

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE  
4 BILL NO. 1842

By: Kerbs, Munson, and Pittman  
of the House

5 and

6 Montgomery of the Senate

7  
8 An Act relating to children; amending 10A O.S. 2021,  
9 Section 2-7-202, which relates to the Office of  
10 Juvenile Affairs; modifying powers and duties of the  
11 Executive Director; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-7-202, is  
14 amended to read as follows:

15 Section 2-7-202. A. There is hereby created the Office of  
16 Juvenile Affairs which shall be responsible for programs and  
17 services for youthful offenders and juveniles alleged or adjudicated  
18 to be delinquent or in need of supervision. Within The Executive  
19 Director shall be responsible for established divisions and  
20 appointing Division Directors within the Office of Juvenile Affairs  
21 ~~there is hereby created:~~

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

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

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

10       ~~4. Such other divisions specifically established by the~~  
11 ~~Executive Director of the Office of Juvenile Affairs, with the~~  
12 ~~approval of the Board.~~

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

22       B. Suitable office space shall be provided by the Office of  
23 Management and Enterprise Services to the Office of Juvenile  
24 Affairs, to the extent necessary for the Office to implement its

1 jurisdictional duties provided by the Oklahoma Juvenile Code, and  
2 the Office may incur necessary expenses for office rent.

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

15 D. Effective July 1, 1995, within its jurisdictional areas of  
16 responsibility, the Office of Juvenile Affairs, acting through the  
17 Executive Director, or persons authorized by law, rule or designated  
18 by the Executive Director to perform such acts, shall have the power  
19 and duty to:

20 1. Advise, consult, cooperate and enter into agreements with  
21 agencies of the state, municipalities and counties, other states and  
22 the federal government, and other persons;

23 2. Enter into agreements for, accept, administer and use,  
24 disburse and administer grants of money, personnel and property from

1 the federal government or any department or agency thereof, or from  
2 any state or state agency, or from any other source, to promote and  
3 carry on in this state any program within its jurisdictional area of  
4 responsibility;

5 3. Require the establishment and maintenance of records and  
6 reports;

7 4. Establish a system of training for personnel in order to  
8 assure uniform statewide application of law and rules;

9 5. Enforce the provisions of the Oklahoma Juvenile Code and  
10 rules promulgated thereunder and orders issued pursuant thereto;

11 6. Charge and receive fees pursuant to fee schedules  
12 promulgated by the Board of Juvenile Affairs;

13 7. Conduct studies, research and planning of programs and  
14 functions, pursuant to the authority granted by the Oklahoma  
15 Juvenile Code;

16 8. Enter into interagency agreements;

17 9. Provide administrative and support services to the Board of  
18 Juvenile Affairs as necessary to assist the Board in the performance  
19 of ~~their~~ its duties;

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

23 11. Lease, from time to time, any real property which the Board  
24 of Juvenile Affairs shall determine advisable to more fully carry

1 into effect the operation of the Office of Juvenile Affairs in  
2 accordance with applicable state statutes. All such leases for real  
3 property shall be subject to the provisions of Section 63 of Title  
4 74 of the Oklahoma Statutes;

5 12. Purchase or lease any equipment, supplies or materials  
6 pursuant to ~~The~~ the Oklahoma Central Purchasing Act;

7 13. Contract for professional services;

8 14. Acquire, construct, extend, and operate any and all  
9 facilities of all kinds which in the judgment of the Executive  
10 Director and the approval of the Legislature shall be necessary or  
11 convenient to carry out the duties of the Office of Juvenile  
12 Affairs, as authorized by law; ~~and~~

13 15. Establish an employee recruitment and referral incentive  
14 program and promulgate internal agency policy for the operation of  
15 the program, which may include, but shall not be limited to, program  
16 purposes, pay incentives for employees, eligibility requirements,  
17 payment conditions and amounts, payment methods, payment recoupment,  
18 and record keeping; and

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

22 E. The Office of Juvenile Affairs shall maintain a fair, simple  
23 and expeditious system for resolution of grievances of all persons  
24 committed to the Office of Juvenile Affairs regarding the substance

1 or application of any written or unwritten policy, rule of the Board  
2 of Juvenile Affairs or of an agent or contractor of the Office of  
3 Juvenile Affairs or any decision, behavior or action by an employee,  
4 agent or contractor or by any other person committed to the Office  
5 of Juvenile Affairs.

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

15 SECTION 2. It being immediately necessary for the preservation  
16 of the public peace, health or safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
20 April 11, 2023 - DO PASS

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