a second by Dr. Grissom

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-065 to Flintco contract – relocate and replace electric lines and boxes behind the pool \$51,234.00 approved.

Discussion and/or possible vote to approve change order NGF-066 to Flintco contract – Intake Building – waxing resilient flooring \$7,813.00

Dr. Jones moved to approve with a second by Dr. Grissom

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-066 to Flintco contract – Intake Building – waxing resilient flooring \$7,813.00 approved.

Discussion and/or possible vote to approve change order NGF-067 to Flintco contract – Intake Building – replace existing sanitary sewer line \$7,125.00

Dr. Jones moved to approve with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-067 to Flintco contract – Intake Building – replace existing sanitary sewer line \$7,125.00 approved.

Discussion and/or possible vote to approve change order NGF-069 to Flintco contract – Sleeping Rooms – omit electrical outlets (\$280.00)

Dr. Jones moved to approve with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-069 to Flintco contract – Sleeping Rooms – omit electrical outlets (\$280.00) approved.

Discussion and/or possible vote to approve change order NGF-070 to Flintco contract – Cottage kitchens & Clinic breakroom – purchase appliances \$15,000.00

Judge Foss moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Change order NGF-070 to Flintco contract – Cottage kitchens & Clinic breakroom – purchase appliances \$15,000.00 approved.

Mr. Clagg discussed the attached OJA finance report.

Discussion and/or possible vote to approve the year-to-date OJA Finance Report

Dr. Jones moved to approve with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

The year-to-date OJA Finance Report approved.

Discussion and/or possible vote to approve an emergency purchase in the amount of \$125,000.00 for the Central Oklahoma Juvenile Center (COJC) for the purchase and installation of air ionizers on the HVAC supply ducts as a mitigation tool for COVID-19 in addition to other viruses, mild and harmful microorganisms

Mr. Tardibono: Is this an add-on to the existing system HVAC or is it a new item? Mechanically, how does this work?

Mr. Clagg: It is an add-on, they will open the system and install the ionizer to the air handler.

Mr. Tardibono: How did we select this service provider? I know this is an emergency, but what process did we use to select this provider?

Mr. Clagg: The maintenance team at SWOJC did the initial research and selected Trane. We then requested Trane provide us a quote for adding the equipment at COJC. The Trane quote was shared with the next generation team: DLR, Paul Haley- OMES project manager, and with Flintco. They all agreed this was a worthwhile endeavor and the price was fair and reasonable price. We do not bid emergency purchase.

Dr. Jones moved to approve with a second by Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Emergency purchase in the amount of \$125,000.00 for the Central Oklahoma Juvenile Center (COJC) for the purchase and installation of air ionizers on the HVAC supply ducts as a mitigation tool for COVID-19 in addition to other viruses, mild and harmful microorganisms approved.

Mr. Clagg discussed the finance report and encumbrances for OYACS, see attached.

Discussion and/or possible vote to approve the 2020-2021 year-to-date Oklahoma Youth Academy Charter School Finance Report

Dr. Grissom moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

The 2020-2021 year-to-date Oklahoma Youth Academy Charter School Finance Report approved.

Discussion and/or possible vote to approve modifications to the FY2021 encumbrances for the Oklahoma Youth Academy Charter School

Chair Youngblood: Is the item we are approving for the record the \$14,000 or \$13,300?

Mr. Clagg: \$13,300.

Dr. Jones moved to approve with a second by Dr. Grissom

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Modifications to the FY2021 encumbrances for the Oklahoma Youth Academy Charter School approved.

Superintendent White quickly explained they are the same per year and discussed the calendar differences between COJC and SWOJC, see attached.

Discussion and/or possible vote to approve the 2021 – 2022 Oklahoma Youth Academy Charter School Calendar for COJC

Dr. Grissom moved to approve with a second by Dr. Jones

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

The 2021 – 2022 Oklahoma Youth Academy Charter School Calendar for COJC is approved.

Discussion and/or possible vote to approve the 2021 – 2022 Oklahoma Youth Academy Charter School Calendar for SWOJC

Dr. Jones moved to approve with a second by Dr. Emerson

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

The 2021 – 2022 Oklahoma Youth Academy Charter School Calendar for SWOJC is approved.

Discussion and possible vote to enter executive session

Not required.

Discussion and possible vote to return to Regular Session

N/A

Discussion and/or possible vote on items arising from Executive Session

N/A

Announcements/comments

Mr. Tardibono: How do you say Dr. and Grand Marshal Jones? I wanted to take a moment to congratulate Dr. Jones for acting as the grand marshal for the Martin Luther King Jr. virtual parade. It was a great experience. As I am developing in my own awareness, I am putting this on my annual calendar, and cannot wait to experience in person.

Dr. Jones: Thank you so much. I have always participated through the years, but I was honored to serve as grand marshal. I learned our city's parade is one of the largest in the country.

Dr. Emerson: Just a word of thank you to Director Holt. This has been an unprecedented season with many challenges, I appreciate your communication and due diligence as you serve our state and the children of our state.

Judge Foss: I want to thank Karen Youngblood for being willing to serve as chair for another year.

Chair Youngblood: I was going to say, thank you for your vote of confidence

Dr. Jones: Yes, thank you for service and keeping us on track.

Chair Youngblood: This board is so talented. I see your passion for your particular expertise and overall. You all are so talented and passionate. I want to extend my thanks to Sean Burrage for his service, he is a quiet graceful leader behind the scenes. Thank you to your commitment to the Board over the years. Congrats to Dr. Jones, we have become friends through our service.

When Jenna was pregnant and getting to experience that together. We just truly want what's best for each other. It is amazing to be on a board that wants to go above and beyond and acknowledges and respects the work of the field. Dr. Shawler, I appreciated the mental health newsletter. Everyone please stay safe. I hope we all come out on the other side of this.

Dr. Jones: Thanks and great job to the team. You all are doing a fabulous job in working through this unprecedented time. Hats off to you and your team for your hard work. I hope they know how proud we are of them and all they are doing. I hope they know how proud we are of them and how much we appreciate the work that they do. I want to thank my fellow board members for the work you do. I hope everyone has an amazing 2021.

New business

N/A

Adjournment

Dr. Jones moved to adjourn with a second by Dr. Emerson and Judge Foss

Aye: Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Chair Youngblood adjourned the meeting at 10:32 a.m.

Minutes approved in regular session on the 16th day of February, 2021.

Prepared by:

Signed by:

Audrey Rockwell, Secretary

Karen Youngblood, Chair

NEXT GENERATION FACILITY

Change orders under consideration

Summary of Proposed Change for Consideration

No	Description	Amount
#71*	Change fencing, provide landscaping and sidewalk/paths between the two north parking lots	\$19,798
#72*	Change fencing around generator/transformer to restrict access and improve security	\$6,284

The last slide of this presentation represents items on hold and will not be considered at this Board Meeting. These items are presented to be comprehensive and transparent.

*Work either completed or commenced with Building Subcommittee approval in order to avoid significant delay in project and/or increase in cost.

#71 – FENCING AND LANDSCAPING/SIDEWALK BETWEEN
THE TWO NORTH PARKING LOTS
\$19,798

- This change order is to upgrade the area between our 2 parking lots at the entrance to the facility. This is the strip of land recently purchased. There is currently a fence on both sides of the property. This fence will be removed. We have already installed a new gate at the entrance to the previous owner's property. As a condition of the sale we agreed to allow the previous owner ingress and egress rights to and from her current property. We will improve the appearance and will install a walkway across the property to allow employees that park in the North parking lot to walk across to the facility entrance so they will not have to walk in the street to get to the entrance. We will install landscaping, stone pavers with paver edge, and a 6 foot wide paver walkway with steps into the retaining wall.

**#72 – SECURE AREA AROUND INTAKE BUILDING
EMERGENCY GENERATOR/TRANSFORMER
\$6,040**

- This issue is regarding the Intake Building (Building A). There is a very large generator/transformer on the northeast corner of this building. The current design has a fence on the north side of this generator unit. That fence location will make this unit accessible to the inside of the facility and to the residents. It will be possible for residents to climb this unit and possibly jump to the roof of the intake building. This proposed change will move the fence to the south of the unit and will fence it out of the center of the facility and will prohibit residents from accessing the unit.

FLINTCO CONTRACT CHANGE ORDER SUMMARY

Original Contract Amount	\$46,011,073	%
Change Order Capacity (10%)	\$4,601,107	100%
Change Orders To-Date (Board Approved)	2,900,834	63.05%
Current Change Order Request	25,838	.562%
Total Change Orders To-Date if Current Proposals Are Approved	2,926,672	63.61%

PENDING ISSUES

Summary of Change Orders On Hold and/or Waiting on Additional Information or Revisions

No	Description	Amount
#29	Renovation of Gym and Admin Building – on hold	\$949,027
#37	Clear and cleanup overgrowth around west access road	\$23,427
#48	Window blinds for Intake Offices	\$5,205
#49	Fire protection at the existing gym/school	\$16,500
TBD	Retaining Wall and Landscaping behind Swimming Pool	\$125,000
TBD	Temporary Fencing Upgrade for Phase two	<u>\$175,000</u>
	Total Note: Adding this total with both COs approved and pending approval this is 91.7% of CO Capacity	\$1,294,159

Office of Juvenile Affairs Board of Director's Meeting

February 16, 2021

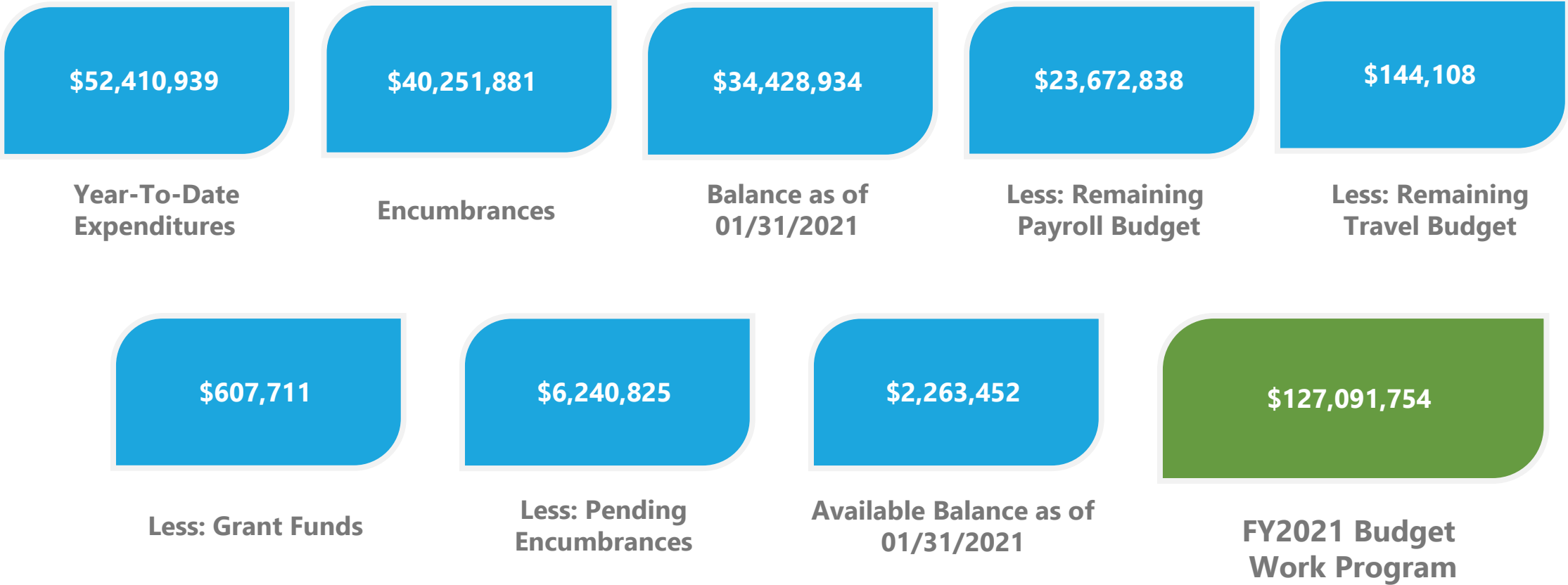


OKLAHOMA



FY-2021 Operation/Capital Budget Projections

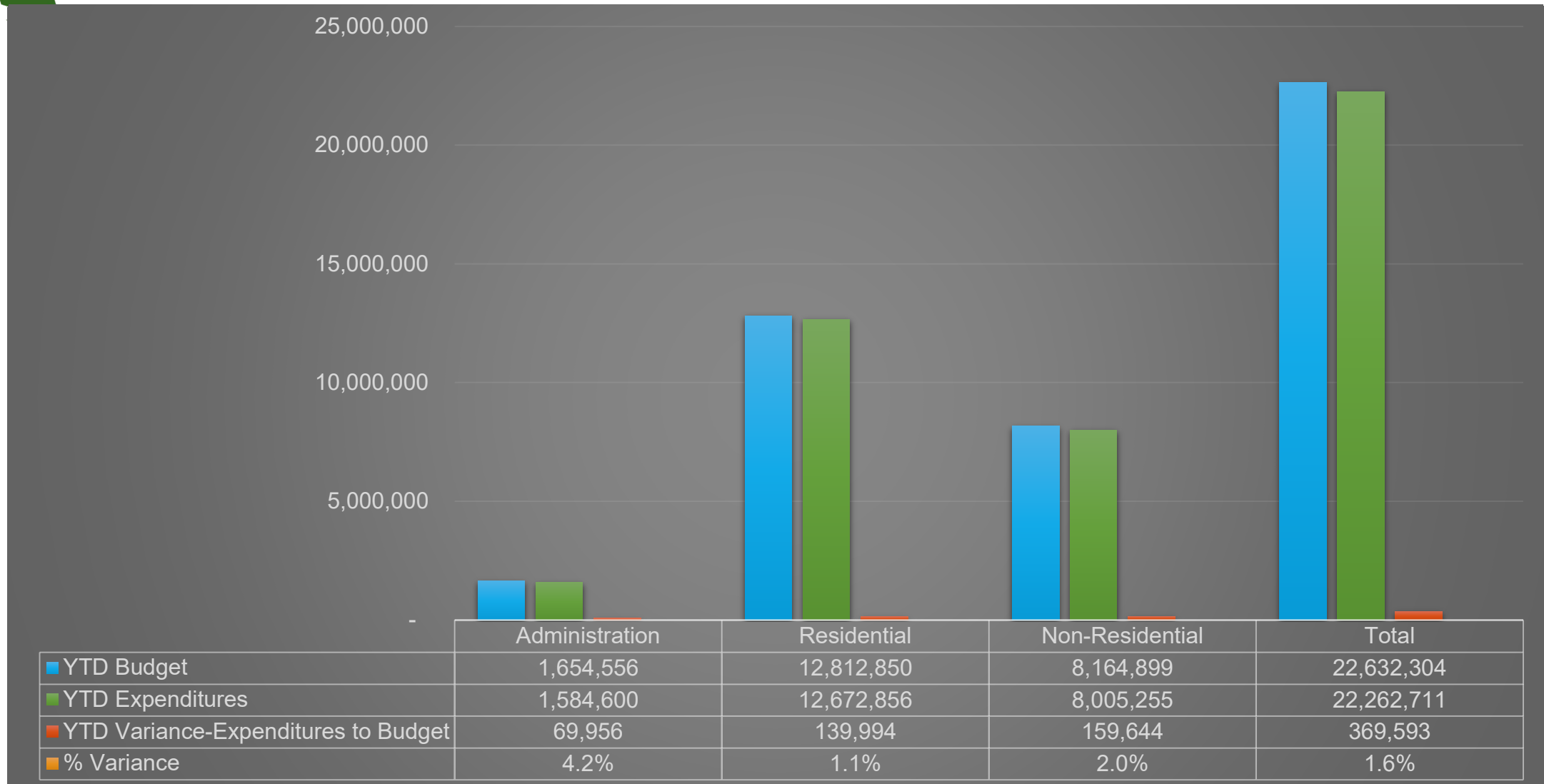
As of: January 31, 2021





FY2021 Payroll Costs

As of: January 31, 2021



General Revolving Fund Revenue

As of: January 31, 2021



	FY-21 Budget	Budget to Date	Receipts	In-Transit	Over (Under) Budget
Revenue Source					
SSI and SSA	\$ 85,000	\$ 49,583.33	\$ 37,426	\$ -	\$ (12,157)
Income from Rent	5,586	3,259	7,037		3,779
Charter School State Aid/Grants	1,302,770	759,949	488,965	206,321	(64,664)
School Breakfast/Lunch/Snacks Program	200,000	116,667	89,535	12,790	(14,342)
Refunds & Reimbursements <small>(includes COVID-19)</small>	5,056,803	2,949,802	3,529,883		580,082
Sales	9,816	5,726	18,708		12,982
Child Support	172,000	100,333	113,898		13,564
Other Receipts	22,000	12,833	49,979		37,146
Total Revolving Funds	\$ 6,853,975	\$ 3,998,152	\$ 4,335,430	\$ 219,111	\$ 556,389

Federal Grants Revenue

As of: January 31, 2021



Source - FFP Revolving Funds

Projected
Annual
Revenue

Projected
YTD
Revenue

Actual
Revenue

In-transit

Variance

FFP Revolving Fund	Projected Annual Revenue	Projected YTD Revenue	Actual Revenue	In-Transit	Variance
Residential Behavior Management Services (RBMS)	\$ 6,739,000	\$ 3,931,083.33	\$ 4,412,421	\$ -	\$ 481,338
Targeted Case Management (TCM)	2,400,000	1,400,000	1,264,835		(135,165)
IV-E Shelter	106,120	61,903	31,213	45,396	14,705
Indirect Cost Reimbursement (OHCA)	122,795	71,630	-	95,322	23,692
Grants (Formula)	658,214	383,958	13,234	213,088	(157,636)
OSDH-Youth Pregnancy & Parenting	129,900	75,775	27,148	57,824	9,197
DAC-RSAT	184,650	107,713	40,062	27,437	(40,214)
CARES (COVID-19)		-	224,491	-	224,491
Total	\$ 10,340,679	\$ 6,032,063	\$ 6,013,403	\$ 439,067	\$ 420,408



700 FUND ACCOUNTS

As of: January 31, 2021

TRUST FUND

Established to account for all the funds a juvenile received or expended while in OJA custody.

****Cash Balance as of 01/31/2021 was \$10,440**

DONATION FUND

Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2021 was **\$1,325**

701

702

703

704

CANTEEN FUND

Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2021 was **\$11,743**

VICTIM RESTITUTION FUND

Established to account for all the funds a juvenile received or expended while in OJA custody.

Cash Balance as of 01/31/2021 was **\$21,890**

SOLE SOURCE PURCHASES

As of: January 31, 2021



None to Report



EMERGENCY PURCHASES

As of: January 31, 2021

None to Report

Oklahoma Youth Academy Charter School (OYACS)



Board of Director's Meeting
February 16, 2021





Oklahoma Youth Academy Charter School Combined Statement of Revenue, Expenditures and Fund Balances School Year 2020-2021 as of January 31, 2021		OJA General and Revolving Funds	Fund 25000	Totals as of 1/31/2021	COJC (972)	SOJC (975)	Total
Revenues							
	State Aid	\$ -	\$ 402,473.69	\$ 402,473.69	\$ 201,236.84	\$ 201,236.85	\$ 402,473.69
	Title I N&D		40,163.91	40,163.91	23,792.38	16,371.53	40,163.91
	Title IA		6,638.04	6,638.04	3,319.02	3,319.02	6,638.04
	IDEA-B COVID		2,638.35	2,638.35	1,359.15	1,279.20	2,638.35
	IDEA-B Flowthrough		4,045.08	4,045.08	2,022.54	2,022.54	4,045.08
	Title IV-A LEA		1,368.00	1,368.00	684.00	684.00	1,368.00
	Textbooks/Ace Technology		4,242.05	4,242.05	2,121.03	2,121.02	4,242.05
	Child Nutrition Program _Breakfast		31,653.04	31,653.04	14,151.52	17,501.52	31,653.04
	Child Nutrition Program _Lunches and Snacks		57,881.56	57,881.56	25,881.50	32,000.06	57,881.56
	Refunds		721.38	721.38		721.38	721.38
	Office of Juvenile Affairs **	941,640.68		941,640.68	526,978.40	414,662.28	941,640.68
	Total Revenues	\$ 941,640.68	\$ 551,825.10	\$ 1,493,465.78	\$ 801,546.38	\$ 691,919.40	\$ 1,493,465.78
Expenditures							
	Payroll Expenses	\$ 907,156.74	\$ 513,415.24	\$ 1,420,571.98	\$ 761,844.07	\$ 658,727.91	\$ 1,420,571.98
	Training and Travel	600.00		600.00	300.00	300.00	600.00
	Operational Expenses	26,510.76	105,147.06	131,657.82	67,877.88	63,779.94	131,657.82
	Equipment and Library Resources	6,216.68	74,573.31	80,789.99	31,526.84	49,263.15	80,789.99
	Professional Fees	1,156.50		1,156.50	180.00	976.50	1,156.50
	Total Expenditures	\$ 941,640.68	\$ 693,135.61	\$ 1,634,776.29	\$ 861,728.79	\$ 773,047.50	\$ 1,634,776.29
	Excess of Revenues Over (Under) Expenditures	\$ -	\$ (141,310.51)	\$ (141,310.51)	\$ (60,182.41)	\$ (81,128.10)	\$ (141,310.51)
	Fund Balances July 1, 2020	-	344,854.98	344,854.98	174,402.93	170,452.05	344,854.98
	Fund Balances 2020-2021 School Year	\$ -	\$ 203,544.47	\$ 203,544.47	\$ 114,220.52	\$ 89,323.95	\$ 203,544.47
	**OJA Funds						
	Fund 19001	\$ 9,131.95					
	Fund 19101	\$ 932,508.73					
		<u>\$ 941,640.68</u>					



Office of Juvenile Affairs
Oklahoma Youth Academy
Encumbrances for Approval - School Year 2020-2021
February 2021 Board Meeting

None to Report



QUESTIONS?

End of Board Finance Reports



OKLAHOMA
Juvenile
Affairs



Office of Juvenile Affairs Legislative Updates

February 16, 2021

Rachel Canuso Holt, J.D.
Executive Director

HB1162

Representative Osburn

OJA Request Bill

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-5.15, is amended to read as follows:

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the Office of Juvenile Affairs may place a maximum of ~~forty-one (41)~~ sixty-two (62) employees in the unclassified service.

HB1992 and SB742

Representative Caldwell & Senator Kidd

HB1992 AMENDATORY Section 3, Chapter 337, O.S.L. 2017 (10A O.S. Supp. 2020, Section 2-7-620):

SB742 - A new section of law to be codified in the Oklahoma Statutes as Section 2-7-621 of Title 10A:

A. The Office of Juvenile Affairs may contract for or operate group homes of any level at the Southwest Oklahoma Juvenile Center campus located in Manitou, Oklahoma.

B. The Office of Juvenile Affairs may contract with other state agencies to allow for the placement of children or young adults in the custody of a state agency to reside and participate in any identified contracted or operated program or facility of the Office of Juvenile Affairs.

C. The Office of Juvenile Affairs may contract with any tribal nation or agency or department of the federal government, in consultation and approval by the Governor and the Attorney General, to allow for the placement of children and young adults in the custody of the tribal nation or an agency or department of the federal government to reside and participate in any identified contracted or operated program or facility of the Office of Juvenile Affairs.

HB2311

Representative Lawson

Request by OCCY's Detaining Youth Task Force (HB3214 in 2020)

- Juvenile detention facilities shall be the default placement for all juveniles.
- Any child who is at least fifteen (15) years of age who is charged with murder in the first degree may be detained in an adult jail or lockup if it is certified to hold juveniles sight and sound separate from the adult population.
- Codifies factors to hold a juvenile in an adult facility adopted in the Juvenile Justice and Delinquency Prevention Act (JJDNA) reauthorization in 2018 that are effective December 2021.
- There is room in the juvenile detention system for youthful offenders and juveniles accused of Murder I currently in adult jails and many are currently being safely detained in juvenile detention centers where their physical, mental and educational needs are appropriately addressed.

JJDPA Criteria for Kids in Adult Jails (actual language)

(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

(I) shall not have sight or sound contact with adult inmates; and

(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

(I) the age of the juvenile;

(II) the physical and mental maturity of the juvenile;

(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

(IV) the nature and circumstances of the alleged offense;

(V) the juvenile's history of prior delinquent acts;

(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

(VII) any other relevant factor; and

Factors Continued

(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

Source: [JJDP Act p. 26-27](#)

HB2312

Representative Lawson

Request by the Professional Committee on Juvenile Competency (HB3215 in 2020)

- Amends 10A O.S. §§2-2-401.1 through 2-2-401.7.
- Adds youthful offenders to the Juvenile Competency Act.
- Corrects the issue of which test/instruments/assessments to be used for youthful offenders when a competency evaluation is ordered.
- Allows OJA to file a Motion to Intervene to raise the issue of competency for any juvenile or youthful offender in OJA custody.

HB2317

Representative Lawson

Request by OCCY's Detaining Youth Task Force (HB3211 in 2020)

- A new section of law to be codified as Section 2-3-105 of Title 10A:
- The Oklahoma Commission on Children and Youth shall administer a grievance process to be utilized by children detained in an adult jail, adult lockup, adult detention or other adult facility.
- Grievances shall be directed to the Commission's Office of Juvenile System Oversight for investigation, resolution and referral to the appropriate agency if deemed necessary, including, but not limited to, the State Department of Health.
- The Office of Juvenile System Oversight shall have the authority to investigate complaints, including, but not limited to, the following: placement, treatment, psychological services, social services, educational services, recreation, abuse, neglect or misconduct, cleanliness and hygiene, and routine problems with employees, contractors or other incarcerated persons within the facility.

HB1799 and HB1952

Representative Miller and Representative Cruz

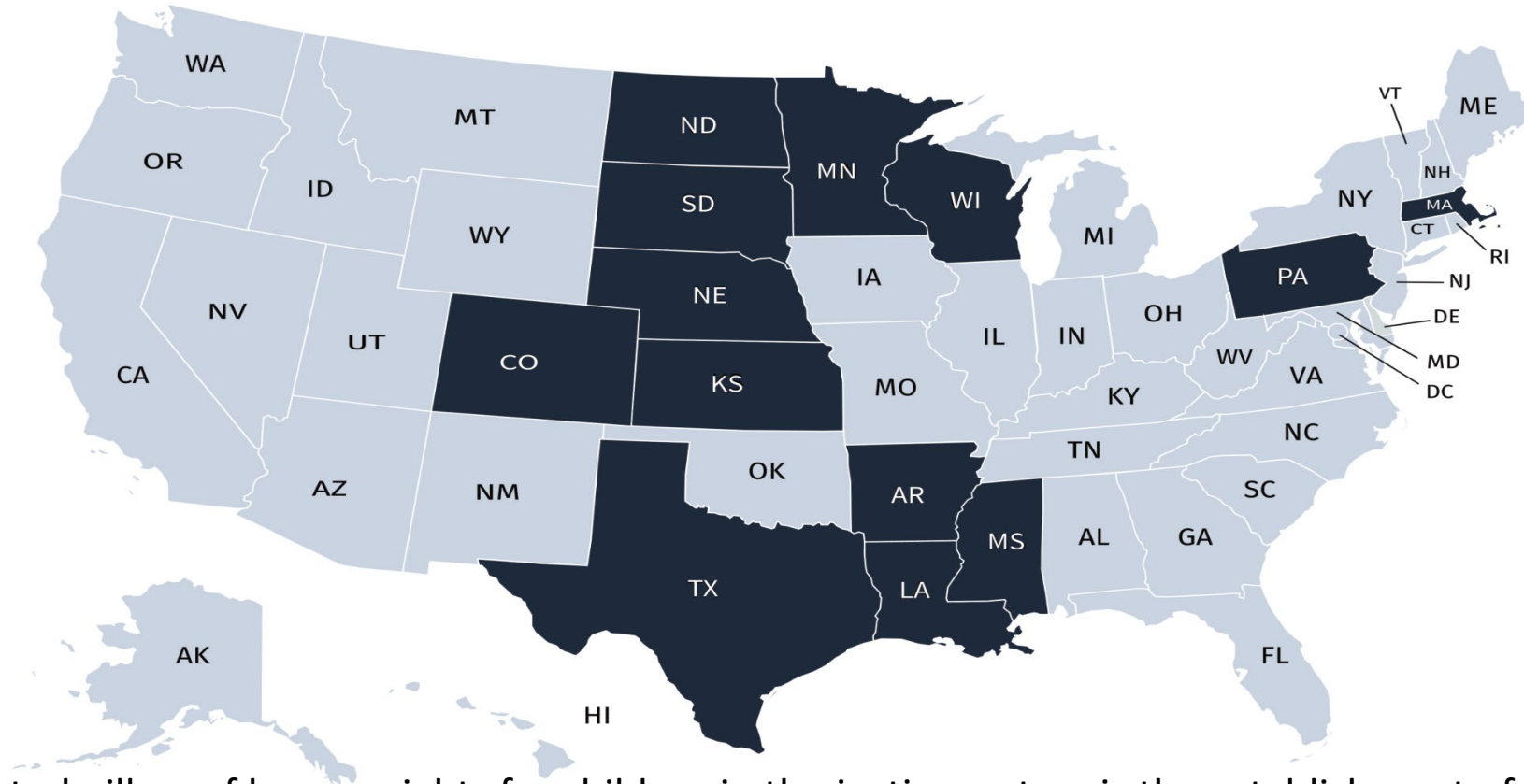
- Amends 10A O.S. §2-6-109.
- The bills ease the process of expunging certain juvenile court records upon request of the child, the parent, the legal guardian, or the child's attorney.

SB217

Senator Garvin

- Amends definition of a “delinquent child”.
- Establishes the minimum age for delinquent adjudication to 12 years old.
- Oklahoma is the one of the few states in the region without a statutorily-established minimum age for adjudication.
- National Juvenile Justice Network (NJJN) has a national campaign to raise the minimum age for trying children in juvenile court to 14 years old. [NJJN](#)
- Follows Oklahoma’s progression from creation of the Juvenile Competency Act in 2015 and [HB1282](#) in 2020 limiting the use of secure juvenile detention for children under 14 years of age.

States with a Minimum Court Age (at least 10)



One of the central pillars of human rights for children in the justice system is the establishment of a minimum age of criminal culpability. While the U.N. Convention on the Rights of the Child (CRC) has encouraged states to set the age at 14, our review of state laws around the United States revealed that only a minority of states set a minimum age of at least 10, with Massachusetts being the only state to set a minimum age of 12.

Unfortunately, 37 states and the District of Columbia have failed to meet this standard.

Source: [Human Rights for Kids 2020 National State Ratings Report](#)



Questions?





State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Rachel Canuso Holt, interim Executive Director

FEBRUARY 2021 BOARD UPDATE

OJA Operations

1. COJC visit
2. SWOJC visit
3. OMES workforce training – Succession Planning
4. LOS Policy Academy: Technical Assistance, Team Meetings
5. CJA Winter Business Meeting – presenter on LOS panel

Partner Engagement

1. Keith Reed, Deputy Commissioner, Oklahoma State Department of Health
2. District Attorney Council (DAC) meeting – presented OJA and legislative updates
3. One Workforce Oklahoma – Special Populations Subcommittee Meeting
4. Unite Us Portal Meeting
5. Dr. Peter Messiah, OAYS
6. Annette Jacobi, Oklahoma Commission on Children and Youth (OCCY)
7. Joe Dorman, Oklahoma Institute for Childhood Advocacy (OICA)
8. Kathryn Brewer, DAC
9. HEC Cabinet meetings – Legal Peer Group, Legislative Peer Group, Agency Directors
10. District Attorney Steve Kunzweiler, District 14

Legislative & Executive

1. Oklahoma House, Appropriations Subcommittee for Human Services (Teams)
2. Oklahoma Senate, Appropriations Subcommittee for Health & Human Services
3. Senator Paul Rosino
4. Senator Chris Kidd
5. Senator John Haste
6. Senator Julia Kirt
7. Senator Julie Daniels
8. Senator Jessica Garvin
9. Senator Carri Hicks
10. Senator Jo Anna Dossett
11. Senator Roger Thompson
12. Senator George Young
13. Representative Trey Caldwell
14. Representative Mark Lawson
15. Representative Nicole Miller
16. Representative Jose Cruz
17. Representative Cyndi Munson
18. Representative Jadine Nollan
19. Representative Randy Randleman



***Shelley Waller, Community Based Services Deputy Director
Board Report for February 16, 2021
Contacts and Activities for January 2021***

- **TEAMS Meetings**

- Coordinated, planned and participated in three (3) District Supervisor and Community Based Services Leadership Team meetings
- Coordinated, planned and participated in one (1) statewide (DS, ADS, CBS) Leadership Team meeting
- Participated in three (3) Executive Team meetings
- Participated in seven (7) Executive Placement and Case Staffing meetings for high acuity and/or high-profile cases
- Participated in three (3) Personnel Strategies meetings
- Participated in three (3) JJS Support Team meetings
- Participated in one (1) Level E standardization of forms, RBMS and ITSP meeting
- Participated in two (2) OJA Data Governance meetings
- Participated in one (1) Unite Us meeting with Ed Long
- Participated in one (1) OJA Lunch & Learn
- Participated in one (1) Transitional Living & Independent Living workgroup with Kevin Clagg
- Collaboration meeting with Paula Christiansen on OJA website
- Participated in one (1) OJA Administrative Services meeting
- Participated in one (1) Pre-planning meeting with Abby McElfresh and Paula Tillison

- **ZOOM Meetings**

- Participated in two (2) Length of Stay (LOS) Policy Academy meetings/training
- Participated in one (1) TCM possible expansion meetings to discuss juvenile bureau participation with Canadian County JB
- Participated in two (2) Grand Staffing's with Level E providers
- Participated in two (2) treatment and behavioral health meeting with OJA Chief Psychologist, Dr. Paul Shawler and Director of Behavioral Health, Shel Millington
- Participated in the Oklahoma Juvenile Detention Association (OJDA) monthly meeting
- Attended the January OJA Board Meeting via ZOOM
- Attended the OJA House and Senate Budget Hearings via legislative website
- Participated in one (1) meeting to discuss presentation planning with the Behavioral Health Team

- **Conference Calls**

- Participated in weekly conference calls with each District Supervisor
- Participated in one (1) conference call with a group home provider
- Participated in six (6) conference calls with varying CBS staff to provide coaching and consultation

- **Training**

- Attended the "Leadership and Culture Change" webinar



- Attended the “Keeping Kids Out of Isolation and Engaged During COVID” webinar
 - In collaboration with Abby McElfresh and Paula Tillison, provided Progressive Discipline Training for CBS Leadership Team (DS, ADS and CBS staff)
 - Attended the OJA Problematic Sexual Behavior (PSB) panel discussion
- **Weekly in-office visits to the State Office**



State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Janelle Bretten, Director of Strategic Planning and Engagement

Board Report-February 2021

- **Pregnancy Assistance Fund (PAF) Grant**
 - Final report and invoice sent to the Oklahoma State Department of Health.
 - Worked with Jennifer Minton to provide article on PAF and the Nurturing Parents curriculum for OJA's February Mental Health Minute. Article also included story from OJA's Nurturing Parents facilitator Kayla Pennington, who provides the parenting program at Southwest Oklahoma Juvenile Center.
- **Children's State Advisory Workgroup (CSAW)**
 - Continue to co-chair CSAW meetings and attend subcommittee meetings to advance work relating to sustainability of Community Hope Centers, trauma informed care, and focus on upstream prevention strategies. Team continues weekly updates to Secretary Brown on progress in sustaining and enhancing Community Hope Centers.
 - Recent CSAW agenda included presentation on Oklahoma's application to join Thriving Families cohort, which aims to redesign child welfare into child and well-being network. U.S. Children's Bureau, Casey Family Programs, Annie E. Casey Foundation, and Prevent Child Abuse America collaborated to launch national effort.
 - Agenda also included presentation on status and design of the Managed Care System. Discussed Oklahoma Complete Health providing managed care for children in the custody of child welfare and OJA.
 - Represented OJA at monthly Systems of Care State Advisory Team meeting.
- **Trauma-Informed Care (TIC) Task Force**
 - Led Trauma Informed Care (TIC) Practices Workgroup, which is now an arm of CSAW. Reviewed plan outlined in TIC Strategy Report and began discussion on outlining next steps.
 - Introduced our new cross-systems coordinator and shared how she will support the TIC work.
- **Attitudes Related to Trauma Informed Care (ARTIC) Scale**
 - We successfully rolled-out our organizational trauma assessment to state office staff. Assessment will be conducted with field staff the end of February and then secure care staff.
- **Youth Level of Service/Case Management Inventory**
 - Nine new OJA employees completed YLS/CMI training through virtual platform.
 - Attended meeting in regards to Targeted Case Management pilot project in Canadian County Juvenile Bureau. Our team will be conducting YLS/CMI training for their probation staff as part of project plan.
- **Length of Stay (LOS) Policy Academy**
 - Continued participation with team in reviewing final action plan and participation in technical assistance meetings.
- **Tribal Liaison**
 - JOLTS profile training and access forms completed by designees of the five tribes to support their juvenile justice work and response to McGirt ruling.



State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Janelle Bretten, Director of Strategic Planning and Engagement

- **Governor's Interagency Council on Homelessness (GICH)**
 - Attended GICH Executive team meeting and planned for next GICH main meeting.
 - Attended GICH Southwest and Norman/Cleveland County Continuums of Care Discharge Planning Forum and presented information on work of the GICH Employment, Education, and Training subcommittee.
- **In-depth Technical Assistance (IDTA): Develop Cross-System Policy and Practice Strategies to Support Pregnant Women with Substance Use Disorders, Their Infants and Their Families**
 - Attended monthly meeting. Agenda included discussion on vision, guiding principles, definitions and Oklahoma's flow chart for OK Family Care Plan.
- **Oklahoma Family Network (OFN) Advisory Meeting**
 - Represented OJA at meeting. Agenda included setting collaborative goals for the year. OFN informs and connects individuals with special health care needs and disabilities, their families and professional to services and supports in their communities. They are involved with Systems of Care CSAW and State Advisory Team, as well as local coalitions. Discussed possibility of them presenting at one of the weekly JJS support meetings about their services and advocacy.
- **OJA Employee Engagement Survey-Action Plan**
 - Worked with Michael and Paula T. on draft action plan in response to OJA's results from state employee engagement survey. Shared and discussed plan with Executive Team. Will continue work with team on next steps.
- **OJA Standing Meetings**
 - Attending weekly data governance and JJS Support meetings.



State of Oklahoma
OFFICE OF JUVENILE AFFAIRS
Residential Placement Support

Carol Miller, Deputy Director Residential Placement Support

Board Report – February 2021

January 1st to 31st activity

Releases (5) from Secure Care

January 2021

Intakes (3) for Secure Care

Paroles: COJC – 1, SWOJC – 0

Intakes COJC – 2, SWOJC – 1

Court Release: COJC- 0, SWOJC – 2

Bridged to DOC: COJC – 0, SWOJC – 1

Step Down: COJC- 1, SWOJC - 0

Central Oklahoma Juvenile Center (COJC) facility events

- Virtual religious services is provided through Life Church and Transformation Church.
- Virtual visitation and phone calls with parent/guardians continues to address barriers to success.
- Community resident was taken on staff pass on COJC property to go fishing in the COJC pond.

Southwest Oklahoma Juvenile Center (SWOJC) facility events

- Residents communicate with mentors and bible study leaders by letters and virtual visitation.
- Sermons from Life Church are viewed on each Unit's DVD player.
- Virtual Visitation and family phone contact continues to be facilitated with family counseling sessions included.

Division Leadership Activities

- Performance based Standards (PbS) facility improvement plans based on outcomes for COJC and SWOJC reviewed and approved.
- Attended Guardians RFID Demo for the install at Next Generation Campus.
- Monitored development of Next Gen. Leadership Academy for Mid-Level Supervisors and creation of Training Cottage.
- Held weekly TEAMS meetings with Division staff to ensure quality coverage of all liaison and oversight duties.
- Attended Shawnee Forward's Workforce Meeting to keep abreast of job and networking opportunity for Next Gen. Campus.
- Met weekly with Facility Superintendents to address goals and facility issues.
- Participated in Council on Juveniles Justice Administrators (CJJA) Facility Director/Superintendent Training focusing on implementation of Staff Wellness initiative.
- Participated in CJJA Length of Stay Virtual Policy Academy Technical Assistance Call for .
- Participated in CJJA presentation on Leadership and Culture Change.
- Attended demonstration of the new security system for the Next Generation Campus.
- Coordinated information presentation of CuraLincs in the moment support and mental health care for OJA staff in an effort to support OJA staff and their families.

Collaboration with participating State Agencies

Department of Rehabilitative Services (DRS) – COJC DRS embedded staff reports for 2020 he provided the following services:

- Served 23 new clients with DRS services from COJC
 - 27 residents participated and earned a total of \$17,000 in the paid work study program.
-



State of Oklahoma
OFFICE OF JUVENILE AFFAIRS
Residential Placement Support

Carol Miller, Deputy Director Residential Placement Support

- Drivers training – DRS paid \$22,900.00 for 10 residents to participate. 8 residents obtained driver's license.
- DRS assisted financially \$7400.00 in Vocational/College assistance.
- Clothing and transportation assistance – DRS paid \$3570.00
- How can OJA support DRS efforts with OJA youth? Provide Independent living facilities.

Department of Human Service (DHS) DDS services for Developmentally Disabled youth - DDS continues to assist with placement and services for qualifying residents as they transition from secure care into the community by providing appropriate services as referred by OJAs Chief Psychologist Paul Shawler.

Department of Mental Health DMHSAS –

- COJC embedded DMH staff provides linkage to services for youth transitioning into the community from secure care while providing services through his COJC resident case load.
- Federations of Families (FOF) – Federation of Families assist with providing support for families of secure care residents in order to improve family engagement through improved visitation rates. Due to COVID19 these support efforts are completed virtually.

COVID19 in Secure Care Update ending Jan 31, 2021

COJC Staff-

- Total Number of Employees who have quarantined at Home due to COVID-19: 166
- Total Number of Employees who have been quarantined on more than one occasion: 55
- Total Number of Employees who have Tested Positive for COVID-19: 25
- Total Number of Staff who have been hospitalized due to COVID-19: 1
- Total Impact of COVID-19 in Lost Work Days 2020 to 2021: 1,574

SWOJC Staff -

- Total Number of Employees who have quarantined at Home due to COVID-19: 65
- Total Number of Employees who have been quarantined on more than one occasion: 16
- Total Number of Employees who have Tested Positive for COVID-19: 30
- Total Number of Staff who have been hospitalized due to COVID-19: 2
- Total Impact of COVID-19 in Lost Work Days 2020 to 2021: 3,956.63

Secure Care Residents

COJC – 0 (1 positive 2/7/21)

SWOJC – 13 positive

COVID precaution efforts

During the month of January, all units at SWOJC were quarantined due to COVID exposures. COVID19 protocols for staff/residents were tested at SWOJC with the confirmation of 13 positive residents. Results of teamwork to prevent further spread was successful and SWOJC has returned to normal programming. Increased amounts of PPE's were used. State Office replenished supplies during the month. The Medical Departments continue to take the residents and staff temperatures daily at both facilities. The facilities continue to monitor PPE supplies and evaluate cleaning supplies in combating this crisis. Trane installed the Phenomenal Aire System at SWOJC and installation at COJC is forthcoming in efforts to improve air quality. Both facilities are COVID19 Vaccination Providers through the Oklahoma State Department of Health and enrolled to the CDC and at some point will receive the vaccine.

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1162

By: Osburn

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2011, Section 840-5.15, which relates to the Office of Juvenile Affairs; modifying the number of employees that may be placed in unclassified service; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-5.15, is amended to read as follows:

Section 840-5.15 A. The Office of Juvenile Affairs shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated pursuant thereto. This section shall supersede and repeal any and all executive orders issued pursuant to the Oklahoma Personnel Act to place the agency or its predecessors under the Merit System.

1 B. In addition to offices, positions and personnel that are
2 unclassified pursuant to Section 840-5.5 of this title, the Office
3 of Juvenile Affairs may place a maximum of ~~forty-one (41)~~ sixty-two
4 (62) employees in the unclassified service.

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

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7 58-1-6361 CMA 12/18/20

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STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1799

By: Miller

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2011, Section 2-6-109, which relates to the expungement of juvenile court records; modifying qualifications for juvenile court record expungements; defining term; providing procedures for expunging records; requiring the preparation and filing of written expungement order; requiring the mailing of expungement orders to certain agencies; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-6-109, is amended to read as follows:

Section 2-6-109. A. A person or the child, or the parent, legal guardian or the attorney for the child, who is the subject of a juvenile court record, ~~that is not confidential as provided by law,~~ may petition the district court in which the juvenile court record is located for an order to expunge ~~all or any part of the~~ record pertaining to the person, ~~except basic identification information; provided:~~ or the child.

B. The petition for expungement may be filed either as an oral or written petition for an order to expunge the record pertaining to

1 the child at the time the case is before the court for a final
2 review of the ordered disposition pursuant to Section 2-2-503 of
3 this title or at any time after an informal adjustment agreement has
4 been successfully completed pursuant to Section 2-2-104 of this
5 title; provided:

6 1. The person or child has ~~attained twenty-one (21) years of~~
7 ~~age or older~~ successfully completed the informal adjustment
8 agreement, the deferred adjudication, or a period of probation or
9 custody with a juvenile bureau or the Office of Juvenile Affairs and
10 the case of the person or child is being, or has been, dismissed by
11 the court or the court is closing the case due to lack of
12 jurisdiction upon the person or child reaching eighteen (18) years
13 of age or nineteen (19) years of age if jurisdiction of the court
14 was previously extended by the court pursuant to Section 2-7-504 of
15 this title;

16 2. The person or child has not been arrested for any adult
17 criminal offense and no charge, indictment, or information has been
18 filed or is pending against the person or child at the time of the
19 petition for an expungement; and

20 3. ~~The person has not been subject to any deferred prosecution~~
21 ~~or deferred sentence, and has not been convicted of any criminal~~
22 ~~offense; and~~

1 4. All court costs, restitution, fines and other court-ordered
2 requirements have been completed for ~~all~~ the informal adjustment or
3 the juvenile proceedings.

4 C. After November 1, 2021, any person who has attained eighteen
5 (18) years of age or older and has successfully completed an
6 informal adjustment agreement, a deferred adjudication, or a period
7 of probation or custody with a juvenile bureau or the Office of
8 Juvenile Affairs, and whose case has previously been dismissed, may
9 petition the court for an order of expungement. In order to be
10 eligible for an order of expungement, the person must have satisfied
11 the requirements of paragraphs 1, 2 and 3 of subsection B of this
12 section.

13 D. For the purposes of this section, the term "expunge" or
14 "expungement" shall mean the sealing of juvenile court records.

15 E. 1. If an adjudication, deferred adjudication, or informal
16 adjustment of a person or child is being dismissed or has been
17 dismissed, then upon the receipt of an oral or written petition of
18 the person, the child, or other authorized person, the court may, if
19 the state does not object, grant the expungement if the court finds
20 that the harm to privacy of the person or the child in interest or
21 dangers of unwarranted adverse consequences outweigh the public
22 interest in retaining the records.

23 2. If the court grants the expungement, it shall issue a
24 written order to any law enforcement agency over which the court has

1 jurisdiction to expunge all files and records pertaining to the
2 arrest or adjudication of the person or child and shall order the
3 clerk of the court to expunge the entire file and record of the
4 case, including docket sheets, index entries, court records,
5 summonses, warrants or records in the office of the clerk or which
6 have been produced by a law enforcement agency in which the name of
7 the person or the child is mentioned. The court may order probation
8 officers and counselors of a juvenile bureau or the Office of
9 Juvenile Affairs to expunge all records, reports and social and
10 clinical studies relating to the person or the child that are in the
11 possession of a juvenile bureau or the Office of Juvenile Affairs,
12 except when the documents are necessary to maintain state or federal
13 funding.

14 3. Members of the judiciary, district attorneys, the person or
15 the child, counsel for the person or the child, employees of
16 juvenile bureaus and the Office of Juvenile Affairs who are assigned
17 juvenile court intake responsibilities, and the Department of
18 Corrections may access records that have been expunged pursuant to
19 this subsection without a court order for the purpose of determining
20 whether to dismiss an action, seek a voluntary probation, file a
21 petition or information, or for purposes of sentencing or placement
22 in a case where the person or child who is the subject of the sealed
23 record is alleged to have committed a subsequent juvenile delinquent
24 act, a youthful offender act, or any adult criminal offense.

1 Provided, any record sealed pursuant to this section shall be
2 ordered unsealed upon application of the prosecuting agency when
3 said records are requested for use in any subsequent juvenile
4 delinquent, youthful offender or adult prosecution.

5 B. F. If the state objected to an oral petition for
6 expungement, the court shall allow the person or the child, or
7 counsel for the person or child, to file a written petition for the
8 expungement of the juvenile court records. Upon the filing of a
9 petition for expungement of a juvenile court record, the court shall
10 set a date for a hearing, which hearing may be closed at the court's
11 discretion, and shall provide a thirty (30) days' notice of the
12 hearing to the district attorney, the Office of Juvenile Affairs,
13 the Oklahoma State Bureau of Investigation, and any other person or
14 agency whom the court has reason to believe may have relevant
15 information related to the expungement of any record.

16 C. G. Upon a finding that the harm to privacy of the person or
17 child in interest or dangers of unwarranted adverse consequences
18 outweigh the public interest in retaining the records, the court may
19 shall order the records, or any part thereof except basic
20 identification information, to be expunged. If the court finds that
21 neither expungement of the records nor maintaining of the records
22 unsealed by the agency would serve the ends of justice, the court
23 may enter an appropriate order limiting access to the records. Any
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1 order entered pursuant to the provisions of this subsection shall
2 specify those agencies to which the court order shall apply.

3 ~~D.~~ H. Upon the entry of an order to expunge any juvenile court
4 record, or any part thereof, the subject official actions shall be
5 deemed never to have occurred, and the person or the child in
6 interest and all juvenile and criminal justice agencies may properly
7 reply, upon any inquiry in the matter, that no such action ever
8 occurred and that no such record exists with respect to the person
9 or the child.

10 ~~E. Inspection of the records included in the order may~~
11 ~~thereafter be permitted by the court only upon petition by the~~
12 ~~person in interest who is the subject of the records, the Attorney~~
13 ~~General, or by the district attorney and only to those persons and~~
14 ~~for such purposes named in the petition.~~

15 I. When an order of expungement is issued by the court pursuant
16 to this section, the court shall require counsel for the person or
17 the child to prepare a written order of expungement which shall be
18 signed by the court and filed in the clerk's office of the district
19 court in which the juvenile court record is located. Copies of the
20 order of expungement shall be provided or mailed to the person or
21 the child, as well as the parent or legal guardian of the child, the
22 prosecuting attorney, the law enforcement agency or agencies that
23 investigated the case, the detention or jail in which the person or
24 the child was incarcerated, the juvenile bureau, the Office of

1 Juvenile Affairs, and the Oklahoma State Bureau of Investigation
2 directing the entity to expunge the juvenile court records in its
3 custody as directed in the order.

4 ~~F.~~ J. Employers, educational institutions, landlords, state and
5 local government agencies, officials, and employees shall not, in
6 any application or interview or ~~otherwise~~ in any other way, require
7 an applicant to disclose any information contained in any expunged
8 juvenile court records. An applicant need not, in answer to any
9 question concerning arrest, juvenile and criminal records, provide
10 information that has been expunged, including any reference to or
11 information concerning expungement and may state that no such action
12 has ever occurred. Such an application may not be denied solely
13 because of the applicant's refusal to disclose information that has
14 been expunged.

15 ~~G.~~ K. Nothing in this section shall be construed to authorize
16 the physical destruction of any juvenile records.

17 ~~H.~~ L. For the purposes of this section, expunged materials
18 which are recorded in the same document as unsealed material may be
19 recorded in a separate document, and sealed, then obliterated in the
20 original document.

21 ~~I.~~ M. For the purposes of this act, district court index
22 reference of sealed material shall be destroyed, removed or
23 obliterated.

1 ~~J.~~ N. Any record ordered to be expunged pursuant to this
2 section shall be sealed and, if not unsealed within ten (10) years
3 of the expungement order, may be obliterated or destroyed at the end
4 of the ten-year period.

5 ~~K.~~ O. Subsequent to records being sealed as provided herein,
6 the district attorney, the Office of Juvenile Affairs, the Oklahoma
7 State Bureau of Investigation, or other interested person or agency
8 may petition the court for an order unsealing any records. Upon
9 filing of a petition, the court shall set a date for hearing, which
10 hearing may be closed at the court's discretion, and shall provide
11 thirty (30) days' notice to all interested parties. If, upon
12 hearing, the court determines there has been a change of conditions
13 or that there is a compelling reason to unseal the records, the
14 court may order all or a portion of the records unsealed.

15 ~~L.~~ P. Nothing herein shall prohibit the introduction of
16 evidence regarding actions sealed pursuant to the provisions of this
17 section at any hearing or trial for purposes of impeaching the
18 credibility of a witness or as evidence of character testimony
19 pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

20 ~~M.~~ Q. A person who has attained eighteen (18) years of age or
21 older may petition the district or municipal court in which the
22 juvenile court record is located for an order to expunge ~~all or any~~
23 ~~part of~~ the record pertaining to matters involving truancy provided
24 the person has met the criteria set forth in paragraphs ~~2~~ 1 through

1 4 3 of subsection ~~A~~ B of this section. The petition shall be
2 reviewed by the district or municipal judge with primary
3 responsibility over the juvenile court docket.

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

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6 58-1-6342 GRS 01/16/21
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STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1952

By: Cruz

AS INTRODUCED

An Act relating to children; amending 10A O.S. 2011, Section 2-6-109, which relates to expungements; providing a process by which a person or child may expunge a juvenile court record; providing requirements; providing definition; providing notice requirements; providing exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-6-109, is amended to read as follows:

Section 2-6-109. A. A person or the child, or the parent, legal guardian or the attorney for the child, who is the subject of a juvenile court record, ~~that is not confidential as provided by law,~~ may petition the district court in which the juvenile court record is located for an order to expunge ~~all or any part of the~~ record pertaining to the person or the child, ~~except basic identification information; provided:~~

B. The petition for expungement may be filed either as an oral or written petition for an order to expunge the record pertaining to

1 the child at the time the case is before the court for a final
2 review of the ordered disposition pursuant to Section 2-2-503 of
3 this Title or at any time after an informal adjustment agreement has
4 been successfully completed pursuant to Section 2-2-104 of this
5 title; provided:

6 1. The person or child has ~~attained twenty-one (21) years of~~
7 ~~age or older~~ successfully completed the informal adjustment
8 agreement, the deferred adjudication, or a period of probation or
9 custody with a juvenile bureau or the Office of Juvenile Affairs and
10 the person's or child's case is being, or has been, dismissed by the
11 court or the court is closing the case due to lack of jurisdiction
12 upon the person or child reaching the age of eighteen (18) years of
13 age or nineteen (19) years of age if jurisdiction of the court was
14 previously extended by the court pursuant to Section 2-7-504 of this
15 Title;

16 2. The person or child has not been arrested for any adult
17 criminal offense and no charge, indictment, or information has been
18 filed or is pending against the person or child at the time of the
19 petition for an expungement;

20 3. ~~The person has not been subject to any deferred prosecution~~
21 ~~or deferred sentence, and has not been convicted of any criminal~~
22 ~~offense; and~~

1 ~~4.~~ All court costs, restitution, fines and other court-ordered
2 requirements have been completed for ~~all~~ the informal adjustment or
3 the juvenile proceedings.

4 4. After November 1, 2021, any person who has attained eighteen
5 (18) years of age or older and has successfully completed an
6 informal adjustment agreement, a deferred adjudication, or a period
7 of probation or custody with a juvenile bureau or the Office of
8 Juvenile Affairs, and whose case has previously been dismissed may
9 petition the court for an order of expungement. In order to be
10 eligible for an order of expungement, the person must have satisfied
11 the requirements of paragraphs 1, 2 and 3 of subsection B of this
12 statute as set forth above.

13 5. a. For the purposes of this section, the term "expunge"
14 or "expungement" shall mean the sealing of juvenile
15 court records.

16 b. If a person's or child's adjudication, deferred
17 adjudication, or informal adjustment is being or has
18 been dismissed, then upon the receipt of an oral or
19 written petition of the person, the child, or other
20 authorized person, the court may, if the State does
21 not object, grant the expungement if the court finds
22 that the harm to privacy of the person or the child in
23 interest or dangers of unwarranted adverse

1 consequences outweigh the public interest in retaining
2 the records.

3 c. If the court grants the expungement, it shall issue a
4 written order to any law enforcement agency over which
5 the court has jurisdiction to expunge all files and
6 records pertaining to the arrest or adjudication of
7 the person or child and shall order the clerk of the
8 court to expunge the entire file and record of the
9 case, including docket sheets, index entries, court
10 records, summonses, warrants or records in the office
11 of the clerk or which have been produced by a law
12 enforcement agency in which the name of the person or
13 the child is mentioned. The court may order probation
14 officers and counselors of a juvenile bureau or the
15 Office of Juvenile Affairs to expunge all records,
16 reports and social and clinical studies relating to
17 the person or the child that are in the possession of
18 a Juvenile Bureau or the Office of Juvenile Affairs,
19 except when the documents are necessary to maintain
20 state or federal funding.

21 d. Members of the judiciary, district attorneys, the
22 person or the child, counsel for the person or the
23 child, employees of juvenile bureaus and the Office of
24 Juvenile Affairs who are assigned juvenile court

1 intake responsibilities, and the Department of
2 Corrections may access records that have been expunged
3 pursuant to this subsection without a court order for
4 the purpose of determining whether to dismiss an
5 action, seek a voluntary probation, file a petition or
6 information, or for purposes of sentencing or
7 placement in a case where the person who is the
8 subject of the sealed record is alleged to have
9 committed a subsequent juvenile delinquent act, a
10 youthful offender act, or any adult criminal offense.
11 Provided, any record sealed pursuant to this section
12 shall be ordered unsealed upon application of the
13 prosecuting agency when said records are requested for
14 use in any subsequent juvenile delinquent, youthful
15 offender or adult prosecution.

16 ~~B.~~ C. If the State objected to oral or written petition for
17 expungement, the court shall allow the person or the child, or their
18 counsel, to file a written petition for the expungement of the
19 juvenile court records. Upon the filing of a petition for
20 expungement of a juvenile court record, the court shall set a date
21 for a hearing, which hearing may be closed at the court's
22 discretion, and shall provide a thirty (30) days' notice of the
23 hearing to the district attorney, the Office of Juvenile Affairs,
24 the Oklahoma State Bureau of Investigation, and any other person or

1 agency whom the court has reason to believe may have relevant
2 information related to the expungement of any record.

3 ~~C.~~ D. Upon a finding that the harm to privacy of the person in
4 interest or dangers of unwarranted adverse consequences outweigh the
5 public interest in retaining the records, the court ~~may~~ shall order
6 the records, ~~or any part thereof except basic identification~~
7 ~~information,~~ to be expunged. ~~If the court finds that neither~~
8 ~~expungement of the records nor maintaining of the records unsealed~~
9 ~~by the agency would serve the ends of justice, the court may enter~~
10 ~~an appropriate order limiting access to the records.~~ Any order
11 entered pursuant to the provisions of this subsection shall specify
12 those agencies to which the court order shall apply.

13 ~~D.~~ E. Upon the entry of an order to expunge any juvenile court
14 record, or any part thereof, the subject official actions shall be
15 deemed never to have occurred, and the person or the child in
16 interest and all juvenile and criminal justice agencies may properly
17 reply, upon any inquiry in the matter, that no such action ever
18 occurred and that no such record exists with respect to the person
19 or the child.

20 ~~E.~~ ~~Inspection of the records included in the order may~~
21 ~~thereafter be permitted by the court only upon petition by the~~
22 ~~person in interest who is the subject of the records, the Attorney~~
23 ~~General, or by the district attorney and only to those persons and~~
24 ~~for such purposes named in the petition.~~

1 F. When an order of expungement is issued by the court pursuant
2 to this Section, the court shall require the attorney for the person
3 or the child to prepare a written order of expungement which shall
4 be signed by the court and filed in the clerk's office of the
5 district court in which the juvenile court record is located.
6 Copies of the order of expungement shall be provided or mailed to
7 the person or the child, as well as the parent(s), the legal
8 guardian(s) of the child, the prosecuting attorney, the law
9 enforcement agency or agencies that investigated the case, the
10 detention or jail in which the person or the child was incarcerated,
11 the juvenile bureau, the Office of Juvenile Affairs, and the
12 Oklahoma State Bureau of Investigation directing the entity to
13 expunge (seal) the juvenile court records in its custody as directed
14 in the order.

15 ~~F.~~ G. Employers, educational institutions, landlords, state and
16 local government agencies, officials, and employees shall not, in
17 any application or interview or ~~otherwise~~ in any other way, require
18 an applicant to disclose any information contained in any expunged
19 juvenile court records. An applicant need not, in answer to any
20 question concerning arrest, juvenile and criminal records, provide
21 information that has been expunged, including any reference to or
22 information concerning expungement and may state that no such action
23 has ever occurred. Such an application may not be denied solely
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1 because of the applicant's refusal to disclose information that has
2 been expunged.

3 ~~G.~~ H. Nothing in this section shall be construed to authorize
4 the physical destruction of any juvenile records.

5 ~~H.~~ I. For the purposes of this section, expunged materials
6 which are recorded in the same document as unsealed material may be
7 recorded in a separate document, and sealed, then obliterated in the
8 original document.

9 ~~I.~~ J. For the purposes of this act, district court index
10 reference of sealed material shall be destroyed, removed or
11 obliterated.

12 ~~J.~~ K. Any record ordered to be expunged pursuant to this
13 section shall be sealed and, if not unsealed within ten (10) years
14 of the expungement order, may be obliterated or destroyed at the end
15 of the ten-year period.

16 ~~K.~~ L. Subsequent to records being sealed as provided herein,
17 the district attorney, the Office of Juvenile Affairs, the Oklahoma
18 State Bureau of Investigation, or other interested person or agency
19 may petition the court for an order unsealing any records. Upon
20 filing of a petition, the court shall set a date for hearing, which
21 hearing may be closed at the court's discretion, and shall provide
22 thirty (30) days' notice to all interested parties. If, upon
23 hearing, the court determines there has been a change of conditions
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1 or that there is a compelling reason to unseal the records, the
2 court may order all or a portion of the records unsealed.

3 ~~H.~~ M. Nothing herein shall prohibit the introduction of
4 evidence regarding actions sealed pursuant to the provisions of this
5 section at any hearing or trial for purposes of impeaching the
6 credibility of a witness or as evidence of character testimony
7 pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

8 ~~M.~~ N. A person who has attained eighteen (18) years of age or
9 older may petition the district or municipal court in which the
10 juvenile court record is located for an order to expunge ~~all or any~~
11 ~~part of~~ the record pertaining to matters involving truancy provided
12 the person has met the criteria set forth in paragraphs ~~2~~ 1 through
13 ~~4~~ 3 of subsection A of this section. The petition shall be reviewed
14 by the district or municipal judge with primary responsibility over
15 the juvenile court docket.

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

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18 58-1-7175 CMA 01/14/21
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1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1992

By: Caldwell (Trey) and **Talley**

7 AS INTRODUCED

8 An Act relating to children; amending Section 3,
9 Chapter 337, O.S.L. 2017 (10A O.S. Supp. 2020,
10 Section 2-7-620), which relates to juvenile centers;
11 providing for the operation of group homes at the
12 Southwest Oklahoma Juvenile Center; granting the
13 Office of Juvenile Affairs authority to contract with
14 state agencies; granting the Office of Juvenile
15 Affairs authority to contract with any tribal nation
16 and federal government entity; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY Section 3, Chapter 337, O.S.L.
20 2017 (10A O.S. Supp. 2020, Section 2-7-620), is amended to read as
21 follows:

22 Section 2-7-620. A. Concurrent with the Office of Juvenile
23 Affairs (OJA) campus consolidation process as contemplated by this
24 act, OJA is directed to develop, in collaboration with other
25 executive branch agencies and such other entities as OJA deems
26 necessary in furtherance of the requirements of this act, plans for
27 the repurposing of the Southwest Oklahoma Juvenile Center and the

Oklahoma Juvenile Center for Girls campuses. The agency shall provide a report to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate on recommendations for future use of those facilities not later than March 31, 2018, or one hundred eighty (180) days from such date if the provisions of this act become effective as law later than July 1, 2017.

B. The Office of Juvenile Affairs may contract for and/or operate group homes of any level at the Southwest Oklahoma Juvenile Center campus located in Manitou, Oklahoma.

C. OJA may contract with any other state agencies to allow for the placement of children or young adults in the custody of a state agency to reside and participate in any identified OJA-contracted or -operated program or facility.

D. OJA may contract with any tribal nation and/or agency or department of the federal government, in consultation with and approval by the Governor and the Oklahoma Attorney General, to allow for the placement of children and young adults in the custody of the tribal nation or an agency or department of federal government to reside and participate in any identified OJA-contracted or -operated program or facility.

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

COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY SERVICES, dated 02/09/2021 - DO PASS, As Coauthored.

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2311

By: Lawson

5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2011,
8 Sections 2-2-403, 2-3-101, as last amended by Section
9 1, Chapter 22, O.S.L. 2020, 2-5-204, as amended by
10 Section 4, Chapter 155, O.S.L. 2018 and 2-5-209, as
11 amended by Section 9, Chapter 155, O.S.L. 2018 (10A
12 O.S. Supp. 2020, Sections 2-3-101, 2-5-204 and 2-5-
13 209), which relate to detention of children in adult
14 facilities; providing for incarceration of juveniles
15 sentenced as adults; prohibiting detainment of
16 children in adult facilities; providing exceptions;
17 requiring hearing and certain findings before
18 confinement of child in adult facility; establishing
19 factors for court to consider; affording certain
20 rights and protections to child; providing for
21 detention of youthful offenders; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-2-403, is
amended to read as follows:

Section 2-2-403. A. Except as otherwise provided by law, if a
child is charged with a delinquent act as a result of an offense
which would be a felony if committed by an adult, the court on its
own motion or at the request of the district attorney shall conduct
a preliminary hearing to determine whether or not there is

1 prosecutive merit to the complaint. If the court finds that
2 prosecutive merit exists, it shall continue the hearing for a
3 sufficient period of time to conduct an investigation and further
4 hearing to determine if the child should be held accountable for
5 acts of the child as if the child were an adult if the child should
6 be found to have committed the alleged act or omission.

7 Consideration shall be given to:

8 1. The seriousness of the alleged offense to the community, and
9 whether the alleged offense was committed in an aggressive, violent,
10 premeditated or willful manner;

11 2. Whether the offense was against persons or property, greater
12 weight being given to transferring the accused person to the adult
13 criminal justice system for offenses against persons and, if
14 personal injury resulted, the degree of personal injury;

15 3. The sophistication and maturity of the juvenile and
16 capability of the juvenile of distinguishing right from wrong as
17 determined by consideration of a psychological evaluation of the
18 juvenile, home, environmental situation, emotional attitude and
19 pattern of living;

20 4. The record and previous history of the accused person,
21 including previous contacts with community agencies, law enforcement
22 agencies, schools, juvenile or criminal courts and other
23 jurisdictions, prior periods of probation or prior commitments to
24 juvenile institutions;

1 5. The prospects for adequate protection of the public;

2 6. The likelihood of reasonable rehabilitation of the juvenile
3 if the juvenile is found to have committed the alleged offense, by
4 the use of procedures and facilities currently available to the
5 juvenile court; and

6 7. Whether the offense occurred while the juvenile was escaping
7 or in an escape status from an institution for delinquent children.

8 After the investigation and hearing, the court may in its
9 discretion proceed with the juvenile proceeding, or it shall state
10 its reasons in writing and shall certify, based on clear and
11 convincing evidence, that the child shall be held accountable for
12 acts of the child as if the child were an adult and shall be held
13 for proper criminal proceedings for the specific offense charged, by
14 any other division of the court which would have trial jurisdiction
15 of the offense if committed by an adult. The juvenile proceeding
16 shall not be dismissed until the criminal proceeding has commenced
17 and if no criminal proceeding commences within thirty (30) days of
18 the date of the certification, unless stayed pending appeal, the
19 court shall proceed with the juvenile proceeding and the
20 certification shall lapse.

21 If not included in the original summons, notice of a hearing to
22 consider whether a child should be certified for trial as an adult
23 shall be given to all persons who are required to be served with a
24 summons at the commencement of a juvenile proceeding, but

1 publication in a newspaper when the address of a person is unknown
2 is not required. The purpose of the hearing shall be clearly stated
3 in the notice.

4 B. Prior to the entry of any order of certification, any child
5 in custody shall have the same right to be released upon bail as
6 would an adult under the same circumstances. Subsequent to the
7 entry of an order that a child stand trial as an adult, the child
8 shall have all the statutory and constitutional rights and
9 protections of an adult accused of a crime ~~but shall, while awaiting~~
10 ~~trial and for the duration of the trial, be detained in a jail cell~~
11 ~~or ward entirely separate from prisoners who are eighteen (18) years~~
12 ~~of age or over.~~ Upon conviction, the juvenile may be incarcerated
13 with the adult population in an adult jail, adult lockup, adult
14 detention facility or other adult facility if that facility is
15 licensed by the Office of Juvenile Affairs to detain children under
16 eighteen (18) years of age while the person is awaiting housing by
17 the Department of Corrections. If, prior to the entry of any order
18 of certification, the child becomes eighteen (18) years of age, the
19 child may be detained in a county jail or released on bail. If a
20 child is certified to stand trial as an adult, the court shall make
21 every effort to avoid duplication of the adult preliminary hearing
22 and the prosecutorial hearing in the juvenile certification process.
23 The parties may jointly stipulate to the court that the record for
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1 the prosecutorial merit hearing in the juvenile proceeding be used
2 for all or part of the preliminary hearing.

3 C. Any child who has been certified to stand trial as an adult
4 pursuant to any order entered by any competent court of this state
5 or any other state shall be tried as an adult in all subsequent
6 criminal prosecutions, and shall not be subject to the jurisdiction
7 of the juvenile court or be eligible to be tried as a youthful
8 offender in any further proceedings.

9 D. An order either certifying a person as a child or an adult
10 pursuant to subsection A of this section or denying such
11 certification shall be a final order, appealable when entered and
12 shall not be modified.

13 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-3-101, as
14 last amended by Section 1, Chapter 22, O.S.L. 2020 (10A O.S. Supp.
15 2020, Section 2-3-101), is amended to read as follows:

16 Section 2-3-101. A. When a child is taken into custody
17 pursuant to the provisions of the Oklahoma Juvenile Code, the child
18 shall be detained only if it is necessary to assure the appearance
19 of the child in court or for the protection of the child or the
20 public.

- 21 1. a. No child twelve (12) years of age or younger shall be
22 placed in a juvenile detention facility unless all
23 alternatives have been exhausted and the child is
24 currently charged with a criminal offense that would

1 constitute a felony if committed by an adult and it
2 has been indicated by a risk-assessment screening that
3 the child requires detention. The detention of any
4 child twelve (12) years of age or younger shall be
5 judicially reviewed pursuant to subparagraph c of this
6 paragraph.

7 b. Any child who is thirteen (13) or fourteen (14) years
8 of age may be admitted to a juvenile detention
9 facility only after all alternatives have been
10 exhausted and the child is currently charged with a
11 criminal offense that would constitute a felony if
12 committed by an adult and it has been indicated by a
13 risk-assessment screening that the child requires
14 detention.

15 c. No preadjudicatory or predisposition detention or
16 custody order shall remain in force and effect for
17 more than thirty (30) days. The court, for good and
18 sufficient cause shown, may extend the effective
19 period of such an order for an additional period not
20 to exceed sixty (60) days. If the child is being
21 detained for the commission of a murder, the court
22 may, if it is in the best interests of justice, extend
23 the effective period of such an order an additional
24 sixty (60) days.

1 d. Whenever the court orders a child to be held in a
2 juvenile detention facility, an order for secure
3 detention shall remain in force and effect for not
4 more than fifteen (15) days after such order. Upon an
5 application of the district attorney and after a
6 hearing on such application, the court, for good and
7 sufficient cause shown, may extend the effective
8 period of such an order for an additional period not
9 to exceed fifteen (15) days after such hearing. The
10 total period of preadjudicatory or predisposition
11 shall not exceed the ninety-day limitation as
12 specified in subparagraph a of this paragraph. The
13 child shall be present at the hearing on the
14 application for extension unless, as authorized and
15 approved by the court, the attorney for the child is
16 present at the hearing and the child is available to
17 participate in the hearing via telephone conference
18 communication. For the purpose of this paragraph,
19 "telephone conference communication" means use of a
20 telephone device that allows all parties, including
21 the child, to hear and be heard by the other parties
22 at the hearing. After the hearing, the court may
23 order continued detention in a juvenile detention
24 center, may order the child detained in an alternative

1 to secure detention or may order the release of the
2 child from detention.

3 2. No child alleged or adjudicated to be deprived or in need of
4 supervision or who is or appears to be a minor in need of treatment
5 as defined by the Inpatient Mental Health and Substance Abuse
6 Treatment of Minors Act, shall be confined in any jail, adult
7 lockup, or adult detention facility. No child shall be transported
8 or detained in association with criminal, vicious, or dissolute
9 persons.

10 3. Except as otherwise authorized by this section a child who
11 has been taken into custody as a deprived child, a child in need of
12 supervision, or who appears to be a minor in need of treatment, may
13 not be placed in any detention facility pending court proceedings,
14 but must be placed in shelter care or foster care or, with regard to
15 a child who appears to be a minor in need of treatment, a behavioral
16 health treatment facility in accordance with the provisions of the
17 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
18 or released to the custody of the parents of the child or some other
19 responsible party. Provided, this shall not preclude runaway
20 juveniles from other states, with or without delinquent status, to
21 be held in a detention facility in accordance with the Interstate
22 Compact for Juveniles in Sections 2-9-101 through 2-9-116 of this
23 title and rules promulgated by the Interstate Commission.

24 B. No child shall be placed in secure detention unless:

1 1. The child is an escapee from any delinquent placement;

2 2. The child is a fugitive from another jurisdiction with a
3 warrant on a delinquency charge or confirmation of delinquency
4 charges by the home jurisdiction;

5 3. The child is seriously assaultive or destructive towards
6 others or self;

7 4. The child is currently charged with any criminal offense
8 that would constitute a felony if committed by an adult or a
9 misdemeanor and:

10 a. is on probation or parole on a prior delinquent
11 offense,

12 b. is on preadjudicatory community supervision, or

13 c. is currently on release status on a prior delinquent
14 offense;

15 5. The child has willfully failed or there is reason to believe
16 that the child will willfully fail to appear for juvenile court
17 proceedings;

18 6. A warrant for the child has been issued on the basis that:

19 a. the child is absent from court-ordered placement
20 without approval by the court,

21 b. the child is absent from designated placement by the
22 Office of Juvenile Affairs without approval by the
23 Office of Juvenile Affairs,
24

1 c. there is reason to believe the child will not remain
2 at said placement, or

3 d. the child is subject to an administrative transfer or
4 parole revocation proceeding.

5 C. A child who has violated a court order and has had the order
6 revoked or modified pursuant to Section 2-2-503 of this title may be
7 placed into an Office-of-Juvenile-Affairs-designated sanction
8 detention bed or an Office-of-Juvenile-Affairs-approved sanction
9 program.

10 D. Priority shall be given to the use of juvenile detention
11 facilities for the detention of juvenile offenders through
12 provisions requiring the removal from detention of a juvenile with a
13 lower priority status if an empty detention bed is not available at
14 the time of referral of a juvenile with a higher priority status and
15 if the juvenile with a higher priority status would be more of a
16 danger to the public than the juvenile with the lower priority
17 status.

18 E. Juvenile detention facilities shall be the default placement
19 for all persons under seventeen (17) years of age. No child shall
20 be placed in secure detention in an adult jail, adult lockup, adult
21 detention facility or other adult facility except as provided in
22 this section.

23 1. Any child who is at least fifteen (15) years of age who is
24 charged with murder in the first degree may be detained in an adult

1 jail, adult lockup, adult detention facility or other adult facility
2 only after a hearing in which the child is provided representation
3 and a written court order stating that it is in the interest of
4 justice that the child be placed in an adult jail, adult lockup,
5 adult detention facility or other adult facility and if that
6 facility is licensed by the Office of Juvenile Affairs to detain
7 children under eighteen (18) years of age.

8 2. In determining whether it is in the interest of justice that
9 a child who is at least fifteen (15) years of age and who is charged
10 with murder in the first degree be placed in an adult jail, adult
11 lockup, adult detention facility or other adult facility, the court
12 shall consider:

- 13 a. the age of the child,
- 14 b. the physical and mental maturity of the child,
- 15 c. the present mental state of the child, including
16 whether the child presents an imminent risk of harm to
17 himself or herself,
- 18 d. the nature and circumstances of the alleged offense,
- 19 e. the child's history of prior delinquent acts,
- 20 f. the relative ability of the available adult and
21 juvenile detention facilities to not only meet the
22 specific needs of the child but also to protect the
23 safety of the public as well as other detained youth,
24 and

1 g. any other relevant factors.

2 3. If a court determines that it is in the interest of justice
3 that the child be placed in an adult jail, adult lockup, adult
4 detention facility or other adult facility:

5 a. the court shall hold a hearing not less frequently
6 than once every thirty (30) days, or in the case of a
7 rural jurisdiction, which is any jurisdiction not
8 located in a metropolitan statistical area, as defined
9 by the United States Office of Management and Budget,
10 not less frequently than once every forty-five (45)
11 days, to review whether it is still in the interest of
12 justice to permit the juvenile to be so held, and

13 b. the child shall not be held in any adult jail or
14 lockup for adults for more than one hundred eighty
15 (180) days, unless the court, in writing, determines
16 there is good cause for an extension or the child
17 expressly waives this limitation.

18 F. When a child is placed in an adult jail, adult lockup, adult
19 detention facility or other adult facility, he or she shall be
20 afforded the following rights and protections in order to address
21 the child's health and safety:

22 1. A copy of the child's most current mental health or suicide
23 screening instrument approved by the Office of Juvenile Affairs

1 shall be provided to the adult jail, adult lockup or adult detention
2 facility at the time of the child's transfer; and

3 2. Adult jails, adult lockups, adult detention facilities or
4 other adult facilities shall process requests for visits and allow
5 approved visitors contact visits with the child within five (5)
6 business days of the request.

7 G. 1. Except as otherwise provided in this section, no child
8 shall be placed in secure detention in ~~a~~ an adult jail, adult
9 lockup, ~~or other~~ adult detention facility or other adult facility
10 unless:

- 11 a. ~~the child is detained for the commission of a crime~~
12 ~~that would constitute a felony if committed by an~~
13 ~~adult, and~~
- 14 b. ~~the child is awaiting an initial court appearance, and~~
- 15 c. ~~the initial court appearance of the child is scheduled~~
16 ~~within twenty-four (24) hours after being taken into~~
17 ~~custody, excluding weekends and holidays, and~~
- 18 d. ~~the court of jurisdiction is outside of the Standard~~
19 ~~Metropolitan Statistical Area as defined by the Bureau~~
20 ~~of Census, and~~
- 21 e. ~~there is no existing acceptable alternative placement~~
22 ~~for the child, and~~
- 23 f. the adult jail, adult lockup or adult detention
24 facility provides sight and sound separation for

1 juveniles, pursuant to standards required by
2 subsection E of Section 2-3-103 of this title, ~~or~~ and
3 ~~or~~.

4 b. the adult jail, adult lockup or adult detention
5 facility meets the requirements for licensure of
6 juvenile detention facilities, as adopted by the
7 Office of Juvenile Affairs, is appropriately licensed,
8 and provides sight and sound separation for juveniles,
9 which includes:

10 (1) total separation between juveniles and adult
11 facility spatial areas such that there could be
12 no haphazard or accidental contact between
13 juvenile and adult residents in the respective
14 facilities,

15 (2) total separation in all juvenile and adult
16 program activities within the facilities,
17 including recreation, education, counseling,
18 health care, dining, sleeping and general living
19 activities, and

20 (3) separate juvenile and adult staff, specifically
21 direct care staff such as recreation, education
22 and counseling.

23 Specialized services staff, such as cooks,
24 bookkeepers, and medical professionals who are not

1 normally in contact with detainees or whose infrequent
2 contacts occur under conditions of separation of
3 juveniles and adults can serve both.

4 2. Nothing in this section shall preclude a child who is
5 detained for the commission of a crime that would constitute a
6 felony if committed by an adult, or a child who is an escapee from a
7 juvenile secure facility or from an Office of Juvenile Affairs group
8 home from being held in any jail certified by the State Department
9 of Health, police station or similar law enforcement offices for up
10 to six (6) hours for purposes of identification, processing or
11 arranging for transfer to a secure detention or alternative to
12 secure detention. Such holding shall be limited to the absolute
13 minimum time necessary to complete these actions.

14 a. The time limitations for holding a child in a jail for
15 the purposes of identification, processing or
16 arranging transfer established by this section shall
17 not include the actual travel time required for
18 transporting a child from a jail to a juvenile
19 detention facility or alternative to secure detention.

20 b. Whenever the time limitations established by this
21 subsection are exceeded, this circumstance shall not
22 constitute a defense in a subsequent delinquency or
23 criminal proceeding.
24

1 3. Nothing in this section shall preclude detaining in a county
2 jail or other adult detention facility an eighteen-year-old charged
3 in a juvenile petition for whom certification to stand trial as an
4 adult is prayed. However, if no certification motion is filed, the
5 eighteen-year-old may remain in a juvenile detention facility as
6 long as secure detention is required.

7 4. Nothing in this section shall preclude detaining in a county
8 jail or other adult detention facility a person provided for in
9 Section 2-3-102 of this title if written or electronically
10 transmitted confirmation is received from the state seeking return
11 of the individual that the person is a person provided for in
12 Section 2-3-102 of this title and if, during the time of detention,
13 the person is detained in a facility meeting the requirements of
14 Section 2-3-103 of this title.

15 5. Nothing in this section shall preclude detaining a person,
16 whose age is not immediately ascertainable and who is being detained
17 for the commission of a felony, in a jail certified by the State
18 Department of Health, a police station or similar law enforcement
19 office for up to twenty-four (24) hours for the purpose of
20 determining whether or not the person is a child, if:

21 a. there is a reasonable belief that the person is
22 eighteen (18) years of age or older,

23 b. there is a reasonable belief that a felony has been
24 committed by the person,

1 c. a court order for such detention is obtained from a
2 judge of the district court within six (6) hours of
3 initially detaining the person,

4 d. there is no juvenile detention facility that has space
5 available for the person and that is within thirty
6 (30) miles of the jail, police station, or law
7 enforcement office in which the person is to be
8 detained, and

9 e. during the time of detention the person is detained in
10 a facility meeting the requirements of subparagraph ~~a~~
11 b of paragraph 1 of this subsection.

12 The time limitation provided for in this paragraph shall include the
13 time the person is detained prior to the issuance of the court
14 order.

15 The time limitation provided for in this paragraph shall not include
16 the actual travel time required for transporting the person to the
17 jail, police station, or similar law enforcement office. If the
18 time limitation established by this paragraph is exceeded, this
19 circumstance shall not constitute a defense in any subsequent
20 delinquency or criminal proceeding.

21 ~~F.~~ H. Nothing contained in this section shall in any way reduce
22 or eliminate the liability of a county as otherwise provided by law
23 for injury or damages resulting from the placement of a child in a
24

1 an adult jail, adult lockup, ~~or other~~ adult detention facility or
2 other adult facility.

3 ~~G.~~ I. Any juvenile detention facility shall be available for
4 use by any eligible Indian child as that term is defined by the
5 Oklahoma Indian Child Welfare Act, providing that the use of the
6 juvenile detention facility meets the requirements of the Oklahoma
7 Juvenile Code. The Indian tribe may contract with any juvenile
8 detention facility for the providing of detention services.

9 ~~H.~~ J. Each member of the staff of a juvenile detention facility
10 shall satisfactorily complete a training program provided or
11 approved by the Office of Juvenile Affairs.

12 ~~I.~~ K. Whenever a juvenile is placed in any adult jail, adult
13 lockup, ~~or other~~ adult detention facility or other adult facility,
14 the Office of Juvenile Affairs shall have access to all facilities
15 which detain such juveniles and shall have access to any data
16 regarding such juveniles. The Office of Juvenile Affairs shall have
17 access to all adult jails, adult lockups, adult detention facilities
18 or other adult facilities in this state, including all data
19 maintained by such facilities, to assure compliance with this
20 section. The Board of Juvenile Affairs shall promulgate rules as
21 necessary to implement the provisions of this section.

22 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-5-204, as
23 amended by Section 4, Chapter 155, O.S.L. 2018 (10A O.S. Supp. 2020,
24 Section 2-5-204), is amended to read as follows:

1 Section 2-5-204. A. A child who is arrested for an offense
2 pursuant to subsection A or B of Section 2-5-206 of this title, or
3 who is certified as a youthful offender pursuant to Section 2-5-205
4 of this title, shall be charged by information in the same manner as
5 provided for adults.

6 B. If the child is not otherwise represented by counsel and
7 requests an attorney prior to or during interrogation, or whenever
8 charged by information, as provided in subsection A of this section,
9 the court shall appoint an attorney, who shall not be a district
10 attorney, for the child regardless of any attempted waiver by the
11 parent, legal guardian, or other legal custodian of the child of the
12 right of the child to be represented by counsel. Counsel shall be
13 appointed by the court only upon determination by the court that the
14 parent, legal guardian or legal custodian is found to be indigent.

15 C. When a person is certified to stand trial as an adult or a
16 youthful offender as provided by the Youthful Offender Act, the
17 accused person shall have all the statutory and constitutional
18 rights and protections of an adult accused of a crime. All
19 proceedings shall be as for a criminal action and the provisions of
20 Title 22 of the Oklahoma Statutes shall apply, except as provided
21 for in the Youthful Offender Act.

22 D. All youthful offender court records for a person who is
23 certified to stand trial as an adult or youthful offender shall be
24 considered adult records and shall not be subject to the provisions

1 of Chapter 6 of the Oklahoma Juvenile Code; provided, however, all
2 reports, evaluations, motions, records, exhibits or documents
3 regarding the educational history, mental health or medical
4 treatment or condition of the offender that are submitted to the
5 court or admitted into evidence during the hearing on the motion for
6 certification as a youthful offender to the juvenile system or
7 motion for imposition of an adult sentence shall be confidential and
8 shall be filed or admitted under seal, except that such records
9 shall be provided to the Office of Juvenile Affairs. Any testimony
10 regarding the reports, evaluations, motions, records, exhibits or
11 documents shall be given in camera and shall not be open to the
12 general public; provided, all persons having a direct interest in
13 the case as provided in paragraph 1 of subsection A of Section 2-2-
14 402 of this title shall be allowed to be present during the
15 testimony but shall be admonished not to discuss the testimony
16 following the hearing. All reports, evaluations, motions, records,
17 exhibits or documents shall be released from under seal by order of
18 the court if the youthful offender is sentenced to the custody or
19 supervision of the Department of Corrections by the court pursuant
20 to paragraph 1 of subsection B of Section 2-5-209 or paragraph 5 of
21 subsection B of Section 2-5-210 of this title or if the juvenile or
22 youthful offender is later charged as an adult with a felony crime.

23 E. Proceedings against a youthful offender shall be heard by
24 any judge of the district court.

1 F. Upon arrest and detention of a person subject to the
2 provisions of Section 2-5-205 or 2-5-206 of this title, the person
3 has the same right to be released on bail as would an adult in the
4 same circumstances ~~and, if detained, may be detained in a county~~
5 ~~jail if separated by sight and sound from the adult population as~~
6 ~~otherwise authorized by law. If no such county jail is available,~~
7 ~~then such person may be detained at a juvenile detention facility.~~
8 ~~The sheriff, chief of police, or juvenile or adult detention~~
9 ~~facility operator shall forthwith notify the Office of Juvenile~~
10 ~~Affairs of any such arrest and detention.~~

11 G. Upon certification for the imposition of an adult sentence,
12 a verdict of guilty or entry of a plea of guilty or nolo contendere
13 by a youthful offender who has been certified for the imposition of
14 an adult sentence as provided by Section 2-5-208 of this title, the
15 person may be detained ~~as an adult and, if incarcerated, may be~~
16 ~~incarcerated with the adult population~~ in an adult jail, adult
17 lockup, adult detention facility or other adult facility if that
18 facility is licensed by the Office of Juvenile Affairs to detain
19 children under eighteen (18) years of age while the person is
20 awaiting housing by the Department of Corrections.

21 H. A child or youthful offender shall be tried as an adult in
22 all subsequent criminal prosecutions, and shall not be subject to
23 the jurisdiction of the juvenile court as a juvenile delinquent or
24 youthful offender processes in any further proceedings if:

1 1. The child or youthful offender has been certified to stand
2 trial as an adult pursuant to any certification procedure provided
3 by law and is subsequently convicted of the alleged offense or
4 against whom the imposition of judgment and sentence has been
5 deferred; or

6 2. The youthful offender has been certified for the imposition
7 of an adult sentence as provided by Section 2-5-208 of this title
8 and is subsequently convicted of the alleged offense or against whom
9 the imposition of judgment and sentencing has been deferred.

10 I. Except as otherwise provided in the Youthful Offender Act, a
11 person who has been certified as a youthful offender shall be
12 prosecuted as a youthful offender in all subsequent criminal
13 proceedings until the youthful offender has attained eighteen (18)
14 years of age.

15 All proceedings for the commission of a crime committed after a
16 youthful offender has reached eighteen (18) years of age shall be
17 adult proceedings.

18 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-5-209, as
19 amended by Section 9, Chapter 155, O.S.L. 2018 (10A O.S. Supp. 2020,
20 Section 2-5-209), is amended to read as follows:

21 Section 2-5-209. A. Upon a verdict of guilty or a plea of
22 guilty or nolo contendere of a youthful offender and prior to the
23 imposition of a youthful offender sentence by the court:

1 1. A youthful offender presentence investigation shall be
2 conducted unless waived by the youthful offender with approval of
3 the court or unless an investigation is conducted pursuant to
4 subsection C of Section 2-5-208 of this title. All reports,
5 evaluations, motions, records, exhibits or documents regarding the
6 educational history, mental health or medical treatment or condition
7 of the offender that are submitted to the court or admitted into
8 evidence during the hearing on the motion for certification of the
9 accused youthful offender to the juvenile system or motion for
10 imposition of an adult sentence are confidential and shall be filed
11 or admitted under seal, except that such records shall be provided
12 to the Office of Juvenile Affairs. Any testimony regarding the
13 reports, evaluations, motions, records, exhibits or documents shall
14 be given in camera and shall not be open to the general public;
15 provided, all persons having a direct interest in the case as
16 provided in paragraph 1 of subsection A of Section 2-2-402 of this
17 title shall be allowed to be present during the testimony but shall
18 be admonished not to discuss the testimony following the hearing.
19 All reports, evaluations, motions, records, exhibits or documents
20 shall be released from under seal by order of the court if the
21 youthful offender is sentenced to the custody or supervision of the
22 Department of Corrections by the court pursuant to paragraph 1 of
23 subsection B of ~~Section 2-5-209~~ this section or paragraph 5 of
24 subsection B of Section 2-5-210 of this title or if the juvenile or

1 youthful offender is later charged as an adult with a felony crime.
2 Any presentence investigation required by this section shall be
3 conducted by the Office of Juvenile Affairs; and

4 2. The court shall conduct a hearing and shall consider, with
5 the greatest weight given to subparagraphs a, b and c:

6 a. whether the offense was committed in an aggressive,
7 violent, premeditated or willful manner,

8 b. whether the offense was against persons and, if
9 personal injury resulted, the degree of personal
10 injury,

11 c. the record and past history of the person, including
12 previous contacts with law enforcement agencies and
13 juvenile or criminal courts, prior periods of
14 probation and commitments to juvenile institutions,

15 d. the sophistication and maturity of the person and the
16 capability of distinguishing right from wrong as
17 determined by consideration of the psychological
18 evaluation, home, environmental situation, emotional
19 attitude and pattern of living of the person,

20 e. the prospects for adequate protection of the public if
21 the person is processed through the youthful offender
22 system or the juvenile system,

23 f. the reasonable likelihood of rehabilitation of the
24 person if found to have committed the offense, by the

1 use of procedures and facilities currently available
2 to the juvenile, and

3 g. whether the offense occurred while the person was
4 escaping or on escape status from an institution for
5 youthful offenders or delinquent children.

6 B. 1. After the hearing and consideration of the report of the
7 presentence investigation, the court shall impose sentence as a
8 youthful offender, and such youthful offender shall be subject to
9 the same type of sentencing procedures and duration of sentence,
10 except for capital offenses, including suspension or deferment, as
11 an adult convicted of a felony offense, except that any sentence
12 imposed upon the youthful offender shall be served in the custody or
13 under the supervision of the Office of Juvenile Affairs until the
14 expiration of the sentence, the youthful offender is discharged, or
15 the youthful offender reaches eighteen (18) years of age, whichever
16 first occurs. If an individual sentenced as a youthful offender
17 attains eighteen (18) years of age prior to the expiration of the
18 sentence, such individual shall be returned to the sentencing court.
19 At that time, the sentencing court shall make one of the following
20 determinations:

21 a. whether the youthful offender shall be returned to the
22 Office of Juvenile Affairs to complete a treatment
23 program, provided that the treatment program shall not
24 exceed the youthful offender's attainment of eighteen

1 (18) years and six (6) months of age. At the
2 conclusion of the treatment program, the individual
3 shall be returned to the sentencing court for a
4 determination under subparagraph b, c or d of this
5 paragraph,

6 b. whether the youthful offender shall be placed in the
7 custody of the Department of Corrections,

8 c. whether the youthful offender shall be placed on
9 probation with the Department of Corrections, or

10 d. whether the youthful offender shall be discharged from
11 custody.

12 2. The sentence imposed shall not exceed the maximum sentence
13 already imposed in the originating sentence.

14 3. Upon the youthful offender attaining the age of eighteen
15 (18) years and six (6) months, the Office of Juvenile Affairs may
16 recommend that the youthful offender be returned to the custody or
17 supervision of the Office of Juvenile Affairs until the age of
18 nineteen (19) years to complete the reintegration phase of the
19 treatment program or community supervision as determined by the
20 Office of Juvenile Affairs. During any period of extension, a
21 youthful offender may be transferred to the Department of
22 Corrections as provided in paragraph 5 of subsection B of Section 2-
23 5-210 of this title, whether the youthful offender is placed in an
24 out-of-home placement or in the community.

1 4. If the court has extended jurisdiction of the youthful
2 offender until nineteen (19) years of age, the youthful offender
3 shall remain in custody or under the supervision of the Office of
4 Juvenile Affairs until the youthful offender has been discharged or
5 sentenced by the court or until the youthful offender's nineteenth
6 birthday, at which time the youthful offender shall be returned to
7 the court for final disposition of the youthful offender's case.
8 The court shall have the same dispositional options as provided in
9 subparagraphs b, c and d of paragraph 1 of this subsection.

10 5. Any period of probation required by the sentencing court to
11 be served shall be supervised by:

- 12 a. the Office of Juvenile Affairs or designated
13 representative, if the youthful offender is under
14 eighteen (18) years of age, or
- 15 b. the Department of Corrections or designated
16 representative, upon the youthful offender attaining
17 eighteen (18) years of age.

18 6. In addition to or in lieu of the placement of the youthful
19 offender in the custody of or under the supervision of the Office of
20 Juvenile Affairs, the court may issue orders with regard to the
21 youthful offender as provided by law for the disposition of an
22 adjudicated juvenile delinquent as long as the age of the youthful
23 offender does not exceed nineteen (19) years.

1 7. It is the intent of the Oklahoma Legislature that youthful
2 offenders be held insofar as is practical separate from the juvenile
3 delinquent population.

4 8. The Office of Juvenile Affairs may make recommendations to
5 the court concerning the disposition of the youthful offender.

6 9. Any order issued by the sentencing court under this
7 subsection shall be a final order, appealable when entered.

8 C. A youthful offender who is ~~seventeen (17) or~~ eighteen (18)
9 years of age or older and who has been sentenced to the custody of
10 the Office of Juvenile Affairs may be detained in a county jail
11 pending placement in an Office of Juvenile Affairs facility~~7~~
12 ~~provided the county jail meets the jail standards promulgated by the~~
13 ~~State Department of Health for juvenile offenders. The youthful~~
14 ~~offender who is eighteen (18) years of age or older and~~ and may be held
15 in the general population of the county jail.

16 SECTION 5. This act shall become effective November 1, 2021.

17
18 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
19 SERVICES, dated 02/09/2021 - DO PASS.
20
21
22
23
24

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2312

By: Lawson

7 AS INTRODUCED

8 An Act relating to children; amending Sections 1, 2,
9 3 and 7, Chapter 398, O.S.L. 2015 (10A O.S. Supp.
10 2020, Sections 2-2-401.1, 2-2-401.2, 2-2-401.3 and 2-
11 2-401.7), which relate to competency evaluations;
12 modifying definition; allowing for competency to be
13 raised in youthful offender proceedings; permitting
14 Office of Juvenile Affairs to raise issue of
15 competency; providing for access to records;
16 requiring dismissal under certain circumstances;
17 requiring court to order services in certain
18 circumstances; providing for procedures with respect
19 to youthful offender proceedings; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY Section 1, Chapter 398, O.S.L.
23 2015 (10A O.S. Supp. 2020, Section 2-2-401.1), is amended to read as
24 follows:

25 Section 2-2-401.1 As used in ~~this act~~ Sections 2-2-401.1
26 through 2-2-401.7 of this title:

27 1. "Competent" and "competency" refer to a child's ability to
28 understand the nature and objectives of a proceeding against the

1 child or to assist in the child's defense. A child is incompetent
2 if, due to developmental disability, developmental immaturity,
3 intellectual disability, or mental illness, the child is presently
4 incapable of understanding the nature and objective of proceedings
5 against the child or of assisting in the child's defense;

6 2. "Credentialed forensic evaluator" means a licensed
7 psychologist, psychiatrist or other physician with necessary
8 education, training, and experience to perform juvenile competency
9 evaluations, and who has been approved to render such opinions for
10 the court;

11 3. "Developmental disability" means a severe and chronic
12 disability that is attributable to a mental or physical impairment.
13 Such disabilities include, but are not limited to, cerebral palsy,
14 epilepsy, autism, or other neurological conditions that lead to
15 impairment of general intellectual functioning or adaptive behavior;

16 4. "Developmental immaturity" means a condition based on a
17 juvenile's chronological age and significant lack of developmental
18 skills when the juvenile has no significant mental illness or
19 intellectual disability;

20 5. "Intellectual disability" means a disability characterized
21 by significant limitations both in intellectual functioning and in
22 adaptive behavior as expressed in conceptual, social and practical
23 adaptive skills;

1 6. "Mental illness" has the same meaning as in paragraph 11 of
2 Section 5-502 of Title 43A of the Oklahoma Statutes; and

3 7. "Proceeding" means any delinquency or youthful offender
4 proceeding under the Oklahoma Juvenile Code.

5 SECTION 2. AMENDATORY Section 2, Chapter 398, O.S.L.
6 2015 (10A O.S. Supp. 2020, Section 2-2-401.2), is amended to read as
7 follows:

8 Section 2-2-401.2 A. 1. At any time prior to or during
9 delinquency or youthful offender proceedings pursuant to the
10 Oklahoma Juvenile Code, the child's attorney, the district attorney,
11 or the court may raise the issue of a child's competency to
12 participate in the proceeding. If at the time the issue of
13 competency is raised the child is not represented by counsel, the
14 court shall immediately appoint counsel. The court shall stay all
15 proceedings except to allow the filing of a delinquency petition or
16 youthful offender information.

17 2. At any time prior to or during delinquency or youthful
18 offender proceedings pursuant to the Oklahoma Juvenile Code, the
19 Office of Juvenile Affairs may raise the issue of a child's
20 competency for any child in its custody.

21 3. In any delinquency or youthful offender proceeding pursuant
22 to the Juvenile Code, if the child who is the subject of the
23 proceeding is thirteen (13) years or older and if the child is not
24 otherwise found to be developmentally disabled, developmentally

1 immature, intellectually disabled, or mentally ill, there exists a
2 rebuttable presumption that the child is competent. Such
3 presumption applies only for making a determination as to whether
4 the child is competent and shall not be used or applicable for any
5 other purpose.

6 B. The court may find a child incompetent without ordering a
7 competency evaluation or hearing if the district attorney and the
8 child's attorney, and at least one of the child's parents, legal
9 guardians, or guardian ad litem agree to the determination.

10 SECTION 3. AMENDATORY Section 3, Chapter 398, O.S.L.
11 2015 (10A O.S. Supp. 2020, Section 2-2-401.3), is amended to read as
12 follows:

13 Section 2-2-401.3 A. When the district attorney ~~or~~, the
14 child's attorney, or the Office of Juvenile Affairs on behalf of a
15 child in its custody has reasonable basis to believe that a child is
16 incompetent to proceed in the delinquency ~~action~~ or youthful
17 offender proceeding, the party shall file a motion for determination
18 of competency. The motion shall state that the child is incompetent
19 to proceed and shall state facts sufficient to set forth the
20 reasonable basis to conduct a competency evaluation. If the court
21 raises the issue sua sponte, the court by written order shall set
22 forth the reasonable basis that the child is incompetent to proceed.

23 B. Within five (5) judicial days after the motion is made, the
24 court shall make one of the following determinations:

1 1. That the child is incompetent pursuant to subsection B of
2 Section ~~2~~ 2-2-401.2 of this ~~act~~ title; or

3 2. Without conducting a hearing, that there exists a reasonable
4 basis to conduct a competency evaluation; or

5 3. To schedule a hearing to determine whether there exists a
6 reasonable basis to conduct a competency evaluation. Such hearing
7 shall be held within ten (10) judicial days. The court's
8 determination shall be announced no later than one (1) judicial day
9 after the conclusion of the hearing.

10 C. If the court determines there is a reasonable basis for a
11 competency evaluation or if the district attorney and the child's
12 attorney agree to the evaluation, the court shall order a competency
13 evaluation. If the court orders a competency evaluation, the court
14 shall order that the competency evaluation be conducted in the
15 least-restrictive environment, taking into account the public safety
16 and the best interests of the child.

17 1. The court shall provide in its order that the evaluator
18 shall have access to all relevant confidential and public records
19 related to the child, including competency evaluations and reports
20 conducted in prior delinquent or youthful offender proceedings. The
21 court shall provide to the evaluator a copy of the delinquency
22 petition or youthful offender information and the names and contact
23 information for the judge, district attorney, child's attorney, and
24 parents or legal guardians.

1 2. Within five (5) judicial days after the court orders an
2 evaluation, the district attorney shall deliver to the evaluator
3 copies of relevant police reports and other background information
4 relevant to the child that are in the district attorney's
5 possession.

6 3. Within five (5) judicial days after the court orders an
7 evaluation, the child's attorney shall deliver to the evaluator
8 copies of relevant police reports and other relevant records
9 including, but not limited to, educational, medical, psychological,
10 and neurological records that are relevant to the evaluation and
11 that are in the attorney's possession.

12 SECTION 4. AMENDATORY Section 7, Chapter 398, O.S.L.
13 2015 (10A O.S. Supp. 2020, Section 2-2-401.7), is amended to read as
14 follows:

15 Section 2-2-401.7 A. After a hearing pursuant to Section ~~6~~ 2-
16 2-401.6 of this ~~act~~ title, if the court determines by a
17 preponderance of the evidence that the child is competent to
18 proceed, the delinquency or youthful offender proceedings shall be
19 resumed as provided by law.

20 B. After a hearing pursuant to Section ~~6~~ 2-2-401.6 of this ~~act~~
21 title, if the court determines by the preponderance of the evidence
22 that the child is incompetent to proceed and cannot attain
23 competency within the period of time application under subparagraph
24 a of paragraph 3 of subsection C of this section, the court shall

1 dismiss the petition or information without prejudice, and take
2 either of the following actions:

3 1. Refer the matter to the Oklahoma Department of Human
4 Services and request a determination whether a deprived action
5 should be filed in accordance with the Oklahoma Children's Code
6 alleging that the child is a neglected, abused or dependent child;
7 or

8 2. Refer the matter to the district attorney for consideration
9 of initiating a Child in Need of Supervision or Minor in Need of
10 Mental Health and Substance Abuse Treatment proceeding in accordance
11 with the Oklahoma Juvenile Code or Inpatient Mental Health and
12 Substance Abuse Treatment of Minors Act.

13 C. If the court determines by a preponderance of the evidence
14 that a child is incompetent to proceed but may likely attain
15 competency, the court shall stay the proceedings and order the child
16 to receive services designated to assist the child in attaining
17 competency, based upon the recommendations in the competency
18 evaluation report unless the court makes specific findings that the
19 recommended services are not justified. The court shall order the
20 child's parent or legal guardian to contact a court-designated
21 provider by a specified date to arrange for services.

22 1. The competency attainment services provided to a child shall
23 be based on a court-approved competency attainment plan described in
24 paragraph 2 of subsection D of this section, and are subject to the

1 conditions and time periods required pursuant to this section
2 measured from the date the court approves the plan.

3 2. The court shall order that the competency attainment
4 services ordered are provided in the least-restrictive environment,
5 taking into account the public safety and the best interests of the
6 child. If the child has been released on temporary orders and
7 refuses or fails to cooperate with the service provider, the court
8 may modify the orders to require a more appropriate setting.

9 3. No child shall be required to participate in competency
10 attainment services for longer than is required to attain
11 competency. The following maximum periods of participation shall
12 apply:

13 a. if the services are provided, the child shall not
14 participate in those services for a period exceeding
15 six (6) months or upon the child's 18th birthday, or
16 up to the child's 19th birthday if ordered by the
17 court in order to complete the six (6) months of
18 treatment, if the child is charged with an act that
19 would be a misdemeanor if committed by an adult,

20 b. if the services are provided, the child shall not
21 participate for a period exceeding twelve (12) months
22 or upon the child's 18th birthday, or up to the
23 child's 19th birthday if ordered by the court in order
24 to complete the twelve (12) months of treatment, if

1 the child is charged as a delinquent or youthful
2 offender for an act that would be a felony if
3 committed by an adult.

4 D. 1. Within ten (10) judicial days after the court orders the
5 provider responsible for the child's competency attainment services,
6 the court shall deliver to that provider:

- 7 a. the name and address of the child's counsel,
- 8 b. a copy of the child's Petition or Information,
- 9 c. a copy of the competency evaluation report,
- 10 d. the name, address, and phone number of the child's
- 11 parents or legal guardian,
- 12 e. the name of the Office of Juvenile Affairs employee or
- 13 Juvenile Bureau employee responsible for the intake,
- 14 supervision, or custody of the child, if adjudicated,
- 15 f. the name of the Department of Human Services
- 16 caseworker, if any, and
- 17 g. any other relevant documents or reports concerning the
- 18 child's health that have come to the attention of the
- 19 court.

20 2. Not later than ten (10) judicial days after the child
21 contacts the competency attainment provider, a plan for the child to
22 attain competency shall be submitted to the court by the provider.
23 The court shall provide copies of the plan to the district attorney,
24 the child's attorney, the guardian ad litem, if any, the Office of

1 Juvenile Affairs or Juvenile Bureau, and the child's parent or legal
2 guardian.

3 E. The provider shall submit reports to the court pursuant to
4 the following schedule:

5 1. Every ninety (90) calendar days and upon completion or the
6 termination of services. Each report shall include the following:

7 a. the services provided to the child, including
8 medication, education and counseling,

9 b. the likelihood that the competency of the child to
10 proceed will be restored within the applicable period
11 of time set forth in subparagraph a of paragraph 3 of
12 subsection C of this section, and

13 c. the progress made towards the goals and objectives for
14 the restoration of competency identified in the
15 recommendations from the competency evaluation as
16 adopted by the court;

17 2. Three (3) judicial days after the provider's determination
18 that the child is not cooperating to a degree that would allow the
19 services to be effective to help the child attain competency;

20 3. Three (3) judicial days after the provider's determination
21 that the current setting is no longer the least-restrictive setting
22 that is consistent with the child's ability to attain competency and
23 taking into account the public safety and the best interests of the
24 child. The provider shall include in the report an assessment of

1 the danger the child poses to himself, herself or others and an
2 assessment of the appropriateness of the placement;

3 4. Three (3) judicial days after the provider's determination
4 that the child has achieved the goals of the plan and would be able
5 to understand the nature and objectives of the proceedings against
6 the child, to assist in the child's defense, and to understand and
7 appreciate the consequences that may be imposed or result from the
8 proceedings with or without reasonable accommodations. The report
9 shall include recommendations for the accommodations that would be
10 necessary or advantageous; and

11 5. Three (3) judicial days after the provider's determination
12 that the child will not achieve the goals of the plan within the
13 applicable period of time pursuant to subparagraph a of paragraph 3
14 of subsection C of this section. The report shall include
15 recommendations for services for the child and taking into account
16 the public safety and the best interests of the child.

17 F. The court shall provide copies of any report made by the
18 provider to the district attorney, the child's attorney, the child's
19 intake worker, and the child's guardian ad litem, if any. The court
20 shall provide copies of any reports made by the provider to the
21 child's parents or legal guardians, unless the court finds that
22 doing so is not in the best interest of the child.

1 G. Within fifteen (15) judicial days after receiving a
2 provider's report, the court may hold a hearing to determine if a
3 new order is necessary.

4 1. If the court determines that the child is not making
5 progress toward competency or is so uncooperative that attainment
6 services cannot be effective, the court may order a change in
7 setting or services that would help the child attain competency
8 within the relevant period of time as set forth in subparagraph a of
9 paragraph 3 of subsection C of this section.

10 2. If the court determines that the child has not or will not
11 attain competency within the relevant period of time as set forth in
12 subparagraph a of paragraph 3 of subsection C of this section, the
13 court shall dismiss the delinquency or youthful offender charge
14 without prejudice.

15 3. A dismissal under paragraph 2 of this subsection shall not
16 preclude a future delinquent child or youthful offender proceeding
17 as provided for under ~~Title 10A of the Oklahoma Statutes~~ this title.

18 H. After a hearing held pursuant to subsection G of this
19 section, if the court determines that the child has attained
20 competency, the court shall proceed with the ~~delinquent child's~~
21 delinquency or youthful offender proceeding in accordance with the
22 provisions of the Juvenile Code.

1 I. A dismissal under this section does not bar a civil action
2 based on the acts or omissions that formed the basis of the petition
3 or information.

4 SECTION 5. This act shall become effective November 1, 2021.

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6 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
7 SERVICES, dated 02/09/2021 - DO PASS.
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1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2317

 By: Lawson

7 AS INTRODUCED

8 An Act relating to children; establishing a grievance
9 process for children detained in adult facilities;
10 directing administration by Oklahoma Commission on
11 Children and Youth; granting investigatory authority
12 to the Office of Juvenile System Oversight; requiring
13 notice to certain agencies; requiring facilities to
14 make procedures available; directing Oklahoma
15 Commission on Children and Youth to promulgate rules;
16 making grievance process inapplicable to certain
17 children; providing for codification; and providing
18 an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-3-105 of Title 10A, unless
19 there is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Commission on Children and Youth shall
21 administer a grievance process to be utilized by children detained
22 in an adult jail, adult lockup, adult detention or other adult
23 facility. The grievance process shall be available to a child at
24 any time prior to or after adjudication or conviction or during his

1 or her incarceration. Grievances may be filed either by the child
2 or by a person responsible for the juvenile's health or welfare as
3 defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes
4 acting on the child's behalf.

5 B. Grievances shall be directed to the Commission's Office of
6 Juvenile System Oversight for investigation, resolution and referral
7 to the appropriate agency if deemed necessary, including, but not
8 limited to, the State Department of Health.

9 1. The Office of Juvenile System Oversight shall have the
10 authority to investigate complaints, including, but not limited to,
11 the following:

- 12 a. placement,
- 13 b. treatment,
- 14 c. psychological services,
- 15 d. social services,
- 16 e. educational services,
- 17 f. recreation,
- 18 g. abuse, neglect or misconduct,
- 19 h. cleanliness and hygiene, and
- 20 i. routine problems with employees, contractors or other
21 incarcerated persons within the facility.

22 2. The Office of Juvenile System Oversight shall notify the
23 Office of Juvenile Affairs compliance monitor or designee when a
24 grievance is received. The Office of Juvenile System Oversight

1 shall notify the Oklahoma Department of Human Services when a
2 grievance is received regarding a child in the custody of the
3 Oklahoma Department of Human Services.

4 C. Each facility in which children are being held shall:

5 1. Make all grievance policies and procedures available upon
6 request to any member of the public;

7 2. Make grievance policies and procedures readily accessible to
8 any children in the facility; and

9 3. Explain all grievance policies and procedures to every child
10 during his or her intake at the facility.

11 D. The Oklahoma Commission on Children and Youth shall
12 promulgate rules for the purposes of administering this section that
13 are consistent with grievance procedures available to children
14 detained in juvenile detention facilities as promulgated by the
15 Office of Juvenile Affairs.

16 E. The provisions of this section shall not apply to any child
17 housed in a Department of Corrections facility or housed under a
18 contract with the Department of Corrections.

19 SECTION 2. This act shall become effective November 1, 2021.
20

21 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
22 SERVICES, dated 02/09/2021 - DO PASS.
23
24

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 217

By: Garvin

AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12 a. screening, evaluation and assessment which includes a
13 face-to-face screening and evaluation to establish
14 problem identification and to determine the risk level
15 of a child or adolescent and may result in clinical
16 diagnosis or diagnostic impression,
- 17 b. treatment planning which includes preparation of an
18 individualized treatment plan which is usually done as
19 part of the screening, evaluation and assessment,
- 20 c. treatment plan reviewing which includes a
21 comprehensive review and evaluation of the
22 effectiveness of the treatment plan,
- 23 d. individual counseling which includes face-to-face,
24 one-on-one interaction between a counselor and a
25

- juvenile to promote emotional or psychological change to alleviate the issues, problems, and difficulties that led to a referral, including ongoing assessment of the status and response of the juvenile to treatment as well as psychoeducational intervention,
- e. group counseling which includes a method of treating a group of individuals using the interaction between a counselor and two or more juveniles or parents or guardians to promote positive emotional or behavioral change, not including social skills development or daily living skills,
 - f. family counseling which includes a face-to-face interaction between a counselor and the family of the juvenile to facilitate emotional, psychological or behavior changes and promote successful communication and understanding,
 - g. crisis intervention counseling which includes unanticipated, unscheduled face-to-face emergency intervention provided by a licensed level or qualified staff with immediate access to a licensed provider to resolve immediate, overwhelming problems that severely impair the ability of the juvenile to function or maintain in the community,

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

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

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

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

1 enhancement groups, anger management groups, life
2 skills groups, substance abuse education groups,
3 smoking cessation groups, STD/HIV groups and parenting
4 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. children's emergency resource centers that are
9 community-based and that may provide emergency care
10 and a safe and structured homelike environment or a
11 host home for children providing food, clothing,
12 shelter and hygiene products to each child served;
13 after-school tutoring; counseling services; life-
14 skills training; transition services; assessments;
15 family reunification; respite care; transportation to
16 or from school, doctors' appointments, visitations and
17 other social, school, court or other activities when
18 necessary; and a stable environment for children who
19 have been detained as delinquent or in need of
20 supervision and temporarily placed by a court, or
21 children in crisis who are in custody of the Office of
22 Juvenile Affairs if permitted under the Office's
23 policies and regulations or who have been voluntarily
24

1 placed by a parent or custodian during a temporary
2 crisis,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 32. "Transitional living program" means a residential program
23 that may be attached to an existing facility or operated solely for
24 the purpose of assisting juveniles to develop the skills and

1 abilities necessary for successful adult living. Said program may
2 include but shall not be limited to reduced staff supervision,
3 vocational training, educational services, employment and employment
4 training, and other appropriate independent living skills training
5 as a part of the transitional living program; and

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

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

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STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 742

By: Kidd

AS INTRODUCED

An Act relating to the Office of Juvenile Affairs;
authorizing operation of group homes at Southwest
Oklahoma Juvenile Center; authorizing contracts with
certain government entities for the placement of
certain individuals in specified programs or
facilities; providing for codification; and providing
an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-7-621 of Title 10A, unless
there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs may contract for or operate
group homes of any level at the Southwest Oklahoma Juvenile Center
campus located in Manitou, Oklahoma.

B. The Office of Juvenile Affairs may contract with other state
agencies to allow for the placement of children or young adults in
the custody of a state agency to reside and participate in any
identified contracted or operated program or facility of the Office
of Juvenile Affairs.

1 C. The Office of Juvenile Affairs may contract with any tribal
2 nation or agency or department of the federal government, in
3 consultation and approval by the Governor and the Attorney General,
4 to allow for the placement of children and young adults in the
5 custody of the tribal nation or an agency or department of the
6 federal government to reside and participate in any identified
7 contracted or operated program or facility of the Office of Juvenile
8 Affairs.

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

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