

TITLE 377. OFFICE OF JUVENILE AFFAIRS

CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[**Authority:** 10A O.S., § 2-7-601); 75 O.S., § 302]
[**Source:** Codified 6-2-97]

SUBCHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

377:1-1-1. Purpose

The purpose of this Chapter is to describe the organizational structure and function of the Office of Juvenile Affairs (OJA). This Chapter indicates the legal bases of OJA, identifies OJA divisions and units, and outlines other rules governing the overall operation of the OJA.

[**Source:** Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-2. Legal Basis

The Office of Juvenile Affairs (OJA) operates under the statutory authority of "Oklahoma Juvenile Code", 10A O.S. § 2-1-101 *et seq.*

[**Source:** Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 28 Ok Reg 1979, eff 7-15-11 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-3. Description of the Office of Juvenile Affairs

Office of the Executive Director. The Executive Director shall establish divisions within OJA in addition to those required by 10A O.S. § 2-7-202 and may employ staff as necessary to perform the duties of the Office of Juvenile Affairs as authorized by statute. Organizational charts are available upon request from the Office of the Executive Director.

[**Source:** Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 16 Ok Reg 2948, eff 7-12-99 ; Amended at 17 Ok Reg 3119, eff 7-27-00 ; Amended at 21 Ok Reg 2418, eff 7-1-04 ; Amended at 24 Ok Reg 1389, eff 7-1-07 ; Amended at 28 Ok Reg 1979, eff 7-15-11 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-4. Parental accountability [REVOKED]

[**Source:** Added at 14 Ok Reg 1839, eff 6-2-97 ; Revoked at 15 Ok Reg 2642, eff 7-1-98]

377:1-1-5. Board of Juvenile Affairs

(a) **Composition.** The Board of Juvenile Affairs (Board), per 10A O.S. § 2-7-101, is the governing body for OJA. The Board consists of nine (9) members; five (5) members appointed by the Governor, two (2) members appointed by the President Pro-Tempore of the Senate, and two (2) members appointed by the Speaker of the House, all members serve at

the pleasure of their appointing authority.

(b) **Meetings.** Regularly scheduled meetings of the Board shall be held at places, dates, and times fixed by the Board and after appropriate notice. Special meetings may be called by the Chair or by five (5) members of the Board. Emergency meetings of the Board may be called as provided by Oklahoma statutes. All meetings, including executive sessions, shall be conducted in accordance with the provisions of the Open Meeting Act.

(c) **Voting.** A majority of members serving on the Board shall constitute a quorum.

(1) The acts of the majority of the members present at a meeting at which a quorum is present shall be the acts of the Board except that a vote of not less than four (4) members of the Board shall be required to amend these rules.

(2) A member may disqualify from a vote at any time and without explanation. A member who disqualifies from a vote shall be considered to be not present for purposes of that vote.

(d) **Election of officers.** The Chair and Vice-chair shall be elected in accordance with 10A O.S. § 2-7-101(E), and shall hold office until his or her successor has been duly elected or upon death, resignation, or removal.

(e) **Vacancies.** A vacancy in the elected position of Chair or Vice-chair because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board for the unexpired portion of the term of the position.

(f) **Duties of the position of Chair and Vice-chair.** The Chair, or in the Chair's absence, the Vice-chair, shall preside at all meetings of the Board, including executive sessions. The Chair shall be the final authority on all procedural issues, and may, when appropriate, refer to and follow the recommendations of legal counsel for the OJA or "Robert's Rules of Order" to resolve a procedural issue.

(1) The Chair, within two (2) weeks of a member's new appointment, shall:

(A) brief the member of the Board regarding the duties and responsibilities of the Board and its members;

(B) provide the new member a copy of the statutes pertinent to the Board and its duties;

(C) provide a copy of the monthly operating budgets of OJA for the preceding twelve months;

(D) provide a copy of the rules under which OJA functions and operates; and

(E) provide such other information as is necessary to assure that the new member is advised of his or her duties and responsibilities.

(2) The Chair may delegate the briefing described in paragraph (1) of this subsection in whole or part to the Executive Director or a managing officer, but the responsibility for its accomplishment shall remain with the Chair.

(g) **Responsibilities.** The Board of Juvenile Affairs, in addition to the duties required by 10A O.S. §§ 2-3-103, 2-4-103, 2-7-101, 2-7-201, 2-7-305(D), 2-7-306, 2-7-608, 2-7-613, 2-7-614, 2-7-616, 2-7-704, and 2-8-112,

may:

- (1) review and approve OJA's budget request to the Governor;
- (2) adopt nonbinding resolutions requesting action by OJA in response to comments from the public or upon the Board's own initiative;
- (3) if necessary and in accordance with 10A O.S. § 2-7-201(G), designate an interim or acting Executive Director;
- (4) advise OJA with respect to real estate leases;
- (5) review the OJA Annual Report which analyzes and evaluates the effectiveness of OJA programs and services;
- (6) promulgate rules for OJA to obtain national criminal history records searches for personnel working with or around juveniles in OJA institutions and contracted facilities, pursuant to 10 O.S. § 404.1(A)(14);
- (7) receive and review institutional inspection reports of the State Fire Marshall and Commissioner of Public Health;
- (8) establish standards for regimented juvenile training programs;
- (9) establish certification standards for municipal juvenile facilities for temporary detention;
- (10) approve a form for the statistical reporting of detention of persons under the age of 18;

[Source: Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 17 Ok Reg 3119, eff 7-27-00 ; Amended at 23 Ok Reg 2758, eff 7-1-06 ; Amended at 24 Ok Reg 1389, eff 7-1-07 ; Amended at 28 Ok Reg 1979, eff 7-15-11 ; Amended at 33 Ok Reg 1726, eff 9-11-16 ; Amended at 35 Ok Reg 1763, eff 9-14-18 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-6. Rates and Standards Committee

The Board of Juvenile Affairs (Board) is the official rate-setting body for the programs administered by OJA. The Rates and Standards Committee (Committee) is responsible for making recommendations to the Board regarding fixed fiscal rates and standards for service contracts entered into by OJA. The Rates and Standards Committee is not authorized to make decisions regarding rate setting. The Committee's purpose is to advise and make recommendations to the Board.

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-7. Legal Base for Rates and Standards Committee

The legal base for establishing fixed and uniform rates is found at 10A O.S. 2-7-101(F)(6) and 74 O.S. § 85.7(A)(6).

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 28 Ok Reg 1979, eff 7-15-11 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-8. Rates and Standards Committee membership

The Chair of the Rates and Standards Committee shall be a member of the Board of Juvenile Affairs (Board) and shall be appointed by the Board. In addition to the Chair, the Committee shall be comprised of the Board's Finance Sub-Committee Chair, and the Executive Director

of OJA, or designee.

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 35 Ok Reg 1763, eff 9-14-18 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-9. Conduct of Committee meetings

(a) Committee meetings are called by either the Chair, Executive Director, or Board of Juvenile Affairs. A majority of the Committee constitutes a quorum. Recommendations of the Committee are approved by a majority of the members present and voting.

(b) During a meeting in which the Committee intends to vote on a rate setting recommendation for the Board of Juvenile Affairs, the public, vendors, or OJA staff shall provide evidence to support rate recommendations.

(c) A party requesting a rate shall supply the following information and data to justify the proposed rate recommendation:

(1) a description of the program or service, including the target population and an annual estimate of the number of juveniles to whom the service will be provided;

(2) any historical rate information regarding previous rates established for the program, or rates for similar programs or services if no rate exists;

(3) an explanation and cite of cite and explain any Federal, State, and other regulations and standards which apply;

(4) the rate being proposed, a summary of the program and cost variables included in the rate, and a program and fiscal impact statement on the juvenile justice system;

(5) the operational budget and narrative justification for each budget category, including the methodology and cost computations used to arrive at the proposed rate; and

(6) an estimated total cost of the service.

(d) If the Committee determines additional information is needed, the Chair may recess the meeting until a later date to allow interested parties or staff additional time to secure the information.

(e) In making its recommendations, the Committee shall consider any relevant data which is consistent with applicable state plans, all relevant administrative rules, OJA policies and procedures, and statutory provisions.

(f) Once the Committee establishes a recommendation, notification of the proposed rates and standards along with any supporting documentation will be sent to the Office of Management and Enterprise Services (OMES). The Chair shall place the item on the agenda of a Board of Juvenile Affairs meeting for a public hearing to set the rate, after proposed rates and standards have been approved by OMES. The public hearing may be held during any Board meeting.

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 30 Ok Reg 699, eff 6-1-13 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-10. Public hearing regarding a fixed rate

(a) Any comments from OMES, whether made in person or in writing, are included in the minutes of the Board meeting.

(b) During the Board meeting, the Chair of the Rates and Standards Committee, or a designee, shall present the proposed rate and provide the Committee's recommendation to the Board.

(c) After the Chair's presentation, interested parties shall be given the opportunity for public comments regarding the proposed rates. Each rate must be openly and separately discussed before the Board's vote. The Board may vote to approve, deny, or modify the recommendation of the Rates and Standards Committee.

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 30 Ok Reg 699, eff 6-1-13 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-11. Executive Director

(a) The OJA Executive Director is appointed by the Governor and shall report agency business directly to the Board. As the OJA administrator, the Executive Director is responsible establishing internal policy and procedures for the administration of OJA.

(b) The Executive Director shall be responsible for selecting staff or contracting with personnel capable of carrying out OJA's mission, goals, and statutory requirements.

[Source: Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 21 Ok Reg 2418, eff 7-1-04 ; Amended at 24 Ok Reg 1389, eff 7-1-07 ; Amended at 28 Ok Reg 1979, eff 7-15-11 ; Amended at 31 Ok Reg 1921, eff 9-12-14 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

377:1-1-12. Chief of Staff of OJA [REVOKED]

[Source: Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 15 Ok Reg 2642, eff 7-1-98 ; Amended at 17 Ok Reg 3119, eff 7-27-00 ; Amended at 21 Ok Reg 2418, eff 7-1-04 ; Amended at 24 Ok Reg 1389, eff 7-1-07 ; Revoked at 35 Ok Reg 1763, eff 9-14-18]

377:1-1-13. Severability

If a court of competent jurisdiction finds any rule or part of a rule in this Title to be unenforceable, the finding does not impair or invalidate the remaining rules in this Title. The remaining rules are valid and enforceable to the fullest extent of the law.

[Source: Added at 14 Ok Reg 1839, eff 6-2-97]

377:1-1-14. Documentation standards

All activities, administrative and operational, within OJA shall be performed in a manner resulting in an audit trail; consisting of dual controls; and complying with Generally Accepted Accounting Principles (GAAP), Governmental Accounting Standards Board (GASB), and other fundamentals of sound financial management.

[Source: Added at 14 Ok Reg 1839, eff 6-2-97 ; Amended at 38 Ok Reg 1119, eff 8-26-21]

SUBCHAPTER 3. BOARD OF JUVENILE AFFAIRS

377:1-3-25. Purpose

377:1-3-25. Purpose [SUPERSEDED BY 377:1-1-6]

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97]

377:1-3-26. Legal base

377:1-3-26. Legal base [SUPERSEDED BY 377:1-1-7]

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97]

377:1-3-27. Rates and Standards Committee membership

377:1-3-27. Rates and Standards Committee membership [SUPERSEDED BY 377:1-1-8]

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97]

377:1-3-28. Conduct of Committee meetings

377:1-3-28. Conduct of Committee meetings [SUPERSEDED BY 377:1-1-9]

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97]

377:1-3-29. Board meeting in which the Board may vote for a fixed rate

377:1-3-29. Board meeting in which the Board may vote for a fixed rate [SUPERSEDED BY 377:1-1-10]

[Source: Added at 14 Ok Reg 279, eff 10-30-96 (emergency); Added at 14 Ok Reg 1839, eff 6-2-97]

CHAPTER 3. ADMINISTRATIVE SERVICES

[Authority: 10A O.S., § 2-7-601; 75 O.S., § 302(A)(i)]
[Source: Codified 6-2-97]

SUBCHAPTER 1. OFFICE OF THE EXECUTIVE DIRECTOR

PART 1. DIRECTOR OF GOVERNMENT RELATIONS [REVOKED]

377:3-1-1. Director of Government Relations [REVOKED]

[Source: Added at 15 Ok Reg 2646, eff 7-1-98 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Revoked at 35 Ok Reg 1765, eff 9-14-18]

PART 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-20. Legal base and authority

The State's legal basis and authority for the rules and procedure in this subchapter are found in 10A O.S., §§ 1-2-101, 1-2-102, 2-7-302, and 2-7-603.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 31 Ok Reg 311, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1921, eff 9-12-14]

377:3-1-21. Definitions

The following words and terms, when used in this Subchapter, have the following meaning, unless the context clearly indicates otherwise:

"**Abuse**" is defined in Title 10A O.S., § 1-1-105, for purposes of this subchapter abuse includes sexual harassment.

"**Advocate defender**" means the institutional staff member responsible for:

- (A) assuring that juveniles in custody have available and understand grievance channels;
- (B) monitoring and reviewing grievance procedures;
- (C) conducting the tentative release date hearings with juveniles and attending parole hearings;
- (D) supervising the communication of grievance procedure to staff and juveniles;
- (E) facilitating resolutions and regularly reviewing informal grievances;
- (F) ensuring allegations of abuse and neglect are properly reported to the Advocate General of the Office Of Juvenile Affairs; and
- (G) ensuring that allegations of caretaker misconduct by a person responsible for a child residing in an OJA secure

facility not rising to the level of abuse or neglect are reported to the Advocate General of the Office of Juvenile Affairs.

"Caretaker" with regard to juveniles in the Office of Juvenile Affairs' custody means an agent or employee of a public or private institution or a public or private residential home above the level of foster care.

"Caretaker Misconduct" is defined in Department of Human Services' Rule OAC:340:2-3-2.

"Grievance coordinator" means a group home staff member responsible for:

- (A) assuring that juveniles in custody have available and understand grievance channels;
- (B) monitoring and reviewing grievance procedures and hearings;
- (C) supervising the communication of grievance procedure to staff and juveniles; and
- (D) regularly reviewing informal grievances and resolutions.

"Neglect" is defined in Title 10A O.S., § 1-1-105.

"Sexual harassment" as used in this subchapter is defined in 28 C.F.R. § 115.6.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 21 Ok Reg 2419, eff 7-1-04 ; Amended at 27 Ok Reg 2178, eff 7-15-10 ; Amended at 31 Ok Reg 311, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1921, eff 9-12-14 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-1-22. The Advocate General

The Advocate General is the chief advocate for the rights of juveniles in the legal or physical custody of the Office of Juvenile Affairs (OJA). The Advocate General is responsible for providing oversight, recommendations, and necessary action to ensure that juveniles in OJA placements are afforded their legal rights and to ensure their safety. The Advocate General:

- (1) is an objective advisor to OJA administrators;
- (2) is an attorney capable of independent action;
- (3) reports to the Executive Director; and
- (4) is responsible to the Board of Juvenile Affairs regarding the care of juveniles in OJA custody.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01]

377:3-1-23. Job duties

The job duties of the Advocate General (AG) are provided in (1)-(11) of this Section.

- (1) The AG shall supervise staff assigned to secure juvenile facilities as advocate defenders.

(2) The AG shall inquire into and make recommendations to the appropriate Division Director regarding juvenile-related grievances which are not resolved at the facility level.

(3) The AG shall monitor the system to ensure that allegations of abuse or neglect of a child who is in OJA custody and placed in a facility operated by or under contract with OJA are reported as provided by law.

(4) The AG shall coordinate any hearings or meetings of administrative review committees conducted as a result of investigations or unresolved grievances.

(5) The AG shall make recommendations to the OJA Executive Director and appropriate Division Director pursuant to 377:3-1-25;

(6) The AG shall provide reports on grievance procedures, hearings, and investigations to the Executive Director of OJA, the Board of Juvenile Affairs, and to other persons or entities as necessary to facilitate system responsiveness.

(7) The AG shall forward an abstract of grievances which are not resolved in favor of the person filing the grievance, and which have exhausted all available levels of appeal, to the Office of Juvenile System Oversight, the Executive Director, and the OJA Board of Juvenile Affairs.

(8) The AG shall:

(A) monitor rules and practices of OJA and its contractors to ensure compliance with juveniles' rights;

(B) report the number and types of investigations at juvenile facilities at least quarterly to the OJA Board of Juvenile Affairs in open meeting; and

(C) make additional reports to the OJA Board of Juvenile Affairs as needed.

(9) The AG shall perform other duties as required by the Executive Director.

(10) In cooperation with the Executive Director, the Advocate General shall establish a system for review of allegations of caretaker misconduct by a person responsible for a child residing in an OJA secure facility not rising to the level of abuse or neglect. Such system shall be approved by the Board of Juvenile Affairs.

(11) The AG shall ensure that an appropriate training program in child abuse and neglect reporting for facility staff is developed by the Office of Juvenile Affairs.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 21 Ok Reg 2419, eff 7-1-04 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 27 Ok Reg 2178, eff 7-15-10]

377:3-1-24. Staff

In order to assure that OJA and contract facility staff are aware of the rights of juveniles and the responsibilities of staff, the facility administrator or designee shall give each staff member a copy of the rules in this Part as part of a new staff member's orientation. The facility

director shall assure that each staff member receives an initial orientation on the rules in this Part within 30 days of employment and comprehensive training at least annually. The Advocate General or designee along with the facility administrator shall share the responsibility for training staff. The facility administrator or designee shall maintain a system to document compliance with the training requirement.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 18 Ok Reg 2614, eff 7-1-01]

377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA

(a) Requirements for reporting incidents of abuse and neglect.

Title 10A O.S., § 1-2-101 requires every person who, in good faith and exercising due care, has reason to believe that a child under the age of eighteen (18) is a victim of abuse or neglect to report the condition or incident to the appropriate office for investigation through the DHS statewide centralized hotline. For purposes of the reporting requirements for this subchapter, abuse is defined in Title 10A O.S., § 1-1-105, and shall include sexual harassment. An employee who, in good faith and exercising due care, has reason to believe that a child is a victim of abuse or neglect shall make an immediate, verbal or email report, as required by 10A O.S., § 1-2-101 and to the supervisor who shall ensure a report is made to the OJA Office of Advocate General, or as required by 10A O.S., § 1-2-102 to the DHS hotline, when:

- (1) the employee has reason to believe such child has been the victim of abuse or neglect;
- (2) a child, parent, guardian, or other person makes an allegation of abuse or neglect of such child.

(b) Use of restraints and physical force. Abuse and neglect do not include the use of restraints or physical force as authorized by law, allowed by regulation or policy, and performed in such a manner as to be deemed acceptable by approved systems of restraint including, but not limited to, MANDT, CPI, CAPE, or CCMS. Medical attention shall be provided immediately upon the juvenile's release from restraint as a result of physical force even if there is no visible evidence or complaint of injury. Medical attention shall be provided in an institution by a licensed physician, licensed practical nurse, registered nurse, physician's assistant, or emergency medical technician; or in a group-home or private facility, staff certified in first aid and CPR may provide medical attention and are responsible for referring the juvenile to licensed medical personnel, if warranted.

(c) When a reportable situation arises and within 24-hours, each staff member, resident, or other person present during the incident shall prepare and submit to the facility administrator or designee, a written incident report describing what the person saw or heard. The facility administrator, shall ensure a preliminary assessment is conducted to:

- (1) assure the safety of any juvenile named in the referral and of other juveniles in the same placement;

(2) protect the integrity of any evidence which may be relevant to the allegation, including taking photos following every restraint or act of physical force; and

(3) coordinate activities with OCA and any law enforcement authority involved in investigating the allegation.

(d) The facility administrator shall collect medical records, other documents and reports which pertain to the alleged incident, written statements and any other documentary evidence and place them in a holding file for investigative use by the appropriate investigative authority.

(e) **Caretaker misconduct in OJA secure facilities.** Every employee in an OJA secure facility shall report allegations of caretaker misconduct to the OJA Advocate General for investigation and disposition. The system for investigation and disposition of such investigation shall be developed by the Advocate General in cooperation with the Executive Director and shall be approved by the Board of Juvenile Affairs. The Advocate General shall determine whether the allegation involves caretaker misconduct.

(f) **Caretaker misconduct in facilities other than OJA secure facilities.** Every employee of a facility, other than an OJA secure facility, operated by or through contract with OJA shall report allegations of caretaker misconduct in accordance with DHS Rule 340:2-3-33.

(g) **Educational employees.** If the alleged abuse, neglect, or caretaker misconduct involves an employee of a school district which provides contract educational services to OJA, either as a witness or as an accused caretaker, the facility administrator shall notify the principal of the school of the nature of the allegation, and name of the assigned investigator. The principal shall then be responsible for advising the employee accordingly and coordinating with the appropriate investigative authority.

(h) **Protection or medical treatment.** In the event of alleged abuse, neglect, or caretaker misconduct in a facility, the facility administrator or designee shall assure protection of the juvenile and obtain medical attention for the juvenile.

(i) **Failure to report.** Any employee who fails to report abuse, neglect, or caretaker misconduct as required by this Section, is subject to disciplinary action under OJA's personnel rules. If it is determined the employee failed to report as required, the Advocate General of OJA shall make a referral to the appropriate law enforcement agency as provided in Title 10A O.S., § 1-2-101.

(j) **Interference prohibition.** Any employee who interferes with an abuse, neglect, or caretaker misconduct investigation, or attempts to intimidate or harass a witness, victim, or employee accused of alleged abuse, neglect, or caretaker misconduct through force or fear, or by threatening physical or mental harm to a witness, victim or others, is subject to disciplinary action under OJA's personnel policy and could be subject to criminal prosecution.

(k) **Contract termination.** A contractor's contract shall be subject to immediate termination for failure to adhere to this subchapter or knowingly allowing an employee to:

(1) interfere with an abuse, neglect, or caretaker misconduct investigation;

- (2) interfere or retaliate against any employee for reporting or cooperating in such investigation; or
- (3) deny the assigned investigator immediate and direct access to the contractor's employees, facilities, clients, places, or records of any type.

(l) **Retaliation.** The agency shall ensure protection of both staff and juveniles who report sexual abuse or sexual harassment or for cooperating in sexual abuse or sexual harassment investigations from retaliation.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 21 Ok Reg 2419, eff 7-1-04 ; Amended at 22 Ok Reg 2060, eff 7-1-05 ; Amended at 27 Ok Reg 2178, eff 7-15-10 ; Amended at 31 Ok Reg 311, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1921, eff 9-12-14 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-1-26. Advocate General procedures during an abuse, neglect, or caretaker misconduct investigation for other than OJA secure institutions

(a) Upon receiving a report from OCA concerning an investigation of abuse, neglect, or caretaker misconduct, the Advocate General shall send a copy of the report to the facility administrator and notify the Executive Director or appropriate Division Director. If a facility administrator is named as an accused caretaker in the allegation, the report shall be forwarded to the Chair of the Board of Directors of the facility or to the Director of the state agency operating the facility.

(b) If OCA confirms findings of abuse, neglect, or caretaker misconduct, the Advocate General shall request appropriate corrective action within 21 days of the Advocate General's receipt of OCA's report.

(c) Even if abuse, neglect, or caretaker misconduct is not confirmed by OCA, the Advocate General may recommend to the Executive Director appropriate measures to address systemic or individual concerns raised during the course of the OCA investigation.

(d) Upon receipt of OCA's report, the facility administrator, OJA administration, or Advocate General on behalf of a juvenile who is the subject of the report may request that the DHS Grievance Abuse Review Committee (GARC) review its findings and return a different result.

(e) OCA investigative reports, records, files, and audio tapes are considered confidential under Title 10A O.S., § 1-6-102.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 21 Ok Reg 2419, eff 7-1-04 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 27 Ok Reg 2178, eff 7-15-10 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-1-27. OJA grievance policy

(a) It is OJA's intent to establish and maintain a fair, simple, and speedy system for resolution of grievances of all OJA-custody juveniles. The grievance policy and procedure is designed to provide an OJA-custody juvenile with a way to have another person review and, when appropriate, correct problems the juvenile is having.

(b) A juvenile may file a grievance regarding:

(1) the conditions of confinement, action of staff, and incidents occurring within or under the authority and control of the Office of Juvenile Affairs.

(2) any decision, behavior, or action by an OJA employee or contractor, or by another juvenile in OJA custody. Any grievance regarding allegations of abuse, including sexual abuse and sexual harassment, or neglect, shall be forwarded to the DHS hotline.

(c) A grievance may be filed by either a juvenile or by another person on behalf of the juvenile. The juvenile or person filing on behalf of the juvenile shall try to resolve the grievance informally at the local level before he or she submits a formal appeal. The procedures for informally resolving grievances with JSU and in institutions and contract facilities are set forth in OAC 377:3-1-28. If resolution cannot be achieved through the informal process, the juvenile has the right to appeal.

(d) Staff members shall not in any way discourage any juvenile from filing a grievance or appealing a grievance resolution. The rules in this Section shall not be construed to impinge upon the duties of the Advocate General, Advocate Defender, grievance coordinator, or any designee thereof from fairly and accurately advising a juvenile of his or her rights or alternative means of dispute resolution.

(e) OJA ensures the quality of the system by maintaining minimum standards and by using an ongoing monitoring program carried out by the Office of Advocate General in conjunction with other OJA Divisions.

(f) Each OJA and contracted facility shall make its grievance policies and procedures available upon request to any member of the public.

(g) Each OJA and contracted facility shall post its grievance policies in conspicuous places readily accessible to the juveniles in residence.

(h) Each OJA and contracted facility shall explain OJA grievance policies and procedures to every resident during intake at the facility.

(i) Every effort should be made to utilize the correct form, but all grievances must be processed regardless of the form used by the juvenile.

(j) The secure facility shall permit a juvenile to report sexual abuse or sexual harassment to DHS via the hotline.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 31 Ok Reg 311, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1921, eff 9-12-14]

377:3-1-28. General Grievance Procedure

(a) Informal grievances.

(1) Informal grievances are issues relating to daily life at the juvenile's placement, which can be resolved at the facility or local level. Informal grievances include, but are not limited to:

- (A) grooming and hygiene;
- (B) clothing;
- (C) cottage cleanliness;
- (D) food;
- (E) disrespect not involving threats of harm;
- (F) restrictions; or

(G) routine problems with the JSU; i.e., complaints against a JSU worker.

(2) A juvenile shall try to informally resolve his or her grievance by talking with the Advocate Defender, supervising employee or other appropriate staff, excluding a staff member who is the subject of the grievance, within three (3) working days, excluding weekends and holidays, of the incident. If the issue is not resolved the juvenile may submit in writing a brief description of the problem and what efforts have been made to resolve the issue within (7) seven working days, excluding weekend and holidays, of the incident. The grievance should include the name of the person or group with whom the juvenile wants to meet to discuss the problem. The juvenile may put the written information in a designated grievance box or give the grievance to any staff member.

(3) The grievance must be numbered and logged in a grievance log on the day the grievance is received and distributed to the appropriate staff, excluding a staff member who is the subject of the grievance, for processing and possible resolution.

(4) The assigned staff shall review each grievance and attempt to resolve the grievance with the juvenile.

(5) If the grievance is not resolved within (5) five working days (excluding weekends and holidays), the juvenile may seek review by the supervisor.

(6) The supervisor shall have (10) ten working days (excluding weekends and holidays) from receipt of the review to resolve the grievance.

(7) If the juvenile does not accept the resolution of the supervisory review, he/she may file a formal grievance, which shall be received within 5 working days (excluding weekends and holidays) from the receipt of the review.

(8) The grievance log must also indicate the disposition of the grievance and the date of the resolution or the review. OJA Form OJA-AG-2 may be used to facilitate the grievance resolution process.

(b) Formal Grievances.

(1) Formal grievances are those grievances, which are appeals of informal grievances or those which cannot otherwise be resolved at the facility or local level. Issues which cannot be resolved at the facility or local level include, but are not limited to:

- (A) placement;
- (B) treatment;
- (C) psychological services;
- (D) social services;
- (E) educational services;
- (F) recreation; or
- (G) abuse, neglect, or caretaker misconduct.

(2) Grievances which contain allegations of abuse, neglect, or caretaker misconduct shall be processed in accordance with 377:3-1-25 and 377:3-1-26.

(3) Formal grievances may be filed with any staff member, excluding a staff member who is the subject of the grievance, but shall be routed to the Advocate General for appropriate distribution and resolution by OJA State Office as set forth in paragraph (c) of this section. Form OJA-AG-3 may be used to facilitate the formal grievance process.

(c) **Emergency Grievances.** Any situation where the juvenile believes that he or she is subject to substantial risk of imminent sexual abuse, may file a grievance as an emergency grievance. Immediately upon the discovery that an emergency grievance has been filed, the emergency grievance shall be forwarded to the superintendent or designee, who may take corrective action within 48 hours.

(d) **Grievances received by Advocate General.** Upon receipt of an appeal of an informal grievance or formal grievance, the Advocate General's Office shall post the date of receipt. The Advocate General shall review the grievance and the accompanying documentation to determine what additional information is necessary for disposition of the grievance within five (5) working days and set deadlines for receipt of required information. If the Advocate General finds that an appeal or formal grievance was prematurely filed, the Advocate General shall send a reply containing suggestions regarding the proper procedure to the person that sent the grievance. The Advocate General shall review the applicable OJA rules, policy, and/or Oklahoma law to determine if the appeal or formal grievance is appropriate and provide an opinion regarding possible resolution.

(e) **Appeal to the Division Director/final decision.** The Advocate General shall prepare a cover worksheet or memorandum for the appeal or formal grievance and forward a copy to the Division Director/designee for response. The response shall be completed within ten (10) working days (extension may be granted by the Advocate General where a formal, legal opinion or policy decision is necessary). Upon receipt of the proposed resolution, the Advocate General shall forward a copy to the juvenile and/or to other appropriate person named in the grievance and to the appropriate advocate defender or grievance coordinator. A copy of the resolution shall be inserted in the juvenile's master file. Resolutions, which will change or create OJA rules, are submitted to the appropriate division responsible for drafting new or revised rules. The Advocate General shall ensure that resolutions containing directives for specific action are completed.

(f) **Board notification.** All matters referred to the Division Director for final decision may be placed on the agenda for the next, regularly scheduled meeting of the Board of Juvenile Affairs upon authorization of the Executive Director. If the Executive Director denies the request the OJA Board shall be informed. The Executive Director shall review any such grievance with the Board during Executive Session. At that time, the Advocate General will be allowed to voice concerns, the wishes of the juvenile, or such other matters as are relevant to the Board's understanding of the issues presented in the appeal.

(g) **Review by juvenile.** The grievance coordinator, Advocate Defender, or Advocate General (whoever filed the last grievance), shall review the Division Director's resolution with the juvenile and notify the juvenile

that his or her administrative remedies have been exhausted. If the juvenile does not accept the resolution, a copy of the grievance, appeals, and proposed resolutions shall be forwarded to the Office of Juvenile Systems Oversight.

(h) **Grievances originated by the Advocate General.** The Advocate General may, on behalf of all or part of the juveniles committed to OJA, originate a grievance at the State Office level concerning:

(1) the substance or application of any written or unwritten policy, rule, or regulation of:

- (A) OJA;
- (B) an agent of OJA; or
- (C) an OJA contractor; or

(2) any decision, behavior, or action of

- (A) an OJA employee;
- (B) an agent of OJA;
- (C) an OJA-contractor; or

(D) any other person committed to OJA.

(i) The Advocate General may write the grievance by way of a detailed memorandum.

(j) The appropriate Division Director and Advocate General may determine there is misuse of the grievance process. Types of misuse, include, but are not limited to:

- (1) Grievances intended to harass another;
- (2) The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- (3) The repeated submitting of grievances about an issue, which has been adequately and completely addressed by staff.
- (4) If misuse of the process is determined, the juvenile will be notified in writing, citing the above listed reason or reasons the grievance will not be processed through the grievance procedure. A copy of the determination will be placed in the offender's field file, Advocate General's and Advocate Defender's file. The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

(k) Non-grievable issues include;

- (1) any appeals finalized and resolved by the disciplinary hearing process shall not be processed through the grievance process, or
- (2) Requests for disciplinary action against staff.

(l) At any level of the administrative process, including the final level, if the juvenile does not receive a response within the time allotted for reply, including any properly noticed extension, the juvenile may consider the absence of a response to be a denial at that level.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 21 Ok Reg 2419, eff 7-1-04 ; Amended at 22 Ok Reg 2060, eff 7-1-05 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 26 Ok Reg 2241, eff 7-1-09 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 31 Ok Reg 311, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1921, eff 9-12-14]

377:3-1-29. Grievance procedure for JSU

Grievances received by a JSU worker shall be routed to the designated JSU grievance coordinator for appropriate processing in accordance with this section. If the grievance concerns JSU, it shall be handled as an Informal Grievance as described in section 377-1-28 (a) and routed to the assistant district supervisor in that county for possible resolution within three working days. If the juvenile does not accept the proposed resolution, the grievance can be appealed to the district supervisor and shall be resolved within five working days. If the grievant does not accept the resolution, the grievance must be appealed as a Formal Grievance to the Advocate General as described in OAC: 377-1-28 (b) and (c).

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01]

377:3-1-30. Grievance procedures for group homes and contract facilities

Group homes and contract facilities. Contract facilities, youth shelters, and crisis intervention centers shall develop grievance policies and procedures consistent with those as contained in OAC 377:3-1-27 and 28.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 31 Ok Reg 1925, eff 9-12-14]

377:3-1-31. Monitoring and evaluation

The purpose of this section is to describe the process by which the Advocate General monitors and evaluates group home and institutional grievance systems.

- (1) The grievance coordinator or advocate defender may request a personal visit with the Advocate General on an as-needed basis.
- (2) If the grievance coordinator or advocate defender becomes aware of any program deficiencies or service program omissions which result in individual group home or community-based problems, the grievance coordinator or advocate defender shall write a special report to the Office of the Advocate General about the program deficiencies or omissions. The grievance coordinator or advocate defender shall write the special report even when a grievance has not been filed. The grievance coordinator or advocate defender shall send copies of the report to the group home supervisor and the affected Division Director. The grievance coordinator or advocate defender shall maintain the master grievance log and grievance files and shall report grievance statistical information to the Office of Advocate General monthly.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 27 Ok Reg 2182, eff 7-15-10]

377:3-1-32. Notice to the Executive Director

The Advocate General shall keep the Executive Director timely and closely advised of any action taken by or initiated at the request of the Advocate General. The Advocate General shall forward copies of all reports, memoranda, or correspondence to the Executive Director which is originated by or at the request of the Advocate General. The Advocate General shall also meet with the Executive Director when necessary for the purpose of briefing the Executive Director regarding concerns, issues, or observations noted by the Advocate General in the performance of his or her duties.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97]

377:3-1-33. Coordination with other OJA divisions

In carrying out his or her duties, the Advocate General shall coordinate his or her activities with the Agency divisions by:

- (1) gathering information and observations needed for oversight activity;
- (2) producing and distributing reports documenting findings of visits including identifying areas of noncompliance; and
- (3) communicating and coordinating to improve planning, programs, and policy based upon information and findings resulting from monitoring activities.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97]

377:3-1-34. Coordination with other monitoring entities

(a) The Advocate General shall coordinate with the Department of Human Services' Office of Client Advocacy, the Oklahoma Commission on Children and Youth's Office of Juvenile System Oversight, or such other government entities which possesses overlapping or concurrent jurisdiction of OJA juveniles or placements, in conducting the Advocate General's activities. The Advocate General shall perform the following functions with these entities:

- (1) communicate and coordinate, whenever possible, the scheduling of on-site visits to programs and facilities to control disruptions of operations by monitoring entities;
- (2) compare and consolidate program information and data needed to minimize duplicate requests;
- (3) provide copies of Advocate General reports or grievances when requested;
- (4) meet with staff to discuss issues that are of common concern to all offices; and
- (5) receive reports from said agencies which raise issues of concern affecting OJA juveniles or policy.

(b) Title 21 O.S., § 870 requires every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children to make an immediate report to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. An employee who, in good faith and exercising due care, has reason to believe that a person or

child-placing agency is engaging in the crime of trafficking in children shall make an immediate report, as required by 21 O.S., § 870 and to the OJA Office of Advocate General when:

- (1) the employee has reason to believe that such crime has been committed, or
- (2) a child, parent, guardian, or other person makes an allegation of such crime.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 32 Ok Reg 391, eff 11-17-14 (emergency); Amended at 32 Ok Reg 1978, eff 9-11-15]

377:3-1-35. Conflict of interest

If the Advocate General determines that a conflict of interest may affect his or her ability to proceed in a certain matter, he or she shall immediately refer the case to the Executive Director for appropriate action which may include referral to the Advocate General of the Department of Human Services.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99 ; Amended at 18 Ok Reg 2614, eff 7-1-01]

377:3-1-36. Mandatory annual review of rules

Rules for the Office of the Advocate General shall be reviewed annually by the Advocate General and appropriate staff. The Advocate General shall present recommendations for approval of any rule modification, amendment, or deletion to Board of Juvenile Affairs no later than the December Board meeting of each successive year.

[Source: Added at 13 Ok Reg 3887, eff 8-21-96 (emergency); Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 465, eff 11-23-98 (emergency); Amended at 16 Ok Reg 2949, eff 7-12-99]

PART 5. MEDIA AND COMMUNITY RELATIONS

377:3-1-46. General provisions

It is the policy of OJA to encourage interaction with the public and the media. The Communications Department, which reports to the Executive Director and Chief of Staff of OJA, coordinates public information activities. OJA staff shall coordinate all media relations, media contacts, news releases, news conferences and other media communications through the Communications Department.

[Source: Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 2957, eff 7-12-99 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-1-47. Media access to OJA

(a) The Director of Communications, or, if unavailable, the Executive Director, Chief of Staff, or designee shall grant the news media access to a juvenile under conditions which ensure:

- (1) the preservation of the juvenile's right to privacy;
 - (2) the preservation of the juvenile's confidentiality; and
 - (3) the maintenance of order and security when the juvenile is in an out-of-home placement.
- (b) The Director of Communications shall consider the following factors when making a decision regarding media access:
- (1) the nature of the inquiry;
 - (2) whether the best interests of the juvenile are met; and
 - (3) whether the best interests of the public are met.
- (c) The Director of Communications shall decide whether to grant or deny media access within 48 hours of the request, excluding weekends and holidays.
- (d) Whenever possible, parental permission shall be obtained prior to a juvenile's being interviewed. If parental permission cannot be obtained, the Executive Director or Chief of Staff may grant approval for the interview.
- (e) When an interview with a juvenile is requested by the media, the Director of Communications, after consulting with the appropriate superintendent, group home supervisor, or district supervisor, shall approve or deny the media's request according to the provisions of rules contained in this Part.
- (f) The guidelines for media activities with juveniles are as follows:
- (1) all juveniles have the option to decline to be interviewed or filmed;
 - (2) no filming is to occur that could result in the juvenile's being identified through facial exposure unless written permission is obtained from the:
 - (A) juvenile;
 - (B) parent/guardian, or, if the parent is unavailable, the:
 - (i) Executive Director/Chief of Staff; or
 - (ii) judge from the court county of jurisdiction.
 - (C) Director of Communications or designee.
 - (3) a ranking staff person shall accompany film crews and intercede in any filming effort that could identify a juvenile, i.e., facial exposure;
 - (4) activities of media personnel while in an out-of-home placement must be conducted in a manner that is consistent with the maintenance of order and security;
 - (5) staff may agree to be interviewed and filmed (in private, if desired) by media personnel on authorized visits to the JSU office, group home, or institution; and
 - (6) at times of disorder within a residential facility, media access to the facility may be postponed if OJA or the facility believes that the media's presence would prolong or contribute to the disorder.
- (g) The Executive Director or Chief of Staff may exempt the limitations in (e) of this Section if he or she considers it necessary, as long as statutory limitations are met.

377:3-1-48. Volunteer program

The Office of Juvenile Affairs, in its mission to provide quality services, shall recruit and utilize volunteers in group homes, institutions, and field offices. The State Office Volunteer Program Supervisor is responsible for assisting program and facility administrators, supervisors, and coordinators in developing and implementing a quality volunteer program. The facility or program volunteer coordinator supervises all aspects of volunteer recruitment, screening, selection, training, and program development and ensures that policy and standards are followed. The coordinator shall work with civic groups, public agencies, or private businesses in order to enhance volunteerism.

(1) **Requirement of volunteers.** A volunteer who serves on more than a one-time basis is subject to the following:

- (A) be at least 18 years of age;
- (B) complete an interview and selection process by an institutional, facility, or program coordinator;
- (C) complete all application forms and give consent for security check;
- (D) agree, in writing, to the confidentiality requirements regarding residents and clients and agree to support and follow OJA policies;
- (E) attend an orientation and training session for institution and program policy and procedures for working with residents and clients;
- (F) if a full-time volunteer (40 hours per week), complete the same training as a full-time staff member and complete the additional training per year required of full-time staff who work directly with residents and clients;
- (G) if transporting residents or clients, provide adequate auto liability insurance coverage and display proof of this at the volunteer orientation session;
- (H) carry proper identification while on duty which identifies him or her as a volunteer for OJA; and
- (I) when performing professional services, must provide documentation of each certificate of license.

(2) **Term of service.** Ordinarily volunteers have a one year term of service which may be renewed annually. However, staff may recruit volunteers on a short-term or one-time basis. Those volunteers recruited for one-time special events are not required to go through training. The volunteer coordinator or supervisor shall closely screen the short-term or one-time-basis volunteers who will have contact with juveniles. The volunteer coordinator, or the coordinator's supervisor, shall ask the individual volunteer or representative of the volunteer organization to sign all appropriate documentation.

(3) **Authority.** The Executive Director of OJA, Chief of Staff of the OJA, General Counsel, volunteer program coordinator, superintendent, district supervisor, or group home supervisor may curtail, postpone, or discontinue the services of a volunteer or volunteer organization at any time.

[Source: Added at 14 Ok Reg 1842, eff 6-2-97 ; Amended at 16 Ok Reg 2957, eff 7-12-99 ; Amended at 24 Ok Reg 1392, eff 7-1-07]

SUBCHAPTER 3. OFFICE OF GENERAL COUNSEL SERVICES

PART 1. GENERAL PROVISIONS

377:3-3-1. Purpose

The purpose of this Subchapter is to describe the functions and responsibilities of the Office of General Counsel Services.

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Amended at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-2. Legal base

The statutory authorization for the Office of General Counsel Services is found in 10A O.S., § 2-7-201(D).

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Amended at 15 Ok Reg 2647, eff 7-1-98 ; Amended at 16 Ok Reg 2959, eff 7-12-99 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-3-3. Duties and responsibilities

The Office of General Counsel Services provides legal services to the Office of Juvenile Affairs (OJA), and members of the Board of Juvenile Affairs acting in the scope of their official capacities, the Executive Director of the Office of Juvenile Affairs (OJA), the Chief of Staff of OJA, and all other OJA employees acting in the course or scope of their employment.

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Amended at 15 Ok Reg 2647, eff 7-1-98 ; Amended at 16 Ok Reg 2959, eff 7-12-99 ; Amended at 24 Ok Reg 1392, eff 7-1-07]

377:3-3-4. State legislation [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

PART 3. DIVISION OF THE PAROLE BOARD [REVOKED]

377:3-3-15. Purpose [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-16. Mission [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-17. Legal base [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-18. Tentative release hearings [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-19. Parole release hearing [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-20. Parole revocation hearings [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

377:3-3-21. Administrative Transfer Hearings [REVOKED]

[Source: Added at 14 Ok Reg 1851, eff 6-2-97 ; Revoked at 15 Ok Reg 2647, eff 7-1-98]

SUBCHAPTER 5. OFFICE OF HUMAN RESOURCES MANAGEMENT

PART 1. OVERVIEW OF THE OFFICE OF HUMAN RESOURCES MANAGEMENT

377:3-5-1. Purpose

(a) The purpose of this subchapter is to set forth the rules governing the operation of the Office of Human Resources Management. The rules in this Chapter are authorized by the authority of the Office of Juvenile Affairs as set forth in Title 10A O.S., § 2-7-101(I) (2), Oklahoma Personnel Act, 74 O.S., § 840-1.1 et seq., and Oklahoma State Merit Rules.

(b) The purpose of the Office of Human Resources Management (OHRM) is to provide comprehensive human resource management and development programs which support the achievement of the agency's mission, values, and goals. The Office of Human Resources Management programs focus on recruiting, retaining, and developing qualified agency staff.

[Source: Added at 15 Ok Reg 34, eff 7-23-97 (emergency); Added at 15 Ok Reg 2652, eff 7-1-98 ; Amended at 17 Ok Reg 601, eff 12-16-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3122, eff 7-27-00 ; Amended at 21 Ok Reg 1401, eff 7-1-04 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-5-2. Duties & Responsibilities of the office of Human Resources Management

Office of Human Resources Management shall insure that OJA follows all State and Federal Laws governing Human Resources

Management of State Agencies. OHRM shall follow all rules as outlined by Title 74 O.S. § 840.1.1 et seq. Oklahoma Personnel Act; Oklahoma Administrative Code Title 455 Merit Protection Commission, Chapter 10; and Title 530 Office of Personnel Management, Chapter 10.

[Source: Added at 15 Ok Reg 34, eff 7-23-97 (emergency); Added at 15 Ok Reg 2652, eff 7-1-98 ; Amended at 21 Ok Reg 1401, eff 7-1-04]

PART 3. OFFICE OF HUMAN RESOURCES MANAGEMENT- PERSONNEL PROGRAMS

377:3-5-12. The Office Of Juvenile Affairs promotional plan

(a) **Promotional policy.** The Office of Personnel Management (OPM) requires that each state agency shall post vacancies in a particular job family in accordance with a promotional plan filed by the agency with OPM (530:10-11-51). The Office of Juvenile Affairs (OJA) shall follow this plan when posting and filling classified positions. The OJA promotional plan is designed to provide employees with opportunities for career growth and advancement. No person shall be discriminated against because of race, sex, age, color, creed, religion, political affiliation, national origin, or disability [74 O.S. §840-2.9(A)].

(b) **Posting decision.** The Executive Director or designee shall make the decision to fill a vacancy, whether classified or unclassified, and post a notice. When continuous, multiple vacancies are anticipated, general promotional opportunities may be posted. [74 O.S. §840- 4.15(B)].

(c) **Agency Selection Process.** The Office of Juvenile Affairs shall conduct the selection process of applicants in accordance with (OPM) requirements, state and federal laws. Applicants may be required to participate in other selection and assessment procedures.

(1) A personal background investigation shall be conducted, which may include civilian and military court records. Background investigations will be conducted in compliance with Title 10 O.S. §404.1A.

(2) Applicant drug testing may be required in accordance with 377:3-11-1 though 377:3-11-12.

[Source: Added at 15 Ok Reg 34, eff 7-23-97 (emergency); Added at 15 Ok Reg 2652, eff 7-1-98 ; Amended at 16 Ok Reg 2960, eff 7-12-99 ; Amended at 17 Ok Reg 601, eff 12-16-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3122, eff 7-27-00 ; Amended at 21 Ok Reg 1401, eff 7-1-04 ¹; Amended at 21 Ok Reg 2425, eff 7-1-04 ¹; Amended at 27 Ok Reg 2182, eff 7-15-10]

Editor's Note: ¹*This amendatory action was published twice in the Register. Due to publisher error, strikeouts were missing from some text when it was first published at 21 Ok Reg 1401. The rule was published again correctly at 21 Ok Reg 2425, with the same 7-1-04 effective date.*

377:3-5-13. Office of Juvenile Affairs Services Fair Labor Standards Act [EXPIRED]

[Source: Added at 15 Ok Reg 34, eff 7-23-97 through 7-14-98 (emergency)¹]

Editor's Note: *¹This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-98 (after the 7-14-98 expiration of the emergency action), Section 377:3-5-13 was no longer effective. For the official text of the emergency rule that was in effect from 7-23-97 through 7-14-98, see 15 Ok Reg 34.*

SUBCHAPTER 7. FINANCE DEPARTMENT

377:3-7-1. Legal basis

(a) The Office of Juvenile Affairs (OJA) Finance Division is designated by OJA to conduct OJA's financial matters.

(b) Title 10A O.S., § 2-7-304, authorizes the OJA to enter into financial agreements with governmental entities or private agencies for juvenile delinquency prevention and treatment programs.

[Source: Added at 14 Ok Reg 1856, eff 6-2-97 ; Amended at 17 Ok Reg 3126, eff 7-27-00 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-7-2. Purpose

The purpose of this subchapter is to set forth rules for the Office of Juvenile Affairs' (OJA) Finance Division.

(1) The OJA Finance Division shall properly manage the OJA annual budgeting process and account for OJA funds and other assets, including facilities and materials, in accordance with state laws and procedures.

(2) The OJA Finance Division shall manage the OJA budgeting process.

[Source: Added at 14 Ok Reg 1856, eff 6-2-97 ; Amended at 17 Ok Reg 3126, eff 7-27-00]

377:3-7-3. Regulatory authority

The Office of Juvenile Affairs shall follow:

- (1) Oklahoma state statutes;
- (2) procedures of the Office of Management and Enterprise Services;
- (3) procedures of the Office of State Treasurer;
- (4) procedures from federal grantor agencies; and
- (5) generally accepted accounting principles.

[Source: Added at 14 Ok Reg 1856, eff 6-2-97 ; Amended at 30 Ok Reg 700, eff 6-1-13]

377:3-7-4. OJA financial system

The financial system established and maintained by the Office of Juvenile Affairs shall comply with state statutes and guidelines or requirements established by the Office of Management and Enterprise Services, State Treasurer, State Auditor and Inspector, and federal grantor agencies. Changes to OJA procedures related to financial matters shall be provided to the Finance Subcommittee of the Board of Juvenile Affairs for review, and then subsequently to the full Board of Juvenile Affairs.

[Source: Added at 14 Ok Reg 1856, eff 6-2-97 ; Amended at 17 Ok Reg 3126, eff 7-27-00 ; Amended at 21 Ok Reg 2427, eff 7-1-04 ; Amended at 30 Ok Reg 700, eff 6-1-13 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

SUBCHAPTER 9. OFFICE OF POLICY

PART 1. GENERAL PROVISIONS [REVOKED]

377:3-9-1. Purpose [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-2. Legal basis, authority, and scope [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-3. OPOS functions [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

PART 3. PLANNING, RESEARCH, AND EVALUATION SERVICES [REVOKED]

377:3-9-15. Purpose [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-16. Annual reporting responsibilities [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-17. Other services [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

PART 5. FEDERAL-STATE COORDINATION AND TECHNICAL ASSISTANCE SERVICES [REVOKED]

377:3-9-25. Purpose [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-26. Legal basis [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-27. Maximize fiscal resources [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-28. Proposals seeking only an OJA Letter of Support [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-29. Federal/state liaison [REVOKED]

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-30. Title IV-E [REVOKED]

[Source: Added at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-31. Title XIX targeted case management [REVOKED]

[Source: Added at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

377:3-9-32. Title XIX residential behavioral management services in group settings and non-secure diagnostic and evaluation centers [REVOKED]

[Source: Added at 15 Ok Reg 2655, eff 7-1-98 ; Revoked at 16 Ok Reg 2963, eff 7-12-99]

PART 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101 (F)(2), shall be the rulemaking body for OJA. OJA shall follow the rulemaking

requirements pursuant to the Oklahoma Administrative Procedures Act (APA), Title 75 O.S. § 250 *et seq.*

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 16 Ok Reg 2963, eff 7-12-99 ; Amended at 17 Ok Reg 3127, eff 7-27-00 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 38 Ok Reg 1123, eff 8-26-21]

377:3-9-41. Purpose

The General Counsel, designee, manages OJA's rules and procedures; serving as a link between the program, administrative, and legal functions of OJA and OJA's rules and policies.

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Amended at 16 Ok Reg 2963, eff 7-12-99 ; Amended at 17 Ok Reg 3127, eff 7-27-00 ; Amended at 38 Ok Reg 1123, eff 8-26-21]

377:3-9-42. Public hearings

Public hearings will be held in accordance with 75 O.S. § 303(C).

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 16 Ok Reg 2963, eff 7-12-99 ; Amended at 17 Ok Reg 3127, eff 7-27-00 ; Amended at 38 Ok Reg 1123, eff 8-26-21]

377:3-9-43. Availability of OJA rules, policies, and procedures

In accordance with the Open Records Act, 51 O.S. § 24A.1 *et seq.*, all OJA rules, policies, and procedures are available upon request. Requests should be submitted by letter to the Office of Juvenile Affairs, Attention: General Counsel, 3812 North Santa Fe Avenue, Suite 400, Oklahoma City, OK 73118, by telephone call 405-530-2800 and ask to speak with the General Counsel, or via email at records@oja.ok.gov.

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Amended at 16 Ok Reg 2963, eff 7-12-99 ; Amended at 17 Ok Reg 3127, eff 7-27-00 ; Amended at 38 Ok Reg 1123, eff 8-26-21]

377:3-9-44. Petitions for the promulgation, amendment, or repeal of rules

(a) **Submission.** Any person may petition OJA requesting the promulgation, amendment, or repeal of a rule. The person making the request shall submit a petition to the Office of Juvenile Affairs, by mailing or delivering the petition to the Office of Juvenile Affairs, Attention: General Counsel, 3812 North Santa Fe Avenue, Suite 400, Oklahoma City, OK 73118. A petition mailed to OJA is considered submitted upon receipt by the General Counsel. A designated staff member shall stamp the petition upon receipt to show the date of submission.

(b) **Form.** The petitioner shall submit the petition in the form given in paragraphs 1 - 5 below.

(1) The petition must contain a clear statement of the action requested and the solution desired as a result of the request.

(2) When the petition seeks to amend or repeal an existing rule, the existing rule must be identified in the petition in the following format OAC Title:Chapter-Subchapter-Part. If the petition is submitted electronically, please hyperlink the current rule in the

petition. If the petition is submitted via mail, please include a copy of the current rule.

(3) The petition must contain a statement of the facts supporting the requested rule or rule change, including any legal grounds, if known, and other relevant information or views on which the petitioner relies. A copy of any reference or source cited in the statement must be submitted or hyperlinked with the petition unless the reference or source is readily available to OJA. When a petition requests more than one rule change, a single statement which supports and justifies each proposed change meets the requirements of this subsection.

(4) The petition must describe, if known, who most likely will be affected by the proposed change.

(5) The petition must be signed by the petitioner or his/her authorized representative, and contain the printed name, address, email, and day time telephone number of the petitioner or his/her authorized representative.

(6) A petitioner may supplement or revise a petition at any time prior to approval by the Executive Director or submission of the proposed change to the Board. However, if significant changes are made, the petitioner should withdraw the petition and submit a revised petition.

(c) **Notification of receipt.** The General Counsel, or designee, shall send the petitioner notification of receipt of the petition within five (5) working days after receipt.

(d) **Consideration and disposition.** In accordance with 75 O.S. § 305, if rulemaking action has not occurred by the 30th day after receipt of the petition, the petition shall be deemed denied. Within fourteen (14) calendar days after the submission of the petition, the General Counsel, or designee, shall review the request and recommend the Executive Director:

(1) approve the petition for Board action;

(2) deny the petition, in whole or in part, on any of the following grounds:

(A) the petition requests promulgation of a rule that OJA clearly lacks authority to promulgate;

(B) the petition requests a rule or rule change inconsistent with any applicable statutory or constitutional authority;

(C) the petition requests promulgation, amendment, or repeal of an OJA policy that does not constitute a rule as defined in the Oklahoma Administrative Procedures Act;

(D) the petition is frivolous and not pursued in good faith;
or

(E) the petition is not feasible, taking into consideration available and anticipated agency resources for the category of the subject matter of the proposed change and the public policy or other grounds supporting the proposed change; or

(F) for other just cause; or

(3) request additional material from the petitioner.

(e) **Executive Director responsibilities.** The Executive Director, or designee, shall send the recommendation and other pertinent material to each member of the Board within two (2) calendar days of decision.

(1) If the next regularly scheduled Board meeting falls within twenty (20) calendar days of receipt of the petition, the Executive Director, or designee, shall ensure that the petition is placed as an action item on the agenda of the Board's next regularly scheduled meeting.

(2) If the next regularly scheduled Board meeting does not fall within thirty (30) calendar days of receipt of the petition, the Executive Director, or designee, shall notify the Board. The Board may choose to call a Special meeting, in accordance with OAC 377:1-1-5(b) within the thirty (30) day time period to consider the petition.

(f) **Responsibilities of the Board of Juvenile Affairs.** The Board shall decide whether to approve or deny the petition.

(g) **Notification of approval or denial of petition.** The General Counsel, or designee, shall notify the petitioner of the decision to approve or deny the petition within thirty (30) days of receipt of the petition.

(h) **Rulemaking process.** If the Board approves the petition, the General Counsel, or designee, shall initiate OJA's rulemaking process.

(i) **Notice to petitioner.** If the petitioner does not attend the Board meeting in which the vote on the rule revision is made, the General Counsel, or designee, shall provide written notice within five (5) working days after the Board's meeting of the Board's decision.

[Source: Added at 14 Ok Reg 1857, eff 6-2-97 ; Amended at 15 Ok Reg 2655, eff 7-1-98 ; Amended at 16 Ok Reg 2963, eff 7-12-99 ; Amended at 17 Ok Reg 3127, eff 7-27-00 ; Amended at 38 Ok Reg 1123, eff 8-26-21]

SUBCHAPTER 11. RISK MANAGEMENT

PART 1. DRUG POLICY

377:3-11-1. Purpose of policy

Use of alcohol or illegal drugs may jeopardize the safety of Office of Juvenile Affairs (OJA) employees, the juveniles for whom the Office of Juvenile Affairs is responsible, and the citizens of Oklahoma. Accordingly, it shall be the policy of the Office of Juvenile Affairs to maintain an alcohol and drug-free work environment for the employees and to test job applicants and employees for the use of alcohol and illegal drugs.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03]

377:3-11-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Alcohol" means ethyl alcohol or ethanol;

"Employee" means any person who works full-time, part-time, or on a temporary basis for OJA, including management staff;

"Job Applicant" means any person who has applied to be an employee of OJA;

"Illegal Drugs" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

"OJA" means the Office of Juvenile Affairs;

"OSDH" means the Oklahoma State Department of Health;

"Transferred or reassigned employee" means an employee who transfers to a different position or job, or who is reassigned to a different position or job.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03 ; Amended at 30 Ok Reg 137, eff 11-8-12 (emergency); Amended at 30 Ok Reg 700, eff 6-1-13]

377:3-11-3. Rules for drug free workplace

(a) **Illegal drugs.** OJA employees are prohibited from using, possessing, manufacturing, transferring, selling, or attempting to transfer or sell illegal drugs.

(b) **Alcohol.** OJA employees are prohibited from using or being impaired by alcohol in any OJA workplace or in the course of any work-related duty.

(c) **Prescription drugs.** Use of a drug shall not constitute a violation of this policy if the drug has been prescribed by a licensed physician, osteopath, or dentist and is taken as prescribed for that employee or applicant.

(d) **Violations.** Any employee who violates this policy will be subject to discipline, up to and including discharge.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03]

377:3-11-4. Standards

(a) An employee is considered to be in violation of this policy if that employee is convicted or has had sentencing deferred for any violation of the Uniform Controlled Dangerous Substances Act in Title 63 O.S. § 2-2-101 et seq, or any similar law in another jurisdiction. Any employee who is convicted or has had sentencing deferred for trafficking, manufacturing, distributing, or possessing with intent to manufacture or distribute a controlled, dangerous substance shall be terminated.

(b) Any employee who is convicted, or has had sentencing deferred, for driving under the influence of alcohol or drugs or driving while impaired will be considered in violation of this policy.

(c) Each employee is required to provide written notification within five days after he or she is convicted or has had sentencing deferred for any crime involving illegal drugs or alcohol. Failure to provide written notification may be considered a violation of this policy.

(d) OJA shall notify each of its federal granting agencies within ten days after receiving notice from an employee or otherwise receiving actual notice of a conviction of any drug statute for a violation occurring in the workplace.

(e) Each employee must promptly report to his or her immediate supervisor of any medication which will impair the employee's ability to work safely. Failure to report may be considered a violation of this policy.

(f) Employees will not be discharged for voluntarily seeking assistance for a drug or alcohol abuse problem prior to (1) notification or selection for any incident leading independently to a determination of reasonable suspicion of a violation of this policy. However, continued problems with performance, attendance, or behavior may result in discharge.

(g) Each employee is required to read and sign a certificate of acknowledgment regarding this policy. Such signed certificate will be filed in the employee's personnel file.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98]

377:3-11-5. Substance screening

Drug and alcohol testing may be required for employees and job applicants under the following circumstances:

(1) **Job applicant or transferred or reassigned employee testing.** Every job applicant or transferred or reassigned employee who is conditionally offered employment in the following job families shall be tested if:

(A) the position is in one of the following job families:

- (i) Juvenile Justice Specialist;
- (ii) Youth Guidance Specialist;
- (iii) Juvenile Security Officer;
- (iv) Recreational Therapist;
- (v) Institutional Safety & Security Coordinator;
- (vi) Registered Nurse;
- (vii) Licensed Practical Nurse;
- (viii) Nursing Manager;
- (ix) Food Service Personnel; and
- (x) Psychological Clinician.

(B) such person is employed in an administrative or instructional capacity in any charter school site.

(2) **For-cause testing.** Any employee, at the request of the Executive Director or, if he is unavailable, the Chief of Staff, may be requested or required to undergo drug or alcohol testing at any time it is reasonably believed that an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

(A) Observable phenomena such as:

- (i) The physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty; or
- (ii) The direct observation of drug or alcohol use while at work or on duty;

- (B) A report of drug or alcohol use while at work or on duty;
- (C) Information that an employee has tampered with drug or alcohol testing at any time;
- (D) Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while on duty or while on any OJA premises or premises with which OJA has contracted services, or operating any OJA vehicle, machinery, or equipment;
- (E) Drugs or alcohol on or about the employee's person or in the employee's vicinity;
- (F) Negative performance patterns; or
- (G) Excessive or unexplained absenteeism or tardiness.

(3) **Post-accident testing.** Any employee may be tested when the employee or another person has sustained an injury while at work or that property has been damaged while at work, including damage to equipment. No employee who tests positive for the presence of substances, as set forth in and in violation of 63 O.S., § 465.20, alcohol, illegal drugs or illegally used chemicals, or who refuses to take a drug or alcohol test required by OJA, shall be eligible for Workers' Compensation Benefits.

(4) **Post-rehabilitation.** Any employee who has had a positive test or has participated in a drug or alcohol dependency treatment program may be tested for a period of up to two (2) years, commencing with the employee's return to work.

(5) **Random Testing.** The Executive Director may order random drug testing for OJA permanent, temporary or probationary employees referenced in paragraph one of this rule. The affected employees shall be notified of the effective date and process for testing.

(6) **Return from leave, fitness-of-duty, and other periodic testing.**

(A) The Executive Director may request or require an employee to undergo drug or alcohol testing as a routine part of a routinely scheduled employee fitness-for-duty medical examination, or in connection with an employee's return to duty from leave of absence.

(B) The Executive Director may schedule periodic drug or alcohol testing for employees occupying a position in 377:3-11-5(1).

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 25 Ok Reg 1364, eff 7-1-08 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12 ; Amended at 30 Ok Reg 137, eff 11-8-12 (emergency); Amended at 30 Ok Reg 700, eff 6-1-13 ; Amended at 32 Ok Reg 707, eff 5-9-15 (emergency); Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-11-6. Substances to be tested

Testing for substances or their metabolites shall include, but not be limited to, the following:

- (1) alcohol;

- (2) marijuana;
- (3) opiates/synthetic narcotics such as:
 - (A) codeine (a.k.a. Tylenol #3 and #4, etc., cough syrups, Robitussin AC);
 - (B) hydrocodone (a.k.a. Vicodin or Lortab);
 - (C) hydromorphone (a.k.a. Dilaudid);
 - (D) meperidine (a.k.a. Demerol);
 - (E) methadone (a.k.a. Dolophine);
 - (F) oxycodone (a.k.a. Percodan or Percocet);
 - (G) propoxyphene (a.k.a. Darvon);
 - (H) heroin;
 - (I) morphine;
- (4) cocaine;
- (5) phencyclidine;
- (6) amphetamines:
 - (A) amphetamines (a.k.a. Dexadrine, Benzedrine);
 - (B) methamphetamines (a.k.a. Desoxyn);
 - (C) methylenedioxyamphetamines;
 - (D) methylenedioxymethamphetamines;
 - (E) phentermine (a.k.a. Adipex, Fastin, Ioamin);
- (7) barbiturates:
 - (A) amobarbital (a.k.a. Amytal);
 - (B) butalbital (a.k.a. Florinal, Fioricet);
 - (C) pentobarbital (a.k.a. Nembutal);
 - (D) secobarbital (a.k.a. Seconal; NOTE: Amobarbital and secobarbital combination to form Tuinal.
- (8) benzodiazepines:
 - (A) diazepam (a.k.a. Valium);
 - (B) chlordiazepam (a.k.a. Librium);
 - (C) alprazolam (a.k.a. Xanax);
 - (D) clorazepate (a.k.a. Tranxene); and
- (9) methaqualone (a.k.a. Quaalude, Parest, Sopor).
- (10) Any other substance approved for testing by the Commissioner of Health of the Oklahoma State Department of Health (OSDH).

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12]

377:3-11-7. Testing methods

(a) Tests will be conducted by an outside testing facility according to Drug and Alcohol Testing Rules of Oklahoma State Department of Health (OSDH).

(b) **Drug testing.** Drug testing shall be performed on urine samples or by other methods approved by OSDH.

(c) **Alcohol testing.** Initial testing shall be performed on blood, breath, or saliva or by other methods approved by OSDH. Confirmation testing shall be performed on breath or blood or by other methods approved by OSDH. Rehabilitation/post-rehabilitation alcohol tests may be performed on urine or by other methods approved by OSDH.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97]

377:3-11-8. Collection procedures

Collection of samples for drug and alcohol testing shall be in accordance with the Drug and Alcohol Testing Rules of the OSDH. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12]

377:3-11-9. Consequences of refusal

(a) **Employees.** Any employee who refuses testing under this policy shall be subject to discipline up to and including discharge from employment. Inability to give an adequate urine sample shall be deemed a refusal, but the employee may overcome this conclusion by providing conclusive medical evidence of a pre-existing condition, which prevents the production of an adequate sample. Adulteration of a specimen of a drug or alcohol test shall be considered as a refusal to test.

(b) **Job applicants.** Any job applicant who has received a conditional offer of employment from OJA and who refused to undergo drug and alcohol testing will not be hired by OJA. Unreasonable delay in submitting to testing shall be deemed a refusal.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03 ; Amended at 25 Ok Reg 1364, eff 7-1-08 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12]

377:3-11-10. Consequences of positive test results

(a) Any employee who has a positive test result will be subject to discipline up to and including discharge from employment. Such an employee will also be referred to the Administrator of Employee Assistance Program. After evaluation, the employee may be required to complete drug and alcohol education and/or treatment. Unsuccessful completion or refusal to participate will result in termination of employment.

(b) Any job applicant who has received a conditional offer of employment and who has a positive test result will not be hired by OJA.

(c) An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a positive drug or alcohol test shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits as provided for in Section 2-406 and 406.1 of Title 40.

(d) Any job applicant who has received a conditional offer of employment and any employee subject to OJA's drug testing policy shall be subject to the consequences set forth in this Rule even if the drugs found in the applicant's or employee's system were purchased and consumed in any state in which the controlled substance is legalized, as long as the drug in question remains illegal in Oklahoma.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12 ; Amended at 30 Ok Reg 137, eff 11-8-12 (emergency); Amended at 30 Ok Reg 700, eff 6-1-13 ; Amended at 32 Ok Reg 1979, eff 9-11-15]

377:3-11-11. Job applicant and employee opportunities

(a) Explanation of test results.

(1) Any job applicant who has received a conditional offer of employment or a transferred or reassigned employee who has a positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Director of Safety and Risk Management.

(2) Any employee who has a positive test result shall have an opportunity to confidentially explain the result orally and in writing to the Director of Safety and Risk Management.

(3) An employee may challenge a positive test result within 24 hours of notice of a positive test result. The cost of such confirmation test shall be the responsibility of the employee unless the confirmation test reverses the findings of the challenged positive test.

(b) **Information.** Records of all drug and alcohol test results and related information shall be the property of OJA and, upon the request of the job applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. OJA will not release such records to any person other than the job applicant, employee, or the employee's review officer, except for any of the following purposes:

(1) As admissible evidence by an employer or the individual tested in a case or proceeding before a court of record or administrative agency if either the employer or the individual tested are named parties in the case or proceeding;

(2) In order to comply with a valid judicial or administrative order; or

(3) To an employer's employees, agents and representatives who need access to such records in the administration of the Standards For Workplace Drug and Alcohol Testing Act.

(4) If OJA contracts with another employer, OJA may share drug or alcohol testing results of any tested person who works

pursuant to such contractual agreement.

(c) **Appeal.** Any employee disciplined pursuant to this policy shall have grievance and appeal rights as provided by the OJA Rules and by the Oklahoma Merit Protection Commission in accordance with the Oklahoma Personnel Act, Title 74, Section 840.1 et seq.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 15 Ok Reg 2659, eff 7-1-98 ; Amended at 20 Ok Reg 1293, eff 7-1-03 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12 ; Amended at 30 Ok Reg 137, eff 11-8-12 (emergency); Amended at 30 Ok Reg 700, eff 6-1-13]

377:3-11-12. Severability

If any portion of this policy is declared or adjudged unconstitutional, such declaration or adjudication shall not affect the remaining portions of the policy.

[Source: Added at 13 Ok Reg 757, eff 11-3-95 through 7-14-96 (emergency); Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 29 Ok Reg 319, eff 1-11-12 (emergency); Amended at 29 Ok Reg 648, eff 6-1-12]

PART 3. SAFETY AND RISK MANAGEMENT

377:3-11-20. General provisions

- (a) The purpose of this Part is to enable OJA staff to work in a safe and healthful environment.
- (b) The Office of Safety and Risk Management shall assist OJA offices, institutions, and group homes to develop internal policies and procedures regarding:
- (1) violence in the workplace;
 - (2) smoking in the workplace;
 - (3) worker compensation;
 - (4) Occupational Safety and Health (OSHA), including:
 - (A) blood borne pathogens; and
 - (B) toxic and hazardous substances; and
 - (5) general safety in the workplace.
- (c) In developing internal policies and procedures, OJA shall comply with all applicable state and federal laws and regulations, including:
- (1) 74 O.S., §85.58A;
 - (2) OSHA;
 - (3) 85 and 85A O.S.; and
 - (4) other rules promulgated by Oklahoma Department of Labor.

[Source: Added at 14 Ok Reg 1860, eff 6-2-97 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

SUBCHAPTER 13. OFFICE OF PUBLIC INTEGRITY

PART 1. GENERAL PROVISIONS

377:3-13-1. General purpose, legal basis and authority

(a) **Purpose.** Public Integrity division within OJA is directly responsible, organizationally and administratively, to conduct investigations, performs on-site assessments, licensing visits, and financially monitors OJA state contracts, functions and activities to ensure compliance with, state statutes, OJA policies/procedures, contractual provisions, and other applicable professional rules and standards. The division is composed of three sections: (1) Internal Affairs/Employment Discrimination Investigations; (2) Licensing and Programs Assessment Section; and (3) Financial Contract Monitoring/Reviews Section, each section is under the supervision of the Executive Director, or designee..

(1) Internal Affairs/EEO Investigations division may among other activities and functions include investigations of:

(A) Allegations of serious misconduct and/or criminal violations committed by OJA personnel as assigned to the division by the Executive Director, or designee;

(B) Allegations of discrimination (Equal Employment Opportunity) either by or against OJA employees as received and assigned by the affirmative action officer, or the agency's grievance manager, Executive Director, or designee; and

(C) Specifically assigned Caretaker Conduct Reviews (CCR) that are returned to the OJA operated juvenile institutions by the Oklahoma Department of Human Services' Office of Client Advocacy (OCA) or other entity as prescribed by law for administrative review, as well as major incidents (i.e. serious assaults, riots, escapes) that occur at OJA operated institutions.

(2) Licensing and Programs Assessment division includes the licensing and assessing of the following:

(A) On-site licensing and unannounced monitoring visits to OJA state contracted juvenile detention centers, community intervention centers (CIC) and municipal juvenile detention facilities, See OAC 377-3-13-6;

(B) Announced and unannounced assessments of contracted residential care, non-residential services and shelters as directed by the Executive Director, or designee.

(C) On-site assessments and licensing of a Secure Juvenile Facility;

(D) On-site or electronic assessments of the Juvenile Services Unit (JSU) offices located throughout the state;

(E) Assessments of State Office units as directed by the Executive Director, or designee;

(3) Financial Contract Monitoring/Review division includes but is not limited to the financial monitoring of the following:

(A) Secure Juvenile Facilities;

(B) OJA contracted detention centers and community intervention centers;

(C) OJA contracted residential care and shelter services as directed by the Executive Director, or designee;

(D) OJA contracted non-residential services provided by designated youth services agencies; by performing

(i) On-site contractor visits to reconcile claims against supporting documentation with a documented recommended corrective action, if appropriate;

(ii) Reviews of reimbursed claims for payment by OJA, to include: compliance with contract requirements; applicable laws, rules and regulations; and adequate supporting documentation.

(E) In addition to the above duties, the financial contract monitoring/review section shall perform in-depth financial audits as directed by the Executive Director, or designee.

(b) **Legal Basis/Authority.** Authorization for the monitoring/assessment functions is found in 10A O.S. § 2-7-301(E)(1)(c). Authorization for detention certification is found in 10A O.S. § 2-3-103(C)(1). Authorization for certification of community intervention centers (CIC) is found in 10A O.S. § 2-7-305(D)(1).

(c) **Unit Independence.** Communication and coordination with agency and contractor personnel is necessary and desirable during the investigative, assessment, and monitoring procedures.

(d) **Frequency of Assessments/Monitoring.**

(1) Announced certification assessments of contracted facilities, i.e. detention centers and community intervention centers, and municipal juvenile detention facilities shall occur on a bi-annual basis, with announced annual inspections during the interim year. Unannounced assessments shall occur at the direction of the division supervisor or Executive Director. Announced assessments of JSU in each county of the state shall occur on a bi-annual basis and unannounced assessments as requested by the Juvenile Services Division Director with approval of the Executive Director, or designee. Program assessments of OJA institutions, State Office units, contracted residential care facilities, non-residential services and shelters as directed by the Executive Director, or designee.

(2) OJA contracts with the youth services agencies shall be monitored at a minimum of twice per fiscal year. Other contracted facilities and services, OJA institutions, and State Office units shall be monitored at the direction of the Executive Director.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 25 Ok Reg 1364, eff 7-1-08 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-2. Internal affairs investigations

(a) The Internal Affairs/EEO Investigations division is responsible for conducting internal investigations of agency personnel who have been accused of serious misconduct and/or criminal behavior while on or off

duty. Serious misconduct is defined as any violation of laws, policies, rules, or procedures that, if proven, could result in disciplinary actions of, suspension without pay, demotion, involuntary transfer, or termination of employment. The Internal Affairs/EEO Investigations division investigates only those internal misconduct allegation cases that have been assigned by the OJA Executive Director, or designee.

(b) The Internal Affairs/EEO Investigations division is also responsible for conducting Equal Employment Opportunity (EEO) (discrimination) investigations as a result of complaints/grievances filed by OJA employees and/or clients. The Executive Director, or designee; grievance manager, or the affirmative action officer may assign EEO (discrimination) complaints or grievances to the Internal Affairs/EEO Investigations division for investigation.

(c) The Internal Affairs/EEO Investigations division shall ensure there is a minimum of one state certified EEO investigator on its staff to investigate EEO (discrimination) complaints or grievances. The EEO (discrimination) investigator(s) shall maintain state EEO investigator certification by attending the required number of hours of annual training as mandated by OAC 260-25-3-22 and 260-25-3-26.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 25 Ok Reg 1364, eff 7-1-08 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-3. Affirmative Action officer duties and reports

The OPI administrator is the designated affirmative action officer for the Office of Juvenile Affairs. In that capacity, the OPI administrator shall be responsible for preparing the agency's annual Affirmative Action Plan. The OPI administrator is also responsible for addressing reasonable accommodation requests under the American with Disabilities Act (ADA). The OPI administrator shall be knowledgeable about discrimination issues and shall be capable of answering employee inquiries about the subject, as well as provide instruction for training sessions. The OPI administrator will adhere to the annual training requirement established for agency Affirmative Action Officers in OPM Merit Rule 530:10-3-78 and the administrator will send the OPM-3 form to the state Office of Personnel Management confirming the training was received for each calendar year.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 25 Ok Reg 1364, eff 7-1-08]

377:3-13-4. Information sharing with other monitoring entities [REVOKED]

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Revoked at 25 Ok Reg 1364, eff 7-1-08]

377:3-13-5. Access to and collection of information [REVOKED]

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Revoked at 25 Ok Reg 1364, eff 7-1-08]

377:3-13-6. Certification of Secure Juvenile Detention Facilities, Municipal Juvenile Facilities, and Community Intervention Centers

(a) **Certification.** The certification of secure detention facilities, municipal juvenile facilities, and community intervention centers by OJA is to ensure maintenance of minimum standards for the care and protection of juveniles detained in these facilities. OJA issues a two-year certificate to operate a secure detention facility, a municipal juvenile facility, or a community intervention center when satisfied the facility meets the standards set forth in this subchapter. The certificate is non-transferable.

(b) **Provisional certificate.** OJA shall issue a ninety (90)-day provisional certificate to operate a newly established secure juvenile detention facility, municipal juvenile facility, and community intervention center after determining the facility meets the respective requirements to include: physical plant, staffing ratio, and written policies. Prior to the conclusion of the ninety (90) days, OJA shall conduct a full certification assessment of the facility to ensure its operation is in conformity with the requirements of a juvenile detention facility, municipal juvenile facility, or community intervention center. If the facility is in compliance OJA will issue a two (2)-year certificate to operate the facility. If the facility is not in compliance, OJA may issue a second ninety (90)-day provisional certificate to operate the facility, as long as the health and safety of juveniles are not substantially at risk. OJA shall conduct a second full certification assessment of the facility prior to the conclusion of the ninety (90) days. Based on the findings of the second certification assessment, OJA will either issue the two-year certificate to operate the appropriate facility or deny the application. Only the OJA executive director may authorize more than two (2) ninety (90)-day provisional certificates. Any facility that has been closed, sold, or had a change in operators may not operate as a juvenile detention facility, municipal juvenile facility, or a community intervention center until it has gone through this certification process.

(c) **Probationary Certificate.** If a facility fails to meet/comply with the requirements of certification, but is not considered an immediate risk to the health and safety of the juveniles, OJA may place the facilities certificate on a probationary status to allow the facility time to regain compliance. The probationary status will not last more than ninety (90) days. During this time, OJA can opt to reduce the licensed capacity of the facility, implement additional safety plans or measures, and conduct unannounced inspections as needed. Should the facility fail to regain compliance during this time, the certificate shall be revoked. The facility will receive official notice of the decision to place the facilities certificate on probationary status and the grounds for such action.

(d) **Revocation of certification.** If a facility is unable or unwilling to comply with requirements or has failed to adequately protect the health

and safety of the juveniles, OJA may revoke the facility's two (2)-year certification or its ninety (90)-day provisional certification. The OJA executive director must authorize the revocation of the certificate and the facility shall receive notice in writing of the decision and the grounds for such action.

(e) **Monitoring.** The OJA Licensing and Programs Assessment division monitors for compliance with the certification requirements and offers technical assistance upon request. Allegations that a facility is not in compliance with certification requirements may necessitate an investigation. The name of the complainant is kept confidential, if possible. The investigator shall advise the facility administrator of the outcome of the investigation.

(f) **Development and revision of standards.** After compliance monitoring, staff may propose new or modified certification standards to the Board of Juvenile Affairs. The development and revision of standards are subject to the rulemaking requirements of the Administrative Procedures Act.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 25 Ok Reg 1364, eff 7-1-08 ; Amended at 33 Ok Reg 1728, eff 9-11-16 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-35. Legal basis

Statutory authorization for OJA to certify secure juvenile detention facilities is found in 10A O.S. § 2-3-103(C). All juvenile detention facilities, including those not incorporated in the State Plan as provided in 10A O.S. § 2-7-608(C), must be certified by the Office of Juvenile Affairs.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-36. Requirements

A certificate to operate a secure juvenile detention facility that provides full-time group care for juveniles is granted on the basis that the facility meets the Requirements for Secure Juvenile Detention Facilities as set forth in OAC 377:3-13-6 and 377:3-13-37 through 377:3-13-49.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 22 Ok Reg 2064, eff 7-1-05]

377:3-13-37. Organization, administration and finances

(a) **Organization.** A statement of the purposes or function of the secure juvenile detention facility is clearly defined and filed with OJA. The statement includes the services available for the juveniles who are admitted. A secure detention facility may be organized in any manner provided in 10A O.S. § 2-3-103(C)(3).

(b) **Administration and responsibility of the governing body.** The governing body of a secure juvenile detention facility shall:

- (1) have responsibility for the program and services of the facility;
- (2) review and approve all policies and policy changes;
- (3) maintain a record of policy approvals in meeting minutes and in an organized form developed by the facility;
- (4) obtain all required licenses for operation and continued compliance with Requirements for Secure Juvenile Detention Facilities;
- (5) meet twice a year to assure proper operation of the facility;
- (6) document meetings of the governing body and keep the documentation on file; and
- (7) have responsibility for the physical facility and its use by the juveniles and staff.

(c) **Finances.** The agency shall maintain complete financial records of income and disbursements.

- (1) All financial records pertaining to the agency are audited annually by a certified public accountant or public accountant who has a valid current permit to practice in the State of Oklahoma and who is not a staff member of the agency or in accordance with the governmental funding source.
- (2) A copy of the auditor's statement substantiating the solvency of the agency and a statement concerning receipts and disbursements is submitted to the Office of Juvenile Affairs annually.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-38. Policy and procedure manual

(a) **Policy and procedures.** The facility shall have a policy and procedure manual which specifically describes its purpose, program, and the services offered. The manual is to be reviewed at least annually and updated if necessary. Prior to implementation, all updates or additions to the policy and procedure manual must be submitted electronically to the Licensing and Programs Assessment division for review. The manual is available to all staff and all authorized regulatory authorities. It includes, but is not be limited to:

- (1) screening criteria;
- (2) admission procedures;
- (3) visiting arrangements;
- (4) disciplinary procedures;
- (5) security and control;
- (6) discharge procedures;
- (7) personnel practices;
- (8) juvenile rights;
- (9) resident grievance procedures;
- (10) abuse reporting procedures which comply with OAC 377:3-1-25 and 377:3-1-26;
- (11) clothing provisions;

- (12) personal hygiene provisions;
- (13) medical and health care programs;
- (14) educational programs;
- (15) recreational programs;
- (16) food and nutrition requirements;
- (17) general emergency procedures;
- (18) fire safety;
- (19) transportation procedures; and
- (20) suicide prevention guidelines.

(b) **Procedure availability.** Procedures that compromise safety and security are not available to the public and clients.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-39. Admission procedure and criteria

(a) Juveniles shall be admitted to the secure detention facility only as provided by 10A O.S. §§ 2-3-101 et seq. and § 2-7-504.

(b) The facility's written policy and procedure for admitting juveniles includes, but is not limited to, provisions which require the facility to:

- (1) verify legal authority to detain;
- (2) verify a written medical release has been obtained before allowing a juvenile to enter the center, in the event any juvenile appears to be under the influence, or has a visible medical concern;
- (3) search the individual and the juvenile's possessions;
- (4) inventory the juvenile's clothing and personal possessions;
- (5) distribute personal hygiene items;
- (6) make provisions for shower and hair care;
- (7) issue clean, laundered clothing;
- (8) ensure that the juvenile's family, custodian or guardian is notified;
- (9) assist the juvenile in notifying his or her family, guardian, or custodian of the juvenile's admission;
- (10) supervise the juvenile while the juvenile makes two admission phone calls, if desired;
- (11) conduct an admission interview of the juvenile to answer questions and obtain information;
- (12) complete a medical history questionnaire;
- (13) provide an orientation which includes:
 - (A) juvenile rights;
 - (B) program description;
 - (C) program rules;
 - (D) grievance process; and
 - (E) discipline policy;
- (14) record basic personal data;
- (15) review procedures for mail and visiting; and
- (16) assign the juvenile to a sleeping unit.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 32 Ok

377:3-13-40. Records

(a) Facility staff shall complete a confidential record for each juvenile admitted to the facility and include, at the minimum, the following:

- (1) court case number, if any;
- (2) date and time of admission and release;
- (3) name and nicknames;
- (4) last known address;
- (5) custodian;
- (6) name of attorney, if any;
- (7) name, title, and signature of delivering officer;
- (8) specific charge(s);
- (9) sex;
- (10) date of birth;
- (11) place of birth;
- (12) race or nationality;
- (13) education and school attended;
- (14) religious preference;
- (15) medical history questionnaire;
- (16) medical consent forms, court orders authorizing medical treatment, or documentation of request for medical consent;
- (17) name, relationship, address, and phone number of parent, guardian, or person with whom the juvenile resides at the time of admission;
- (18) driver's license number, social security number and medical assistance number, if any;
- (19) statement signed by the juvenile that he/she has been advised of juvenile rights, program rules, grievance process, and discipline policy;
- (20) date of petition, if available;
- (21) additional notations including identifying marks, any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos;
- (22) inventory of personal property;
- (23) emergency contact person; and
- (24) signature of person recording data.

(b) Facility staff shall maintain a confidential record on each juvenile and ensure that the record is safeguarded from unauthorized and improper disclosure. The case record includes, at a minimum, the information in this subsection, when and where applicable:

- (1) documented legal authority to accept juvenile;
- (2) referral source;
- (3) record of court appearances;
- (4) signed release of information forms when records are requested or distributed;
- (5) notations of temporary absences from the facility;
- (6) visitors' names and dates of visits;
- (7) a record of telephone calls;

- (8) a report of any accidents or injury occurring to a resident while detained;
- (9) probation officer or caseworker assignment;
- (10) progress reports on program involvement;
- (11) court dates and disposition, if any;
- (12) grievance and disciplinary record, if any;
- (13) referrals to other agencies; and
- (14) final discharge or transfer report.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-41. Release policy and procedure

Written policy and procedure for releasing residents include, but are not limited to, provisions for facility staff to:

- (1) verify the juvenile's identity;
- (2) obtain documentation of authority for release, i.e., by court order or operation of law;
- (3) verify the identity of the person to whom the juvenile is being released;
- (4) complete release arrangements, including the person or agency to whom the juvenile is to be released;
- (5) obtain the signature of the person to whom the juvenile is released;
- (6) return personal effects to the juvenile;
- (7) complete any pending action, such as grievances or claims for damages or lost possessions; and
- (8) obtain instructions on forwarding mail.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97]

377:3-13-42. Juvenile rights

Written policy and procedure provides that facility staff shall ensure the rights of a detained juvenile are preserved. Staff shall not diminish or deny a detained juvenile his or her rights for disciplinary reasons. The rights of a juvenile in detention are subject only to the limitations necessary to maintain order and security in the facility. Each juvenile has the rights listed in (1)-(14) of this Subsection.

- (1) A juvenile shall have freedom from discrimination because of race, national origin, color, creed, sex or physical handicap.
- (2) Male and female juveniles shall have equal access to all programs and services offered in a detention facility housing both sexes.
- (3) The facility shall have a written grievance procedure, in accordance with OJA policy and approved by the Advocate General. Facility staff shall explain and make the grievance procedure available to the juvenile.
- (4) The facility shall have on-site nondenominational religious services and religious counseling. A juvenile shall have the right to voluntarily participate in on-site religious services and religious counseling.

- (5) A juvenile shall have access to on-site recreational opportunities, including daily outdoor exercise, weather permitting. The facility shall provide adequate and appropriate recreational equipment.
- (6) A juvenile shall have access to the courts and confidential contact with attorneys and their authorized representatives. Contact includes, but is not limited to:
- (A) telephone conversations;
 - (B) uncensored correspondence; and
 - (C) visits.
- (7) Facility staff shall not discipline a juvenile by using:
- (A) corporal or unusual punishment;
 - (B) humiliation;
 - (C) mental abuse; or
 - (D) punitive interference with the daily functions of living such as eating or sleeping.
- (8) A juvenile shall be allowed to receive visitors according to the facility's written policy and procedures.
- (9) A juvenile shall have reasonable access to the general public.
- (10) A juvenile's access to the media is subject to the limitations necessary to protect the juvenile's rights and ensure the security of the facility. Media requests for interviews and juvenile consents must be in writing.
- (11) A juvenile shall be allowed to determine the length and style of his or her hair, except in individual cases where restrictions are necessary for reasons of health and safety.
- (12) A juvenile shall keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety.
- (13) A juvenile shall have supervision and control exercised by staff or training volunteers while at the facility.
- (14) A juvenile shall receive educational instruction to which the juvenile is entitled under provisions of state education laws and regulations.
- (15) Juveniles shall be provided with a copy of the facility rules and their rights while detained.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 23 Ok Reg 2761, eff 7-1-06 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-43. Staff requirements

(a) **General provisions.** The requirements for facility staff are set forth in this Section.

- (1) **Personnel policy.** Every facility shall have written personnel policy which includes the maintenance of personnel records. The facility director shall make available to employees personnel policy and written job descriptions. The policy and job descriptions specify the person to whom the employee is responsible and the duties the employee is expected to perform.

(2) **Juveniles' tasks.** A juvenile in detention shall not be used as an employee. A juvenile in detention is permitted to perform tasks, if the tasks teach the juvenile responsibility and the juvenile is supervised. A juvenile shall be allowed to perform tasks (chores) in any area (restricted to the facility) in which adequate security exists. The facility administrator shall approve all work assignments.

(3) **Supervision.** Sufficient staff shall be available to provide continuous day and night supervision of the residents and protection of the facility as well as to allow staff relief from duty.

(4) **Auxiliary staff.** There shall be sufficient auxiliary staff to maintain adequate support services. Auxiliary staff are all staff that are not direct-care staff.

(5) **Health requirements.** Staff health requirements are given in (A)-(B) of this paragraph.

(A) Each person employed must be physically fit and able to perform all job functions necessary to ensure the health, safety and well-being of the juveniles in their care. A physical examination by a licensed physician may be requested should the employee's ability to perform their mandatory job functions be in question.

(B) Testing for tuberculosis is not required on a routine basis. Tuberculin skin testing shall be required when there is a local identified tuberculin exposure identified by the Oklahoma State Department of Health.

(i) When a tuberculin skin test is required, employees with a positive skin test reaction must submit documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(ii) An employee who has ever had a positive skin test reaction must have or provide documentation of a chest x-ray. Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(6) **Background history records searches.** OJA, through direct request, shall require a records search for each applicant for employment, which shall include the following:

(A) OJA shall make a direct request for background searches to be conducted on behalf of any:

(i) operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by OJA,

(ii) employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by OJA, or

(iii) persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal

juvenile facility, community intervention center or secure facility licensed or certified by OJA;

(B) a national criminal history records search based upon submission of fingerprints that shall be provided by the Oklahoma State Bureau of Investigation (OSBI), including Rap Back notification, and the Federal Bureau of Investigation (FBI), pursuant to National Child Protection Act, 42 U.S.C. § 5119a, and 74 O.S. § 150.9, provided both the OSBI and FBI act in their designated role;

(C) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(D) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(E) a search of the Department of Corrections (DOC) Sex Offender Registry;

(F) a search of the DOC Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(G) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;

(i) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(ii) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

(H) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.

(7) **Criminal history investigation.** The facility shall not employ or retain any person for whom there is documented evidence that the employee would endanger the health, safety, and/or well-being of juveniles.

(A) A facility shall not employ or retain an individual who has been:

(i) convicted of or entered a plea of guilty or nolo contendere to any felony involving:

(I) violence against a person;

(II) child abuse or neglect;

(III) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;

(IV) sexual misconduct;

(V) gross irresponsibility or disregard for the safety of others;

(VI) any crime against a child; or

(ii) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(B) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five (5) years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(i) The facility shall consider, document, and submit to the Licensing and Programs Assessment division within ten (10) days of the employees first day of work the:

(I) type of crime or offense for which the individual was convicted or a finding was made; and

(II) reference letters concerning the individual in question.

(ii) The Licensing and Programs Assessment division may make a recommendation to the facility administrator as to whether the applicant for employment should be approved or disapproved.

(C) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-43(a)(7)(A), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

(D) If any person is formally charged with any of the offenses described in OAC 377:3-13-43(a)(7)(A), notification must be made to the OJA Licensing and Programs Assessment division, and the employee must be removed from contact with juveniles until the charges are resolved.

(E) No employee of the facility shall use or be under the influence of alcohol or illegal drugs during hours of work nor shall any employee use or possess illegal drugs at any time.

(8) **Personnel records.** The facility shall keep on file a written personnel record available for review for every staff person employed by the facility.

(A) The personnel record includes, but is not limited to:

(i) an application, resume or staff information sheet that documents qualifications for the position, valid driver's license or other state ID, birth certificate, applicable educational diploma;

(ii) health records as required by the facility;

(iii) three (3) written references and/or documentation of telephone interviews;

- (iv) any reports and notes relating to the individual's employment with the facility and an annual job performance evaluations;
- (v) dates of employment; and
- (vi) date and reason for leaving employment.

(B) When employment is involuntarily terminated, a statement regarding the reason for termination is to be included in the personnel file.

(C) Personnel records are maintained for at least three years following a staff member's separation.

(D) All employees' records are kept confidential subject to existing state and federal statutes.

(E) Staff members shall have access to their personnel files for reviewing purposes if a request is made to the facility administrator.

(9) **Staff training.** All staff shall be trained on facility policy and procedure and a training record be established for each staff member. A record of all annual training shall be maintained. At the end of the year, it shall become part of the personnel record.

(A) Each direct-care staff member shall be provided orientation before being allowed to work independently.

(B) Auxiliary staff shall receive orientation to the facility's policy and procedure and to their assigned duties.

(C) During orientation the trainer shall acquaint staff with the philosophy, organization, program practice, and goals of the secure juvenile detention facility.

(D) "Requirements for Secure Juvenile Detention Facilities" is reviewed as a part of the orientation process and is available to staff at all times.

(E) Within ninety (90) days of employment, by a detention facility, all direct-care staff shall have successfully completed a specific course of instruction in first aid as established by the Red Cross, ASHI, AHA, and presented by a certified instructor, or by a certified instructor in an equivalent professionally recognized first aid training program. There shall be a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized first aid training program. The Red Cross, ASHI, AHA, or its equivalent, first aid course of instruction, presented by a certified instructor shall be updated within the employee's third year of employment and each succeeding three-year increment. The first aid training may count towards the employee's required annual training hours.

(F) Within ninety (90) days of employment by a detention facility, all direct-care staff shall be certified in have successfully completed an approved course of instruction in cardiopulmonary resuscitation (CPR) as established by the Red Cross, ASHI, AHA, or its equivalent. This training must be presented by a certified instructor, or by a

certified instructor in an equivalent professionally recognized CPR training program. There shall be a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized CPR training program. The Red Cross, ASHI, AHA, or its equivalent CPR course of instruction shall be presented by a certified instructor. Employees will maintain their certification, as required by the certifying entity. The CPR training may count towards the employee's required annual training hours.

(G) Full-time direct-care staff and administrators shall obtain at least 24 hours of training per employment year. Hours are prorated at two hours per month for staff who have not been employed for a full year.

(H) Part-time direct-care staff shall have training hours prorated based on the average number of hours of work per month.

(I) On-call staff shall have a minimum of six (6) hours of training per year.

(J) Support staff shall obtain a minimum of twelve (12) hours of training per employment year.

(K) The content of staff development courses for direct-care staff is relative to their roles and responsibilities.

Content may include:

- (i) crisis intervention;
- (ii) child development;
- (iii) behavior management;
- (iv) discipline;
- (v) stress management;
- (vi) therapeutic relationship and intervention;
- (vii) child abuse detection, reporting and prevention;
- (viii) suicide prevention;
- (ix) human sexuality;
- (x) client grievance procedures;
- (xi) communicable diseases, including sexually transmitted diseases; and
- (xii) any other training deemed necessary to meet individual or group training needs.

(L) Attendance at professional conferences, workshops, seminars, formal education classes, or in-service training is counted toward the training requirements provided the training is documented and meets the content requirements.

(b) Facility Administrator. The duties and qualifications of the facility administrator are described in 1 - 2 of this subsection.

(1) **Responsibilities.** The facility administrator is responsible for implementing the policies adopted by the governing body, the ongoing operation of the facility, and compliance with the Requirements for Secure Juvenile Detention Facilities.

(A) In the facility administrator's absence a person shall be designated to act as administrator and shall be available to detention staff in person or by telephone.

(B) A designated person of responsibility shall be at the secure juvenile detention facility at all times. The designated person is directly responsible to the administrator who is to be notified of any irregularities in the general affairs of detention and follow through with directives given.

(C) The duties of the facility administrator include, but are not limited to:

- (i) preparing and presenting the budget for the appropriate authority to review and approve;
- (ii) administering the budget and maintaining accurate financial records;
- (iii) employing and discharging staff according to the established personnel rules;
- (iv) supervising the program overall;
- (v) holding staff meetings on a monthly basis to discuss plans and interpret policies to the staff;
- (vi) organizing a program for the continued training and development of staff;
- (vii) establishing and maintaining working relationships with other social services agencies within the community; and
- (viii) interpreting the program to professional and lay groups.

(2) Qualifications.

(A) The education, experience, and qualifications of the administrator of a large facility (20 beds or more) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) bachelor's degree from an accredited college/university in an appropriate discipline;
- (ii) two (2) years of experience working with juveniles; and
- (iii) five (5) years in staff supervision and administration.

(B) The education, experience, and qualifications of the administrator of a small facility (less than 20 beds) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) associate's degree from an accredited junior college/college/university in an appropriate discipline (i.e. social work, sociology, psychology, criminal justice, etc.); OR
- (ii) sixty (60) hours of credits from an accredited junior college/college/university of which fifteen (15) hours must be in the appropriate discipline as indicated in (i); and
- (iii) two (2) years in staff supervision; and

(iv) one (1) year of experience working with juveniles.

(C) A facility administrator hired prior to January 1, 2000 shall be exempt from the rules set forth in (A) of this paragraph.

(3) **Location.** All facilities administrators must maintain their primary office at the detention facility.

(4) No individual(s) shall be allowed to serve as the facility administrator, or their designee, with a confirmed/substantiated finding of abuse or neglect by DHS or other entity authorized by state, federal laws or regulations to investigate child abuse and neglect.

(c) **Direct care staff.** The qualifications and hiring requirements for direct care staff are described in (1) - (2) of this subsection.

(1) **Qualifications.** All direct-care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(2) **Hiring requirements.** A direct-care staff person can be hired when the person:

(A) has his or her character and fitness attested to by three (3) satisfactory written references and a criminal history background check is conducted as required and in conformance with 377:3-13-43(a)(6);

(B) is qualified and capable of satisfactorily performing assigned job responsibilities; and

(C) does not pose a known risk to juveniles.

(d) **Support staff.** Support staff shall be able to read and write; demonstrate knowledge and skills necessary to the job assignments; and meet the requirements for direct-care staff if responsible for direct care of juveniles for any part of the day.

[**Source:** Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 19 Ok Reg 2949, eff 7-3-01 through 7-14-02 (emergency)¹; Amended at 22 Ok Reg 2064, eff 7-1-05 ; Amended at 23 Ok Reg 2761, eff 7-1-06 ; Amended at 26 Ok Reg 2243, eff 7-1-09 ; Amended at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 392, eff 11-17-14 (emergency); Amended at 32 Ok Reg 1991, eff 9-11-15 ; Amended at 35 Ok Reg 1765, eff 9-14-18 ; Amended at 38 Ok Reg 1125, eff 8-26-21 ; Amended at 41 Ok Reg, Number 15, effective 3-14-24 (emergency)]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of 377:3-13-43 reverted back to the permanent text that became effective 7-1-01, as last published in the 2001 Edition of the OAC, and remained as such until amended again by permanent action on 7-1-05.*

377:3-13-44. Security and control

(a) The facility shall have policy and procedure for security and control.

(b) A list of in-house rules, outlining acts prohibited in the facility and the range of disciplinary procedures, is given to all juveniles. The list is posted in a conspicuous and accessible area.

(1) Staff members shall explain in-house rules to each juvenile admitted to the facility.

(2) When a literacy or language problem prevents a juvenile from understanding the list of rules, a staff member or translator shall assist the juvenile in understanding the rules.

(c) Required security control procedures are described in 1 - 15 of this subsection.

(1) **Resident count.** The facility shall have a system to physically count detained juveniles.

(A) The facility director shall designate one staff member per shift to conduct at least one uninterrupted population count during the shift.

(B) The staff member conducting the count shall be a trained employee in each living unit who shall see the juveniles being counted.

(C) Juveniles shall not be permitted to move about the facility during the count.

(D) Documentation of resident counts is available at the facility at all times.

(2) **Mail security.** Written policy and procedure provide that a juvenile may send or receive mail without limitation, censorship, or prior reading by staff. Staff may open a juvenile's mail in the presence of the juvenile to inspect for contraband. However, staff shall not read the opened mail.

(3) **Searches and control of contraband.** The facility shall have written policy and procedure governing searches and control of contraband.

(A) Policy and procedure include, but are not limited to:

- (i) control of contraband;
- (ii) searches for contraband;
- (iii) body searches;
- (iv) property searches;
- (v) searches of the facility; and
- (vi) visitor searches;

(B) Residents and visitors shall be notified that they are subject to search.

(C) No resident shall be searched beyond what is necessary to maintain proper security.

(D) Searches are conducted by a staff member of the same sex as the resident or visitor.

(E) A body cavity search may be conducted only when there is a strong reason to believe that the juvenile is concealing contraband in a body cavity.

(i) The facility administrator must give authorization to medical personnel for any body cavity search.

(ii) Medical personnel are the only persons authorized to perform body cavity searches.

(iii) The body cavity search must be conducted in a private area of the facility, without windows, which ensures the privacy and dignity of the juvenile.

(iv) A supervisory witness of the same sex as the juvenile shall be present during the body cavity search.

(v) The detention facility shall contact the OJA Advocate General within 24-hours of conducting a body cavity search.

(4) **Staff ratios and staffing patterns.** There is a minimum ratio of 1:7 direct-care staff to residents during waking hours and 1:16 during residents' sleeping hours.

(A) When a female is placed in detention, there must be a female staff member on duty and when a male is placed in detention, there must be a male staff member on duty;

(B) A minimum of two direct-care staff are on duty at all times in the facility.

(C) Juveniles in detention shall be supervised at all times. The facility shall have enough staff available for staff to remain close to and in visual contact with the juveniles.

(i) If a resident is placed in their room for medical, safety, or behavioral concerns, this will be considered a room confinement and the facility licensing standards on resident visual observation checks will be adhered at all times.

(ii) During residents' sleeping hours room checks will be completed not to exceed 30 minutes between checks.

(iii) All room checks should be documented daily in an observation log and maintained by the facility.

(5) **Surveillance plan.** The facility shall have a plan for surveillance of all areas of the perimeter of the facility. Outside lighting must be sufficient to provide visibility under all conditions with no blind spots.

(6) **Door security.** All doors that are security perimeter entrances, exterior doors, and doors which the facility administrator determines should be locked are kept locked. These doors are unlocked only for admission or exit of juveniles, employees, or visitors or in case of an emergency.

(A) Doors to vacant units, unoccupied areas, and storage rooms are kept locked when not in use.

(B) Staff members shall know what doors must be locked and under what circumstances they are opened.

(C) Once a door is locked, it is checked to see that it is secured.

(7) **Key control.** The facility's key-control system provides for the following:

(A) a log to record the number of keys given out, the location of the lock, the number of keys to that lock, and the names of employees possessing keys;

(B) a central administrative area from where the keys can be issued;

(C) a manner of storage that permits easy determination of either the presence or absence of keys;

(D) labeling of all keys and maintenance of at least one duplicate key for each lock; and

(E) readily available fire and emergency keys.

(8) **Physical force.** Rules relating to the use of physical force are set forth in this paragraph.

(A) Written policy and procedure limit the use of physical force:

(i) for self-protection;

(ii) to separate juveniles from fighting;

(iii) to restrain juveniles in danger of inflicting harm to themselves or others; and

(iv) to restrain juveniles who have escaped or who are in the process of escaping;

(B) The least amount of force is used.

(C) Physical force may not be used as punishment or retaliation.

(D) Facility personnel shall not encourage or knowingly permit any person to use physical force which is contrary to policy.

(E) Staff members shall not provoke physical confrontation by taunting, harassing, or cursing a resident or otherwise manipulating a resident into activities which would justify physical force.

(F) A written report is prepared following all uses of force and submitted to the facility administrator by the end of the shift detailing the incident which initiated the use of force, the type of force used and the beginning and end time of the use of force.

(G) Staff members shall receive written guidelines on the use of physical force and shall be informed that loss of employment may result if unauthorized use of physical force is proven.

(H) Medical attention shall be provided immediately upon the juvenile's release from restraint as a result of physical force even if there is not visible evidence or complaint of injury. Staff certified in first aid and CPR may provide medical attention and are responsible for referring the juvenile to licensed medical personnel, if warranted.

(9) **Use of mechanical restraints.** Any instrument of restraint must be approved by the facility administrator or designee.

(A) Restraints are used only:

(i) for self-protection;

(ii) to separate juveniles from fighting;

(iii) to restrain juveniles in danger of inflicting harm to themselves or others;

(iv) to restrain juveniles who have escaped or who are in the process of escaping; and

(v) prevent destruction of property if reasonably related to (i) through (iv).

(B) Restraints are used only with the approval of the facility administrator or designee.

(C) Restraints may not be used as a form of punishment.
(D) Restraints are used only as long as necessary and are removed as soon as the juvenile regains control of his/her behavior.

(E) When restraints are placed on a juvenile, such placement must be made by a trained and authorized staff member in a humane manner that does not restrict the juvenile's blood circulation.

(F) Juveniles shall not be restrained to an immovable object.

(G) A juvenile's hands and feet may be restrained, however restraining of the juvenile's hands to his or her feet is prohibited.

(H) The use of hog-tying is prohibited.

(I) A juvenile placed in restraints shall not be left unattended and must be continually supervised.

(J) A full written report is submitted by the end of the shift to the administrator following every use of an instrument of restraint.

(10) **Chemical agents.** Facility staff shall not use chemical agents for security. Staff may not use tear gas, mace, pepper spray, and related chemical agents to control juveniles.

(11) **Weapons.** Weapons are not permitted except when authorized by state law.

(12) **Procedures for separation from general population and/or general activities for disciplinary reasons.** The following procedure shall be utilized as an intermediary level of intervention, which requires the continual line of sight and sound observation of the juvenile. If a juvenile is separated from the general population, the reasons for the separation and length of time shall be documented in the written daily observation of the juvenile. The separation should not be in excess of 60 minutes. Additional intervals shall be approved by a supervisor/administrator who was not involved in the original incident. Facilities which do not have another supervisor/administrator on site shall receive re-authorization from the on-call administrator. The reasons for the continued separation must be documented. The juvenile shall be released when staff determines that he or she can safely be returned to the group.

(13) **Room restriction.** Room restriction is one means of informally resolving minor juvenile misbehavior. It serves a "cooling off" purpose and has a short time period (up to 60 minutes) that is specified at the time of the assignment.

(14) **Room confinement.** Room confinement means locking a juvenile in his/her room when the juvenile has been charged with a major rule violation requiring confinement for his/her safety or the safety of others or to ensure the security of the facility.

(A) Room confinement is used with detained juveniles:

(i) for self-protection;

(ii) to separate juveniles from fighting;

- (iii) to restrain juveniles in danger of inflicting harm to themselves or others;
- (iv) to restrain juveniles who have escaped or who are in the process of escaping;
- (v) to prevent destruction of property if reasonably related to (i) through (iv); and
- (vi) stop behavior that incites other juveniles which jeopardizes the safety of staff and residents of the facility and is reasonably related to (i) through (iv).

(B) Room confinement of juveniles shall be re-authorized every 3 hours, except during normal sleeping hours, by a supervisor/administrator who was not involved in the original incident. Facilities which do not have another supervisor/administrator on site shall receive re-authorization every 3 hours from the on-call administrator. Reasons for continued room confinement shall be documented.

(C) A juvenile shall not be in room confinement in excess of 24 hours without the opportunity of an administrative review by the administrator or designee who was not involved in the incident. Any juvenile for whom it is determined by the administrator, or designee, to continue room confinement in excess of forty-eight (48) hours, must complete a report detailing the reasons for continued room confinement and submit it to the OJA for review within twenty-four (24) hours of exceeding the forty-eight (48) hours.

(15) Procedure for room confinement or room restriction.

When room restriction or confinement is used, the procedure given in (A) - (E) of this paragraph is followed.

(A) Prior to room restriction or confinement, facility staff shall explain the reasons for the restriction or confinement to the juvenile and shall give the juvenile an opportunity to explain his or her behavior.

(B) Any juvenile shall be visibly observed by a staff member every 15 minutes, and this must be documented.

(C) Juveniles placed in room confinement shall be afforded living conditions and essential services approximating those available to the general juvenile population. Exceptions shall be justified in writing by clear and substantial evidence.

(D) The juvenile shall be released when staff determines juvenile can safely be returned to the group and no longer presents a safety risk to self or others.

(E) A written record shall be maintained on any juvenile placed in room restriction or confinement. It includes a log stating who authorized the action, names of persons observing the juvenile and times of observation, the person authorizing release, and the time of release.

(16) Escape and absence without leave. The facility shall develop written policy and procedure for juveniles who escape

from the facility or are absent without leave which shall include the notification of law enforcement agencies.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 19 Ok Reg 2953, eff 12-5-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 22 Ok Reg 2064, eff 7-1-05 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-45. Program and services

(a) Activities and services are available to each juvenile outside their room at least twelve (12) hours a day. The facility shall provide or make available the minimum services and programs given in (1)-(7) of this subsection to detained juveniles.

(1) **Education.** The facility shall provide educational opportunities in compliance with federal and state laws, State Department of Education requirements, applicable local school district requirements, and OJA contract requirements. Facilities shall provide or make provisions for an educational program, which includes space for education, necessary equipment and supplies, and supervision.

(2) **Visitation.** Written policy and procedure specify the number of visitors a juvenile may receive and the length of visitation.

(A) Visits may be limited only by the facility's schedule, space, and personnel constraints or where there are substantial reasons to justify such limitations.

(B) Juveniles have the right to refuse visitation.

(C) Legal counsel for a detained juvenile may visit at any reasonable time a request is made.

(3) **Social services.** The facility's social services program shall make a range of resources available to meet the needs of juveniles.

(A) Juveniles shall be afforded access to emergency mental health counseling and crisis intervention services according to their needs.

(B) Counseling services include group or individual counseling and are provided at least weekly.

(4) **Recreation.** Written policy and procedure provide a recreation schedule that includes at least one hour per day of large muscle activity and one hour of structured recreational activities. A variety of recreational materials are made available to detained juveniles and kept in good condition at all times.

(5) **Food service.** Written policy and procedure provide that the dietary needs of juveniles are met.

(A) Special diets as prescribed by appropriate medical or dental personnel or as required by religious preference are provided.

(B) Menus are planned at least one week in advance, posted and dated, and kept on file for one year.

(C) Menus are approved before use and reviewed annually by a licensed dietician, nutritionist, or physician to ensure compliance with nationally recommended food allowances. Facilities participating in the National School Lunch

Program are not required to have their breakfast and lunch menus approved by a licensed dietician, nutritionist, or physician.

(6) **Medical and health care.** The facility shall have written policy and procedure for delivery of health care services. When health care services are provided by someone other than a physician, the final medical judgment rests with the designated physician.

(A) Written health care policy and procedure is approved by a designated physician.

(B) Medical, mental health, and dental care involving medical judgment are the sole province of the designated physician, mental health professional or dentist.

(C) Personnel who provide health care services to juveniles shall be governed by a written job description approved by the medical authority.

(i) Responsibilities and job duties are in keeping with the individual's professional discipline.

(ii) Verification of current credentials and job descriptions are on file in the facility.

(D) Security regulations applicable to facility personnel also apply to health personnel.

(E) The secure juvenile detention facility shall develop and maintain written policy and procedure which:

(i) requires medical screening upon arrival of any juveniles, including intra system transfers at the facility.

(ii) records all findings on a medical screening form approved by the physician;

(iii) accounts for receiving, storing, dispensing, administering and distributing all medications and first aid supplies;

(iv) prohibits the use of juveniles for medical, pharmaceutical or cosmetic experiments;

(v) assures that detention staff and other personnel are trained to respond to health related situations; and

(vi) establishes a training program that includes:

(I) recognition of signs and symptoms of illness or injury and knowledge of action required in potential emergency situations;

(II) administration of first aid and cardiopulmonary resuscitation (CPR);

(III) methods of obtaining assistance;

(IV) signs and symptoms of mental illness, intellectual and/or developmental disorders, trauma, and drug and alcohol abuse; and

(V) procedures for transfer to appropriate medical facilities or health care providers.

(7) **Medication.** Medication is administered by persons properly trained in medical administration and under supervision of the

physician and facility administrator.

(A) Prescription medication is only administered as directed by a physician.

(B) When any medication is administered, a precise record is kept of the juvenile's name, reason for dosage, route, date and time given, and signature of the person who administered it. Any adverse reaction to the medication is documented.

(C) When prescription medications are used, the juvenile, custodian, and all staff members shall be made aware of side effects of the medication.

(D) All medications, syringes, and needles are protected by maximum-security storage and are under the supervision of staff on duty.

(E) The facility will ensure proper notification is made to the juvenile's custodian and OJA, five (5) days before any medications need to be refilled. If needed medications are not received after five (5) days, facility administrator will contact the OJA District Supervisor, or Assistant District Supervisor for assistance in obtaining the medications.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-46. Physical plant or facility

(a) **Building plans.** Prior to new construction or remodeling existing structures to be used for secure juvenile detention facilities, building plans are first presented to and approved by the:

- (1) Office of Juvenile Affairs to assure compliance with ACA Standards for Detention and Section 504 of the Rehabilitation Act of 1973 as amended. The plan shall be submitted to the OJA Licensing and Programs Assessment division for review. Consultation may be obtained from the Oklahoma Office of Handicapped Concerns. OJA shall provide consultation on building plans and suggest requirements for environmental design as they impact program and services. The population using housing or living units may not exceed the designed or rated capacity of the facility and exceed designed use standards;
- (2) the State Fire Marshal's Office to assure compliance with the National Fire Protection Association Life Safety Code as adopted by the State Fire Marshal's Commission and administered by the Office of the State Fire Marshal. The State Fire Marshal will determine the rated capacity for the facility; and
- (3) Commissioner of Health, State Health Department, Environmental Health Services to assure compliance with the adopted rules and regulations of the State Board of Health. Juvenile detention facilities are designed and comply with the duly adopted codes for plumbing, electrical, water supply and sewage disposal.

(b) **Space.** Space requirements for secure juvenile detention facilities are set forth in this subsection.

(1) Single sleeping rooms consist of at least 70 square feet of floor space. There shall be no double-celling of juveniles unless:

(A) the room has been specifically constructed to house two (2) juveniles;

(B) the Office of Juvenile Affairs approved the construction plans prior to construction of the facility/room; and

(C) the room meets the space requirements set forth in the American Correctional Association's (ACA) "Standards for Juvenile Detention Facilities".

(2) Male and female residents shall not occupy the same sleeping room.

(3) Not less than 35 square feet of floor space per juvenile is provided in the day room on each living unit.

(4) The facility shall provide at least 15 square feet of floor space per person for individuals occupying the dining room or dining area.

(5) The total indoor activity area outside the sleeping area provides space of at least 100 square feet per resident.

(6) School classrooms are designed in conformity with local or state educational requirements.

(7) Where the facility provides food service, the kitchen has at least 200 square feet of floor space.

(c) **Bathrooms.** All housing and activity areas provide, at a minimum, one toilet, one wash basin, and one shower for every six residents. All juveniles and staff shall have access to a drinking fountain by residents and staff.

(1) Flush urinals may be substituted for not more than one-half the required number of toilets when provided to serve males only.

(2) Every lavatory basin, bathtub or shower is supplied with hot and cold water under pressure at all times.

(3) All showers and bathtubs must have temperature control equipment.

(4) All fixtures must be maintained in good working condition.

(5) Toilet paper, soap and individual sanitary towels are provided within easy access of the residents.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-47. Food service, sanitation and hygiene

(a) **General.** General requirements related to food service, sanitation, and hygiene are set forth in this subsection.

(1) Minimum health requirements for secure juvenile detention facilities are determined by the Health Department and enforced by OJA.

(2) The facility shall be maintained in compliance with State Health Department Food Service Code. An annual inspection of the facility is conducted to determine compliance with health codes. Documentation is kept on file at the facility.

(3) The facility shall have a written plan for housekeeping that is posted and followed at all times.

(4) The facility shall be weather tight and kept in sound condition and good repair.

(5) The facility's written policy and procedure specify that its food services comply with the Board of Health Food Service rules and regulations.

(b) **Plumbing and water.** Plumbing is sized, installed, and maintained in a safe manner and according to the Oklahoma Plumbing License Act. Plumbing constructed after the effective date of these rules will be installed in compliance with the Building Officials and Code Administrators Plumbing Codes or applicable local ordinances.

(1) There may not be cross-connection between the potable water supply and any non-potable or questionable water supply or any source of pollution through which the potable water supply might be contaminated.

(2) The facility's potable water source and supply, whether owned and operated by the public water department or the facility, must be approved by an independent, outside source to be in compliance with jurisdictional laws and regulations.

(c) **Electrical.** The electrical distribution system must be sized, installed, and maintained in a safe manner according to the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired, or replaced after the effective date of these rules will be installed in compliance with the National Electrical Code.

(d) **Waste disposal.** Solid waste disposal must comply with the appropriate local ordinance where in effect and otherwise with the Oklahoma Public Health Code and adopted rules and regulations. Sewage disposal must comply with the Oklahoma Health Code and adopted rules and regulations.

(e) **Lighting.** Requirements regarding lighting in the facility are set forth in this subsection.

(1) The facility shall have sufficient air and lighting to ensure the health of the detained juveniles.

(A) Any room designated as a sleeping room shall have natural lighting by a room window to the exterior or from a source within 20 feet of the room. This rule does not prohibit OJA from issuing a provisional certificate if a sleeping room does not meet this criteria.

(B) All window panes must be of shatter-resistant material.

(C) Thirty foot-candles of artificial light are provided in all areas and additional light of at least 50 foot-candles is provided in study areas.

(2) Every hallway and stairway in each secure juvenile detention facility is lighted by natural or electric light at all times to provide at least ten foot-candles of light at floor level. Every hall and stairway in structures containing not more than two sleeping areas may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(f) **Ventilation and temperature.** Non-habitable areas, such as bathrooms and food preparation areas, provide other approved ventilation systems in lieu of windows or skylights. Adequately designed, maintained, and operated central heating and cooling systems must meet the ventilation requirements. Window area requirements may be reduced but must be adequate to meet requirements of the State Fire Marshal.

(1) Every window, exterior door, and hatchway, or similar devices, must be rodent proof and weather tight and kept in working condition and good repair.

(A) During the portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door and window must have a properly fitting stainless steel mesh detention screen.

(B) Air conditioned habitable areas are deemed adequate to meet this requirement when properly operated unless vectors are able to enter to such extent that a nuisance or hazard is created.

(2) Every habitable area must have heating facilities which are properly installed and maintained in working condition. The heating system must be capable of safely and adequately heating all habitable rooms, bathrooms, and water closets at a temperature of at least 68 degrees Fahrenheit at a distance of eighteen 18 inches above floor level under ordinary winter conditions.

(3) An acceptable temperature zone for maintaining year round comfort is sixty-six (66) degrees to eighty (80) degrees Fahrenheit in the summer, optimally seventy-one (71) degrees, and sixty-one (61) degrees to seventy-three (73) degrees Fahrenheit in the winter, optimally seventy (70) degrees.

(g) **Food Service.** Written policy, procedure, and practice require that at least three meals, two of which are hot, be provided at scheduled times during each 24-hour time period on regular business weekdays, with no more than 14 hours between the evening meal and breakfast meal. Only on weekends and state recognized holidays may a hot brunch and a hot evening meal, both of which meet basic nutritional goals, be provided at scheduled times during each 24 hour time period.

(1) The facility provides or arranges for the meals and at least one snack per 24 hour day from food that is selected, stored, prepared, and served in a sanitary and palatable manner. Each meal contains a sufficient amount of food for every juvenile and additional servings are permitted.

(2) Facilities recognize the social and emotional needs of juveniles during mealtime. Juveniles and the staff who eat with them are served the same food, except for tea and coffee, unless differences in age or special dietary needs are factors.

(h) **Hygiene.** Juveniles shall have the opportunity for daily showers.

377:3-13-48. Safety and emergency

(a) **Fire protection.** Minimum state fire safety requirements for secure juvenile detention facilities are enforced by the State Fire Marshal's office. Documentation of compliance is available at the facility at all times.

- (1) Secure juvenile detention facilities for juveniles must comply with the Building Officials Administrators Code (BOCA) as enforced by the State Fire Marshal's office.
- (2) The facility's written policy and procedure provide for a qualified fire and safety officer to regularly inspect the facility for compliance with safety and fire prevention requirements. The facility director and designated staff shall conduct an annual review of policy and procedure. An administrative staff member or designee shall conduct a fire and safety inspection of the facility at least weekly.
- (3) The facility's written policy and procedure relating to fire safety is reviewed at least annually by certification staff.
- (4) Written policy and procedure specify the facility's fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors. Fire prevention practices include, but are not limited to:
 - (A) a provision for an adequate fire protection service; and
 - (B) annual inspection and testing of equipment by a fire service company approved by the local fire official.
- (5) Fire hoses or extinguishers are available at appropriate locations throughout the facility.
- (6) Specifications for the selection and approval of facility furnishings indicate the fire safety performance requirements of the materials selected.
 - (A) Materials selected are subjected to careful fire safety evaluation before purchase or use.
 - (B) Only mattresses manufactured from materials that are not highly flammable are used.
- (7) The facility is equipped with non-combustible receptacles for smoking materials. Separate containers are provided in other locations throughout the facility for other combustible refuse.
- (8) A fire alarm and automatic detection system is required as approved by the state and/or local fire marshal.
- (9) Special containers are provided for flammable liquids and for rags used with flammable liquids.
- (10) All plans for exiting the building during time of fire emergencies are posted in a conspicuous place on all levels of the facility.

(b) **General emergency procedures.** Written policy and procedure specify the means for the prompt release of juveniles from locked areas in case of emergency and provide for a secondary release system if electrically equipped.

- (1) All facility personnel shall be trained in the implementation of written emergency plans.

(2) Written policy and procedure govern the control and use of all flammable, toxic, and caustic materials.

(3) The facility director or designee shall develop written plans which specify procedures to be followed in emergency situations, e.g., fire, disturbances, taking of hostages. These plans are made available to all applicable personnel and are reviewed and updated at least annually.

(4) The facility shall have access to an alternate power source to maintain essential services in an emergency. Essential services include but are not limited to:

- (i) access to drinking water;
- (ii) security lighting;
- (iii) appropriate food storage; and
- (iv) ability to maintain safe building temperatures

(c) **Exits.** The facility shall have exits that are properly positioned and clearly, distinctly, and permanently marked in order to ensure the timely evacuation of juveniles and staff in the event of fire or other emergency.

(1) Two identifiable exits are located in each juvenile housing area and other high density areas to permit the prompt evacuation of juveniles and staff under emergency conditions.

(2) The facility shall have exits that are continuously visible at all times, kept clear, and maintained in usable condition.

(d) **Emergency evacuation.** The facility shall create, and review annually, an emergency evacuation plan. The plan, or any annual amendments to the plan, shall be submitted for approval to the OJA Licensing and Programs Assessment division. The plan must contain at a minimum:

(1) A secondary site will be identified by the facility, in the event the facility needs to evacuate in case of emergency or natural disaster.

(2) Should the emergency necessitate an absence from the facility in excess of twenty-four (24) hours, the secondary site must be emergency certified by the OJA Licensing and Programs Assessment division and meet all Safety, Security and Control, and Physical Plant Requirements for Secure Detention.

(3) Should a detention facility be damaged, OJA Licensing and Programs Assessment division may require an inspection be conducted prior to allowing the continued certification of the facility. The Licensing and Programs division will arrange to conduct the inspection with the detention provider.

(4) If necessary, OJA shall assist with moving youth from facility due to damage or factors that make the facility unable to operate.

(e) **Facility maintenance.** Requirements for maintenance of the facility are set forth in this subsection.

(1) **Housekeeping.** All habitable and non-habitable areas are maintained in a condition free of litter.

(2) **Laundry.** Work areas are maintained in a clean and safe condition. Equipment is installed in such a way as to meet safety requirements.

(3) **Maintenance of the activity area.** Equipment is maintained in good repair and activity areas are free of hazards.

(4) **Maintenance of the interior structure.** The interior of the building, including appliances, machinery, and equipment, is maintained in proper working order at all times. Interior walls, carpeting, and furniture is repaired, replaced, and kept in acceptable condition.

(5) **Interior finish materials.** All interior surfaces, including walls, ceilings and floors, must have flame-spread ratings as outlined by the BOCA Building Code. Documentation of appropriate flame-spread ratings must be obtained from the manufactures of the material. Examples of interior finishing materials include, but are not limited to, paint, paneling, wallpaper, carpets, and tile.

(6) **Furnishings and decorations.** Draperies, curtains, and similar furnishings and decorations must be flame resistant.

(A) Proof of flame resistance is documented from the material manufacturer that the material passed the criteria of NFPA 701, small and large scale tests.

(B) Waste baskets and other waste containers must be of noncombustible or self-extinguishing materials.

(C) Mattresses and upholstered or cushion furniture may not be of a highly flammable character.

(7) **Exterior surfaces.** All exterior wood surfaces, other than decay-resistant woods, must be protected from the elements and decay by a lead-free paint or other product to provide a protective covering or treatment. Toxic paint and materials may not be used where readily accessible to juveniles.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-49. Collocated detention facilities

(a) A juvenile detention facility collocated with an adult jail or lockup must meet the same standards and certification requirements as a freestanding juvenile detention center and be certified appropriately. A collocated facility is a juvenile facility located in the same building as an adult jail or lockup, or is part of a related complex of buildings located on the same grounds as an adult jail or lockup.

(b) Each of the following three criteria must be met in order to ensure that a juvenile detention facility is separate from the adult jail with which it is collocated.

(1) Juveniles and adults must be separated in that there can be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. This type of separation can be achieved architecturally or through time-phasing of common use non-residential areas.

(2) All juvenile and adult program areas must be separate. There must be an independent and comprehensive operational plan for the juvenile detention facility which provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time-phasing of common use nonresidential areas is permissible to conduct program

activities.

(3) There must be separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (medical care, food service, maintenance, etc) who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both populations. The day-to-day management, security, and direct care functions of the juvenile detention facility must be vested in a totally separate staff.

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2625, eff 7-1-01]

PART 5. REQUIREMENTS FOR MUNICIPAL JUVENILE FACILITIES

377:3-13-60. Legal basis

Statutory authorization for the Office of Juvenile Affairs to certify municipal juvenile facilities is found in 10A O.S., § 2-2-102(C).

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-13-61. Requirements

A certificate to operate a municipal juvenile facility that provides full-time group care for juveniles is granted on the basis that the facility meets the Requirements for "Municipal Juvenile Facilities" as set forth in OAC 377:3-13-62.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97]

377:3-13-62. Standards

- (a) The facility shall be used for the detention of juveniles taken into custody for commission of an offense as authorized by law.
- (b) If the facility is located in any jail, adult lockup, or adult detention facility, there must be total spatial separation between juvenile and adult areas.
- (c) The facility shall be in compliance with all applicable health, fire and safety codes.
- (d) The facility shall maintain written policy and procedure, which include, but are not limited to, the facilities' rules regarding:
 - (1) organization and administration;
 - (2) personnel consistent with OAC 377:3-13-43(a);
 - (3) confidentiality consistent with state law;
 - (4) compliance with child abuse or neglect reporting requirements pursuant to 10A O.S., § 1-2-101 et seq.;
 - (5) security and control consistent with OAC 377:3-13-44(a)(3), (4), and (8) through (13);
 - (6) health screening, medical services, and first aid; and

- (7) fire and disaster plans.
- (e) All facility staff shall:
- (1) meet the health requirements pre-scribed for staff in OAC 377:3-13-43(a)(5);
 - (2) meet the training requirements pre-scribed for staff in OAC 377:3-13-43(a)(8) through programs approved by the Office of Juvenile Affairs; and
 - (3) meet the requirements relating to criminal history investigations prescribed in OAC 377:3-13-43(a)(6).
- (f) When a child is detained, the facility shall ensure that all reasonable steps are immediately taken to:
- (1) locate the child's parent, legal guardian, or custodian or attorney;
 - (2) determine if the parent, legal guardian, or custodian or attorney is willing to appear at the municipal juvenile facility and assume personal custody of the juvenile upon the juvenile's release from the facility;
 - (3) release the juvenile to the personal custody of his or her parent, legal guardian, or custodian or attorney as soon as practicable and upon the written promise of the parent, legal guardian, or custodian or attorney to return the juvenile to municipal court to answer the municipal charges at the date and time set by the municipal court;
 - (4) ensure the juvenile is given adequate fresh drinking water;
 - (5) ensure the juvenile is given adequate food not less than three times in a 24-hour period; and
 - (6) ensure the juvenile is given any necessary medical care and treatment.
- (g) A juvenile shall not be detained in a municipal juvenile detention facility for longer than 24 hours. If the parent, legal guardian, or custodian or attorney does not appear at the municipal juvenile facility with the 24-hour period to assume personal custody of the juvenile, then custody or release of the juvenile is determined by a law enforcement officer or, upon application by the district attorney's office, by the district court as provided in 10A O.S., § 1-4-201.
- (h) The facility shall maintain records, which are sufficient to demonstrate compliance with these standards.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 15 Ok Reg 2661, eff 7-1-98 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

PART 7. REQUIRMENTS FOR COMMUNITY INTERVENTION CENTERS (CIC)

377:3-13-80. Legal basis

Statutory authorization for the Office of Juvenile Affairs to enter into contracts for the establishment and maintenance of a CIC is found in 10A O.S., § 2-7-305(A). Functions of the CICs are found in 10A O.S., § 2-7-305(D).

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-13-81. Structure

(a) To establish a CIC, an interlocal agreement must be entered into between:

- (1) one or more municipalities or
- (2) one or more counties; and
- (3) the Office of Juvenile Affairs.

(b) The CIC must meet the conditions, requirements, and rules promulgated by the Office of Juvenile Affairs as provided in 10A O.S., § 2-7-305.

(c) Each CIC provider shall have a local juvenile justice advisory board comprised of representatives from local law enforcement, the judiciary, social service agencies, education, local businesses and local government.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-82. General provisions

(a) **Required functions of a CIC.** A CIC shall:

- (1) receive and hold juveniles taken into custody by law enforcement for an alleged violation of a municipal ordinance or state law or who are alleged to be in need of supervision as defined by 10A O.S., § 2-1-103(8), and for whom detention is unavailable or inappropriate;
- (2) be in compliance with all applicable federal, state, and local health, fire, and safety codes;
- (3) enter demographic information into the management information system provided for in 10A O.S., § 2-7-308;
- (4) hold a juvenile for no longer than 24 hours;
- (5) shall maintain records that are sufficient to demonstrate compliance with the Office of Juvenile Affairs requirements for CICs; and
- (6) ensure that when a juvenile is held, all reasonable steps are immediately taken to:
 - (A) immediately notify the juvenile's parent, legal guardian, custodian, attorney, or other adult legally responsible for the juvenile's care;
 - (B) release the juvenile to a parent, guardian, or other responsible adult or hold until a temporary placement can be secured, but in no event for longer than twenty-four hours;

- (C) release the juvenile to the parent, guardian, custodian, attorney, or responsible adult as soon as practical upon his or her signing a release or written promise to return the juvenile to the court of jurisdiction to answer the charges at a date and time set by the court;
- (D) ensure that temporary placement is secured if the parent, guardian, legal custodian, attorney or other responsible adult is unable to assume custody of the juvenile;
- (E) ensure that adequate fresh drinking water is made available to the juvenile;
- (F) ensure that adequate food is provided to the juvenile not less than three times in a 24-hour period;
- (G) gather information to determine if the juvenile is in need of immediate medical attention; and
- (H) ensure the juvenile is provided with any necessary medical care and treatment as provided 10A O. S., § 2-2-101(E).

(b) **Optional functions.** In addition to the required functions a CIC may:

- (1) conduct an initial screening assessment, pursuant to OJA Rule OAC 377:3-13-84;
- (2) conduct an assessment, pursuant to OJA Rule OAC 377:3-13-85;
- (3) fingerprint a juvenile who has allegedly committed an offense which would be a felony if committed by an adult; and
- (4) the community intervention center may receive and hold juveniles for whom detention is appropriate and available pending transportation by law enforcement to a detention facility, provided:

- (A) custody by law enforcement shall not be relinquished to the community intervention center until detention eligibility and bed availability are determined by the designated detention screener and an order for detention is issued;
- (B) the purpose for the holding is to address a court order or the execution of a warrant; and
- (C) juveniles held shall not be considered admitted to the community intervention center.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-83. Information gathering/report data

(a) Information gathered by the CICs include the:

- (1) number of juveniles admitted;
- (2) demographic data;
- (3) intake time distribution;
- (4) law enforcement officer time;
- (5) length of juvenile's stay;
- (6) summary of offenses by types, including:

- (A) felonies;
 - (i) violent crimes as defined by the Juvenile On-Line Tracking System (JOLTS);
 - (ii) thefts; and
 - (iii) possession of drugs;
 - (B) misdemeanors, including:
 - (i) thefts;
 - (ii) possession of drugs; and
 - (iii) possession of alcohol;
 - (C) status offenses, including:
 - (i) truancy; and
 - (ii) traffic violations.
- (7) whether the juvenile's case will be heard in:
- (A) district court; or
 - (B) municipal court.
- (8) summary of discharge which includes to whom the juvenile was released such as, the juvenile's parent, guardian, legal custodian, attorney or other responsible adult; and
- (9) summary of assessments, including the:
- (A) number of juveniles receiving an initial screening assessment;
 - (B) number of the juveniles who refused the initial screening assessment;
 - (C) number of juveniles receiving the assessment; and
 - (D) number of juveniles and parents who refused the assessment.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-84. Initial Screening Assessment

An initial screening assessment may be conducted with the juvenile without parental consent provided the juvenile agrees in writing to participate voluntarily to the initial screening assessment. The Initial Screening Assessment Form (OJA-5) shall contain the juvenile's:

- (1) risk for suicide;
- (2) risk to physical health/condition;
- (3) risk for substance abuse;
- (4) home and safety;
- (5) school status;
- (6) current charges and prior arrests;
- (7) court status; and
- (8) service history.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01]

377:3-13-85. Assessments

Any assessment conducted by the CIC shall be conducted according to state statute and must adhere to the following criteria:

(1) Written consent from the parent, guardian or other person legally responsible for the juvenile's care must be obtained prior to beginning the assessment process.

(2) The parent, guardian or responsible adult and juvenile may review the assessment instrument prior to consenting to the assessment process.

(3) The parent, guardian or responsible adult and the juvenile must be informed that the assessment is voluntary and that refusal to participate shall not result in any penalty.

(4) The parent, guardian or responsible adult and the juvenile must sign a written acknowledgment that they were given an opportunity to review the assessment instrument and that the juvenile's participation is voluntary.

(5) CIC staff shall keep all information gathered confidential according to state statutes.

(6) Staff who administer and interpret assessments must meet qualifications to use such instruments, as established by the developers of the instruments.

(7) Staff shall conduct assessments pursuant to a Problem Behavior Inventory, a Mental Status Checklist, or a Problem Experiences Checklist and a Wide Range Achievement Test 3 or a Slosson Oral Reading Test, or other assessment instrument authorized by rules promulgated by the Office of Juvenile Affairs.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01]

377:3-13-86. Organization, administration, and finance

(a) The CIC shall maintain written policies and procedures.

(1) **Organization.** The CIC shall develop a clearly defined statement of its purposes or function. The CIC program director or designee shall file the statement with the Office of Juvenile Affairs, Office of Public Integrity.

(2) **Administration and responsibility of the municipality or county.**

(A) The municipality or county shall have responsibility for:

- (i) providing the physical site and its use by the juveniles and staff;
- (ii) the center's program and services;
- (iii) reviewing and approving all CIC policies and policy changes;
- (iv) maintaining a record of CIC policy;
- (v) maintaining documentation and records to ensure compliance with applicable federal, state, and local law, including health, fire and safety regulations, and documenting compliance with Fire Marshal's report and the Health Department's Certification;
- (vi) documenting board and/or council meetings, where applicable, and keeping the documentation

on file;
(vii) compiling and filing monthly statistical reports with the Office of Juvenile Affairs; and
(viii) completing an annual report of the CIC, including the information listed in 377:3-13-83, and submitting the report to OJA, Office of Public Integrity.

(B) The contract shall be submitted to the OJA Office of Public Integrity.

(3) **Finances.** The CIC shall maintain complete financial records of income and disbursements.

(A) All financial records pertaining to the CIC shall be audited annually by a certified public accountant who has a valid, current permit to practice in the State of Oklahoma or state or tribal auditor, in accordance with the governmental funding source.

(B) A copy of the auditor's statements shall be submitted to the Office of Juvenile Affairs annually.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 23 Ok Reg 2764, eff 7-1-06 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-87. Policy and Procedure Manual

(a) The CIC shall have an operations manual which specifically describes its purpose, program, and the services offered. The manual must be reviewed annually and updated if necessary. The manual must be made available to all staff and authorized regulatory authorities. The manual includes, but is not limited to the CIC's:

- (1) intake procedures;
- (2) initial screening assessment;
- (3) assessments;
- (4) juvenile disciplinary procedures/crisis intervention;
- (5) security and control;
- (6) discharge procedures;
- (7) personnel practices;
- (8) juvenile rights;
- (9) juvenile grievance procedures;
- (10) confidentiality consistent with state law;
- (11) compliance with child abuse or neglect reporting requirements as provided in 10A O.S. § 1-2-101;
- (12) reporting critical incidents requirements;
- (13) information gathering and reporting procedures;
- (14) clothing and personal hygiene provisions;
- (15) food distribution and documentation requirements;
- (16) general emergency procedures, including first aid and emergency medical services;
- (17) fire and disaster plans
- (18) transportation arrangements; and
- (19) suicide prevention procedures.

(b) The manual shall contain a provision which ensures that no juvenile placed in a CIC shall be used as an employee.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency); Added at 17 Ok Reg 3129, eff 7-27-00 ; Amended at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-88. Personnel

(a) **Community Intervention Center (CIC) program director.**

(1) **Qualifications.** The qualifications (including education and experience), authority, and responsibilities of the program director shall be specified in writing by the CIC's governing body, and include:

(A) a bachelor's degree; and

(B) one year of experience working with juveniles or working in the juvenile justice system.

(b) **Direct-care staff qualifications.** All direct care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(c) **Background history records searches.** The Office of Juvenile Affairs, through direct request, shall require a records search for each applicant for employment, which shall include the following:

(1) a national criminal history records search based upon submission of fingerprints that shall be provided by the Oklahoma State Bureau of Investigation (OSBI), including the Rap Back notification, and the Federal Bureau of Investigation (FBI) National Child Protection Act, 42 U.S.C.A. § 5119a, and 74 O.S. § 150.9, provided both the OSBI and FBI act in their designated role;

(2) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(4) a search of the Department of Corrections (DOC) Sex Offender Registry;

(5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(6) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;

(A) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(B) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

(7) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.

(8) the Office of Juvenile Affairs shall make a direct request for background searches to be conducted on behalf of any:

(A) operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs,

(B) employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs, or

(C) persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs.

(d) Criminal history investigation. An employee's criminal history investigation record must be kept in a secure location, separate from his or her personnel file.

(1) A facility shall not employ or retain an individual who has been convicted of or entered a plea of guilty or nolo contendere to any felony involving:

(A) violence against a person;

(B) child abuse or neglect;

(C) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;

(D) sexual misconduct; or

(E) gross irresponsibility or disregard for the safety of others;

(F) any crime against a child; or

(G) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(2) No employee of the CIC shall use or be under the influence of alcohol or illegal drugs during the hours of work nor shall any employee use or possess illegal drugs at any time.

(3) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(A) The facility shall consider, document, and submit to the Office of Public Integrity within 10 days of the employees first day of work the;

(i) type of crime or offense for which the individual was convicted or a finding was made; and

(ii) reference letters concerning the individual in question.

(B) The Office of Public Integrity may make a recommendation to the facility administrator as to

whether the applicant for employment should be approved or disapproved.

(4) If any person is formally charged with any of the offenses described in OAC 377:3-13-88(d)(1), he or she must be removed from contact with juveniles until the charges are resolved.

(5) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-88(d)(1), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

(e) **Health requirements.** An employee's health record must be kept in a secure location, separate from his or her personnel file.

(1) Each employee must have a pre-employment physical conducted by a licensed physician.

(2) Testing for tuberculosis is not required on a routine basis. Tuberculin skin testing shall be required when there is a local identified tuberculin exposure identified by the Oklahoma State Department of Health.

(A) When a tuberculin skin test is required, employees with a positive skin test reaction must submit documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(B) An employee who has ever had a positive skin test reaction must have or provide documentation of a chest x-ray. Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(f) **Personnel records.** Every staff person employed by the CIC shall have a written personnel record, which complies with personnel policies of the municipality or service provider. The CIC shall have written personnel policies. The program director shall make personnel policies, which include written job descriptions, available to all employees. Either the policy or job description specifies the person to whom the employee is responsible and the duties the employee is expected to perform.

(1) Each personnel record must include:

(A) an application, resume, or staff information sheet that documents qualifications for the position;

(B) three reference letters, or if the reference was interviewed by phone, documentation of telephone interview must contain the:

(i) content of the interview;

(ii) date and time of the interview; and

(iii) name of employee conducting the telephone interview;

(C) documentation that the staff member was provided a copy of personnel policies, including his or her job description.

(D) written disciplinary action forms and job performance evaluations;

(E) dates of employment; and

(F) date and reason for employment separation or termination.

(2) Personnel records shall be maintained for at least three (3) years following an employee's separation.

(3) All employee records shall be confidential subject to existing federal and state statutes.

(4) All employees shall have access to their personnel files for reviewing purposes upon request to the program director and according to agency policy.

(g) Staff orientation.

(1) Each direct-care staff shall be provided orientation before being allowed to work independently. In addition to a review of the certification standards and on-the-job training with an experienced staff member, the orientation must include a review of the CIC's:

(A) policies and procedures;

(B) philosophy and goals;

(C) organization;

(D) behavior management/crisis intervention training; and

(E) job expectations for the individual employee.

(2) Within 90 days of employment, each direct-care staff shall successfully complete first aid training. The training must be conducted by a certified instructor from the American Red Cross or its equivalent. The employee must be recertified in first aid every three years. First aid training may be counted as training hours. At least one staff person trained and certified in first aid shall be present in the CIC at all times.

(3) Within 90 days of employment, each direct-care staff shall be certified in cardiopulmonary resuscitation (CPR). The employee shall be recertified annually. CPR certification and recertification may be counted as training hours. At least one staff person trained and certified in CPR shall be present at all times.

(4) Within six (6) months of employment, each direct-care staff shall complete a certified class on behavior management; e.g., MAB, MANDT, CLEET, etc.

(5) The CIC must maintain written documentation of each area in which the employee received orientation.

(h) Staff training.

(1) All direct-care staff and program administrators shall obtain at least 24 clock hours of training per employment year. Hours are prorated for staff who have not been employed for a full year or are part-time employees.

(2) Professional conferences, workshops, seminars, formal education classes, or in-service training are considered training.

(3) Documentation of the employee's training shall be maintained in the employee's file.

[Source: Added at 17 Ok Reg 605, eff 12-16-99 through 7-14-00 (emergency)¹; Added at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 19 Ok Reg 2949, eff 7-3-01 through 7-14-02 (emergency)²; Amended at 23 Ok Reg 2764, eff 7-1-06 ; Amended at 28 Ok Reg 1981, eff 7-15-11 ; Amended at 32 Ok Reg 396, eff 11-17-14 (emergency); Amended at 32 Ok Reg 1995, eff 9-11-15 ; Amended at 35 Ok Reg 1765, eff 9-14-18]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-00 (after the 7-14-00 expiration of the emergency action), Section 377:3-13-88 was no longer effective, and remained as such until it was added by permanent action on 7-1-01.*

Editor's Note: ²*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of 377:3-13-88 reverted back to the permanent text that became effective 7-1-01, as was last published in the 2001 Edition of the OAC, and remained as such until amended by permanent action on 7-1-06.*

377:3-13-89. Juvenile records

A record shall be developed for every juvenile placed in the CIC. The record must contain:

- (1) demographic information;
- (2) referral source information (Uniform Crime Report, traffic citation, verbal or written court order, or police booking form, etc);
- (3) time of admission/time of departure for the juvenile and the police officer;
- (4) determination if juvenile is in need of immediate medical attention;
- (5) documentation of attempt(s) to contact parent/guardian with time attempts were made;
- (6) if an initial screening assessment is conducted, the completed OJA-3;
- (7) if an assessment is conducted, the:
 - (A) documentation of prior review of assessment by parent & juvenile;
 - (B) documentation that the parent and juvenile have been advised that the assessment is voluntary; and
 - (C) written consent of the juvenile and parent.
- (8) documentation that the juvenile has been advised of:
 - (A) client rights;
 - (B) rules of conduct; and
 - (C) grievance procedures;
- (9) if placed in room confinement as provided in 377:3-13-90 (e) and (f), documentation of the:
 - (A) reason for confinement;
 - (B) other means of behavior modification used prior to room confinement;
 - (C) time placed in confinement;
 - (D) times the juvenile was visibly monitored with notation of what the juvenile was doing at that time; and

- (E) time released from confinement.
- (10) inventory log for the juvenile's personal belongings and confiscated materials;
- (11) release of confidential information form (when necessary);
- (12) incident report form (when necessary);
- (13) name of person to whom the juvenile was released; and
- (14) documentation of promise to appear in court.

[Source: Added at 18 Ok Reg 2154, eff 7-1-01 ; Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-90. Security and control

(a) **Rules of conduct.** The rules of conduct shall either be given to each juvenile or posted in a conspicuous and accessible area.

(1) Staff members shall explain the rules of conduct to each juvenile admitted to the facility.

(2) When a literacy or language problem prevents a juvenile from reading the rules, a staff member or translator shall assist the juvenile in reading the rules of conduct.

(b) **Searches.** Each CIC has the option of conducting searches. Searches and property recovery are conducted to preserve the security and safety of the CIC. If the CIC conducts searches, the CIC must develop policies and procedures, which include the guidelines listed in (1) through (3) of this section.

(1) Juveniles and visitors shall be notified that they are subject to search.

(2) Searches shall be conducted by a person of the same sex as the juvenile or visitor.

(3) No strip searches or body cavity searches shall be conducted at a CIC.

(c) **Staff ratio.**

(1) When juveniles are present, there shall be a minimum of two staff on duty. When more than 12 juveniles are present, a ratio of 1:6 direct-care staff to juveniles shall be maintained.

(2) The CIC shall ensure that when a female is placed in the CIC, a female staff member is present and when a male is placed, a male staff member is present.

(3) Juveniles in the CIC shall be monitored at all times.

(d) **Behavior management.**

(1) **Physical intervention.**

(A) Each CIC shall have policies and procedures outlining the use of physical intervention. Written policy and procedure shall limit the use of physical intervention to:

(i) self protection;

(ii) separate juveniles from fighting;

(iii) restrain juveniles in danger of inflicting harm to themselves or others; and

(iv) restrain juveniles who have escaped or who are in the process of escaping;

(B) The least amount of physical intervention necessary to control a situation is used.

(C) Physical intervention shall not be used as punishment or retaliation.

(D) A written report is prepared following all uses of physical intervention and submitted to the program director.

(2) **Use of mechanical restraints.** CIC employees shall not use mechanical restraints.

(3) **Chemical agents.** CIC employees shall not use chemical agents, including pepper spray.

(4) **Weapons.** CIC employees shall not use weapons.

(e) **Room confinement.** Room confinement means locking a juvenile in a designated room for a short-term period of time in order to remove the juvenile from the population. Room confinement is used with juveniles who are combative or self-destructive [10A O.S., Section 2-7-305(D)(2)] and who require being separated from other juveniles for:

(1) self protection;

(2) separating juveniles from fighting;

(3) restraining juveniles in danger of inflicting harm to themselves or others; or

(4) restraining juveniles who have escaped or who are in the process of escaping;

(f) **Procedure for room confinement.** When room confinement is used, the procedures set forth in (1) - (5) of this paragraph shall be followed.

(1) Prior to room confinement, staff shall explain the reasons for confinement to the juvenile and shall give the juvenile an opportunity to explain his or her behavior.

(2) Any juvenile shall be visibly observed by a staff member every 15 minutes. Staff shall document each observation.

(3) Juveniles placed in room confinement shall be afforded living conditions and essential services approximating those available to the general juvenile population. Exceptions shall be authorized based upon clear and substantial justification.

(4) The juvenile shall be released when staff determines that he or she can safely be returned to the general population or waiting area.

(5) A written record is maintained on any juvenile placed in room restriction or confinement. The written record includes:

(A) a log stating who authorized the action;

(B) names of persons observing the juvenile;

(C) exceptions to provision of essential services provided to other juveniles placed in the CIC;

(D) observations of the juvenile's physical situation;

(E) times of observation;

(F) the person authorizing release; an

(G) the time of release.

(g) **Escape.** The CIC shall develop written policy and procedure for juveniles who escape from the facility. The policy shall include a procedure for notification of law enforcement agencies.

377:3-13-91. Physical facility

(a) Space requirements.

(1) Each juvenile shall have a minimum of 35 square feet of floor space.

(2) The room designated for room confinement must provide a minimum of 40 square feet of floor space.

(b) Toilets. The CIC must provide a minimum of one toilet per 12 juveniles.

(c) Any licensed CIC shall be exempt from the rules set forth in this section, provided that the facility does not decrease the amount of living space available when the facility was first issued a license.

[Source: Added at 18 Ok Reg 2154, eff 7-1-01]

PART 9. PLACEMENT

377:3-13-110. Purpose [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-110 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-111. Legal base [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-111 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-112. Placement process [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency*

action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-112 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.

377:3-13-113. Delinquent and youthful offender classification [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-113 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-114. Offense history classification [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-114 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-115. Placement risk assessment [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-115 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-116. Placement needs assessment [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-116 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

377:3-13-117. Placement of juveniles adjudicated In Need of Supervision (INS) [EXPIRED]

[Source: Added at 17 Ok Reg 3202, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 377:3-13-117 was no longer effective. For official text of the emergency rule that was effective from 7-18-00 through 7-14-01, see 17 Ok Reg 3202.*

PART 11. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-120. Legal basis

The statutory authorization for the Office of Juvenile Affairs to certify Secure Juvenile Facilities is found in 10A O.S., § 2-7-611. As of November 1, 2009, the Office of Juvenile Affairs shall certify all secure juvenile facilities.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-121. Definitions

The following words or terms, when used in this part shall have the following meaning, unless the context indicates otherwise:

"Assessment" means an examination, more comprehensive than a screening, performed on each newly admitted juvenile soon after arrival to the secure facility. It usually includes a review of the medical screening, behavior observations, an inquiry into mental health history, and an assessment of suicide potential.

"Juvenile" for the purposes of this part means a person adjudicated by a court of competent jurisdiction and eligible for placement in a secure juvenile facility.

"Secure juvenile facility" is defined in 10A O.S., § 2-1-103 (31).

"Screening" means the administration of a tool to identify persons in need of more in-depth evaluation or treatment. A screening instrument

(using standard forms and following standard procedures) is used to identify immediate risks-suicide, health, mental health and substance abuse-upon arrival of a newly admitted juvenile to a facility. At a minimum, a screening includes an interview, questions, or testing of a juvenile and review of available records, in accordance with a screening instrument and relevant policies.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-122. Requirements for secure juvenile facilities

To be certified, a secure juvenile facility shall be required to meet standards for certification promulgated by the Board of Juvenile Affairs. Each secure facility shall be operated by, or under contract with, a governmental entity and shall maintain ongoing accreditation approved by the Office of Juvenile Affairs. In addition, each facility shall comply with the licensing standards of the Oklahoma Health Department and Oklahoma State Fire Marshal's Office, as well as all local, state, and federal codes and guidelines for the operation of a secure juvenile facility. Each facility shall ensure juveniles are afforded educational programs as mandated by law and the Oklahoma State Board of Education.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-123. Provisional certification

(a) Secure facilities certified by the Department of Human Services as residential childcare facilities prior to November 1, 2009, shall receive provisional certification to operate as a secure juvenile facility for 180 days. Prior to the conclusion of the 180 days, the Office of Juvenile Affairs shall evaluate of the facility to ensure that the facility meets the certification standards promulgated by the Board of Juvenile Affairs for secure juvenile facilities.

(b) The Office of Juvenile Affairs shall initially evaluate any newly established secure juvenile facility to ensure compliance with standards relating to staffing and the physical plant. A determination that the facility meets the standards shall result in the issuance of a provisional certification for 180 days and authorization for the placement of juveniles into the facility. Prior to the conclusion of the 180 days, the Office of Juvenile Affairs shall evaluate the facility to ensure that it meets all certification standards promulgated by the Board of Juvenile Affairs for secure juvenile facilities.

(c) **Denial or revocation of certification.** When the operator of a secure juvenile facility is unable or unwilling to comply with standards promulgated by the Office of Juvenile Affairs' Board or has failed to adequately protect the health, safety and welfare of the juveniles in its facility, OJA may deny or revoke the facility's certification. OJA shall furnish thirty (30) calendar days written notice of the decision to deny or revoke certification and the grounds for such action. The facility operator shall have thirty (30) calendar days from receipt of the OJA notice of denial or revocation to protest the action in writing to the OJA Executive

Director. An administrative hearing shall be convened where the facility operator will be given the opportunity to present testimony and witnesses. If the result of the hearing is to uphold the OJA action of denial or revocation, the facility operator may appeal to the district court pursuant to 12 O.S. § 951. In the event there is not an appeal, the secure juvenile facility shall cease operation on the effective date of the denial or revocation action.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-124. Purpose

The Office of Juvenile Affairs designates its Office of Public Integrity (OPI) as responsible for the certification of secure juvenile facilities. Each secure juvenile facility shall undergo annual certification prior to the start of each fiscal year (July 1). As part of certification, the Office of Public Integrity shall perform a review of the facility's fiscal management process. The Office of Public Integrity shall conduct ongoing unannounced visits as necessary and conduct appropriate investigations as directed by the Office of Juvenile Affairs' Executive Director or designee.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-124.1. Executive administration

(a) **Administration.** The administration of a secure juvenile facility shall:

- (1) have responsibility for the program and services of the facility;
- (2) review and approve all policies and policy changes;
- (3) maintain a record of policy approvals in an organized form developed by the facility;
- (4) obtain the required license for operation and continued compliance with Requirements for Certification of Secure Juvenile Facilities, as found in Part 11 of this Subchapter;
- (5) assure proper operation of the facility; and
- (6) have responsibility for the physical facility and its use by the juveniles and staff.

(b) **Facility Administrator.** The duties and qualifications of the facility administrator are described in (1) - (2) of this subsection.

(1) **Responsibilities.** The facility administrator is responsible for planning, directing, and coordinating the operation of a secure juvenile facility. The facility administrator establishes and implements programs for education, evaluation and diagnosis, treatment, residential care and custody, medical services, social rehabilitation, and social development.

(A) In the facility administrator's absence a person shall be designated to act as administrator and shall be available to staff in person or by telephone.

(B) A designated person of responsibility shall be at the secure juvenile facility at all times. The designated person is directly responsible to the administrator who is to be notified of any irregularities in the general operations of

the facility and follow through with the administrator's directives.

(C) The duties of the facility administrator include, but are not limited to:

- (i) preparing and presenting the budget for the appropriate authority to review and approve;
- (ii) administering the budget and maintaining accurate financial and expenditure records;
- (iii) ensuring that staff are employed and discharged in accordance with established personnel policies;
- (iv) supervising, coordinating, and directing the program overall;
- (v) holding staff meetings as necessary to discuss plans and interpret policies with the staff;
- (vi) ensuring participation in a program for the continued training and development of staff;
- (vii) establishing and maintaining working relationships with other social services agencies within the community; and
- (viii) interpreting the program to professional and lay groups.

(2) Qualifications.

(A) The education, experience, and qualifications of the administrator shall include, at a minimum:

- (i) bachelor's degree from an accredited college/university in social work, psychology, business, or public administration, or a closely related field;
- (ii) two (2) years of experience in social services, guidance and counseling, intake or probation and parole; and
- (iii) two (2) years of experience in a supervisory or administrative position with a social service institution or agency in a program providing services to children; or
- (iv) an equivalent combination of education and experience.

(B) A facility administrator hired prior to October 1, 2015 shall be exempt from the rules set forth in (A) of this paragraph.

(3) **Location.** All facilities administrators or designee must maintain their primary office at the secure facility.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-125. Fiscal management

Secure juvenile facilities shall adhere to the OJA Financial Services Division's rules, policies, and procedures. Each facility shall have policies and procedures that address:

- (1) fiscal planning;
- (2) budgeting;
- (3) accounting procedures;
- (4) inventory procedures; and
- (5) a system of regular reviews.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-126. Policies and procedures

(a) Each facility shall have internal policies and staff procedures which support the orderly and secure functioning of the secure facility through a combination of:

- (1) supervision;
- (2) inspection;
- (3) accountability; and
- (4) clearly defined procedures for use of security in a manner which promotes safe and orderly operations.

(b) Each secure juvenile facility shall develop and maintain a written policies and procedures manual that is reviewed/approved initially by OJA Institutional Services Division Director or designee and annually by the facility's administrator and changes shall be reviewed/approved by the OJA Institutional Services Division Director or designee. The manual shall outline the purpose of the secure juvenile facility and include, at a minimum, the following:

- (1) physical plant requirements;
- (2) fire safety procedures;
- (3) general emergency procedures;
- (4) intake/screening criteria;
- (5) admission procedures;
- (6) juvenile rights and grievance procedures;
- (7) visitation procedures;
- (8) clothing provision;
- (9) personal hygiene provision;
- (10) juvenile case records;
- (11) disciplinary procedures;
- (12) medical and health care programs;
- (13) suicide prevention program/guidelines;
- (14) treatment programs;
- (15) educational programs;
- (16) recreational programs;
- (17) discharge procedure;
- (18) security and control;
- (19) transportation procedures;
- (20) personnel practices/staff training;
- (21) abuse/neglect reporting procedures;
- (22) food and nutrition requirements;
- (23) juvenile work;
- (24) religious services; and
- (25) access to courts/counsel.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-127. Physical plant requirements

(a) The secure juvenile facility shall conform to applicable federal, state and/or local building codes and zoning ordinances.

(b) The secure juvenile facility shall be clean and sanitary and shall comply with standards, rules and regulations promulgated by the Oklahoma State Department of Health.

(c) Each juvenile shall have at a minimum a bed, storage space for clothing and access to a writing area.) Multiple-occupancy rooms, including open-bay dormitories, and single occupancy rooms shall provide at least 70 square feet per juvenile.

(e) Dayrooms are situated adjacent to sleeping areas and provide a minimum of 35 square feet per juvenile for the maximum number of juveniles who use the dayroom at one time (exclusive of lavatories, showers and toilets).

(f) Clean and sanitary bathrooms are convenient to sleeping rooms and dayrooms:

(1) One flush toilet, hand sink and bathtub or shower in good working order is available for each six juveniles.

(2) Flush urinals may be substituted for up to one-half the required number of toilets to serve male juveniles only.

(3) Hand sinks, bathtubs and showers have cold and hot water with temperatures between 100 and 120 degrees Fahrenheit.

(4) Toilet paper, soap and individual sanitary towels are provided to juveniles.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15 ; Amended at 38 Ok Reg 1125, eff 8-26-21]

377:3-13-128. Fire safety procedures

(a) All secure juvenile facilities shall fully comply with:

(1) the applicable Life Safety Codes of the National Fire Protection Association;

(2) the applicable standards pertaining to fire safety; and

(3) any successor fire safety codes or standards.

(b) Each secure juvenile facility shall establish procedures to ensure:

(1) an adequate fire protection service is maintained;

(2) a system of fire inspections and testing of equipment is conducted at least quarterly by a qualified person;

(3) an annual inspection is conducted by the State Fire Marshal's Office;

(4) adequate fire protection equipment is maintained throughout the secure juvenile facility at locations designated by the State Fire Marshal's Office;

(5) a qualified fire and safety officer is responsible for periodic inspections; (6) flammable, toxic and caustic materials are

controlled, labeled, handled, stored and disposed of properly; and

- (6) flammable, toxic and caustic materials are controlled, labeled, handled, stored and disposed of properly; and
- (7) at least two fire drills are conducted per quarter during the year.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-129. General emergency procedures

- (a) Temporary unit closure shall be a programmed response to significant unit/facility disorders and may also be utilized in other types of emergencies;
- (b) Emergency evacuation plans shall be posted in prominent locations on all floors of every building and include the locations of primary and secondary exits;
- (c) Tornado drills shall be conducted each September and March;
- (d) There shall be an established system for immediate emergency notification of secure facility juveniles and employees, as well as emergency responders;
- (e) Power generators and/or alternate emergency power sources shall be inspected weekly and load tested quarterly.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 33 Ok Reg 455, eff 7-30-15 (emergency); Amended at 33 Ok Reg 1728, eff 9-11-16]

377:3-13-130. Intake/Screening criteria

- (a) A staff member shall be assigned the responsibility for ensuring a newly arrived juvenile successfully completes the admission process, from arrival at the facility to introduction to staff at the assigned unit.
- (b) The court order of commitment and a placement worksheet for a new juvenile admission shall be reviewed to determine if the documents are complete and the juvenile is properly admitted to the facility.
- (c) All new juvenile admissions shall receive a health/medical screening, mental health screening and a suicide screening by a qualified person within one (1) hour of admission.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-131. Admission procedures

- (a) The secure facility shall have admission procedures that ensure juveniles are within the legally prescribed ages, and require a legal order of custody signed by the committing judge.
- (b) Initial admission procedures. When a juvenile is received for admission, the facility administrator or designee shall review the order of commitment to determine if the juvenile is being properly admitted. In order to be admitted, the juvenile must be within the legally prescribed ages and the order committing him or her must be signed by the committing judge.
- (c) A juvenile body disrobement search by gender appropriate staff and a complete search of the juvenile's property shall be conducted for contraband and facility prohibited items (FPI).

(d) A nurse shall interview the juvenile, review immunization records, complete routine lab work, obtain medical consent signatures and fill out a nursing assessment form.

(e) Staff shall make initial phone contact with the juvenile's family/guardian and the juvenile shall be allowed to speak with the contacted family member/guardian.

(f) Pictures of the juvenile shall be taken and basic personal data verified for the establishment of the juvenile's file.

(g) The juvenile shall be provided an orientation session that includes the issuance of the facility's juvenile handbook, with written receipt for the handbook retained in the juvenile's file.

(h) The juvenile shall be issued appropriate clothing and personal hygiene items and allowed to shower, if necessary.

(i) Upon completion of the admission process, an admission letter shall be sent to the juvenile's parents/guardian to acquaint them with the following secure facility information:

(1) the facility address and phone number;

(2) directions to the facility;

(3) visitation days/hours/rules/procedures;

(4) telephone and mail rules/procedures;

(5) provide information about clothing and personal property; and

(6) other secure facility policies which may include parental involvement.

(j) The juvenile shall have a health/medical assessment and a dental assessment, with x-rays and cleaning, conducted within fourteen (14) days of admission, unless there is documentation of a health/medical assessment within the previous ninety (90) days.

(k) Within thirty (30) days of admission juveniles shall have a speech and hearing evaluation conducted, as well as a psychiatric evaluation for those juveniles taking psychotropic medications. The psychiatrist shall issue orders regarding the administration of psychotropic medications until the juvenile is psychiatrically evaluated.

(l) All juveniles shall receive written health/medical clearance prior to participation in any physical training/recreational activities.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-132. Juvenile rights and grievance procedures

(a) Juvenile rights shall be consistent with 10A O.S., §§ 2-5-212(D) and 2-7-603(B), and 377:10-1-2, where applicable.

(b) Juvenile grievance procedures shall conform to the provisions contained in O.A.C. 377:3-1-27 and 377:3-1-28.

(c) Juvenile rights and grievance procedures shall be included in the juvenile handbook issued to new juvenile admissions during orientation.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-133. Visitation procedures

(a) Written policy and procedure shall:

- (1) specify how many visitors the juvenile can receive;
 - (2) specify how often visitation is available;
 - (3) require the maintenance of a log of persons allowed to visit; and
 - (4) designate the length of the visitation.
- (b) Written policy and procedures shall also address the following:
- (1) visits may be limited by the facility's schedule, space, and personnel constraints or where there are other substantial reasons to justify limiting visitations;
 - (2) juveniles have the right to refuse visitation;
 - (3) all visitors are subject to searches; and
 - (4) a written record shall be maintained of visitation restrictions and the subsequent review of those restrictions.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-134. Clothing provision

- (a) A standard seasonable uniform shall be issued to all juveniles. The facility shall provide a list of clothing items issued to the juvenile and document the issuance of the clothing items with a written receipt.
- (b) The repair, replacement and cleaning of facility issued clothing items shall be provided by the facility.
- (c) The facility shall restrict inappropriate clothing items (i.e. pictures, slogans references, logos regarding gangs, drugs or sex).

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-135. Personal hygiene provision

- (a) Juveniles shall have daily access to proper bathroom/shower facilities, assigned clean clothes, and personal hygiene supplies.
- (b) The staff shall issue and supervise the use of facility-approved hygiene products.
- (c) The hygiene products shall be securely stored and maintained separately from all other types of chemical supplies.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-136. Juvenile case records

- (a) The facility staff shall establish and maintain a confidential record on each juvenile admitted to the facility and ensure it is safeguarded from unauthorized and improper disclosure. The record includes, at a minimum, the following demographic information, if applicable:
- (1) name, nicknames, gender, race/nationality, date and place of birth, a copy of the birth certificate to establish legal citizenship;
 - (2) a copy of the drivers' license, social security number, Medicaid number;
 - (3) identifying marks, scars, tattoos;
 - (4) education status and last school attended;
 - (5) religious preference;

- (6) last known address and name of the person the juvenile resided with prior to admission;
- (7) name and relationship of the parent(s), guardian, legal custodian of the juvenile;
- (8) name, address and phone number of the emergency contact person;
- (9) name of the juvenile's attorney; and
- (10) signature of staff recording the juvenile's demographic information.

(b) In addition, each juveniles record shall include, at a minimum, the following confidential information:

- (1) documented legal authority to accept the juvenile;
- (2) county of commitment and legal transportation order;
- (3) date and time of admission;
- (4) inventory of personal property with the juvenile's signature on a receipt;
- (5) signed release of information forms for requested/distributed records;
- (6) signed statement(s) by the juvenile acknowledging participation in an orientation that includes the presentation of juvenile rights, program rules, grievance procedures, disciplinary processes and the issuance of the juvenile handbook;
- (7) reports of accidents and/or injuries involving the juvenile occurring while at the facility;
- (8) names of the juveniles' probation and/or parole officer and assigned caseworker;
- (9) grievances and disciplinary records;
- (10) final discharge or transfer report; and
- (11) signature of staff recording the juvenile's confidential information.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-136.1. Juvenile personal property

(a) Juveniles shall be allowed to have a limited number of personal possessions as outlined in the juvenile handbook.

(b) The secure facility shall establish inventory and storage practices to assure accounting and safeguarding of juvenile property.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-136.2. Liability

(a) The secure facility shall be responsible for reimbursing a juvenile whose personal property is lost after being accepted by the secure facility for storage and safekeeping. Reimbursement shall be in an amount equal to the item's fair market value.

- (1) For any item accepted for safekeeping, the juvenile shall:
 - (A) estimate the property's value;
 - (B) request that the secure facility worker enter the value on the juvenile's inventory list; and

- (C) initial the inventory.
 - (2) In instances where there is an obvious discrepancy between the juvenile's statement of the value of an item and that of the observation of the secure facility, the secure facility may refuse permission to keep the item at the secure facility.
 - (3) If an employee is identified as clearly negligent in the loss of items accepted for storage, the employee shall be responsible for reimbursing the loss to the secure facility.
- (b) The secure facility shall not be responsible for reimbursing a juvenile whose personal property was kept by the juvenile.
- (c) At the time of admission, staff shall screen personal items. Items not falling within policy should be sent to the parent, guardian or legal custodian by the end of the next working day.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-136.3. Records

(a) Complete medical records shall be maintained separately at the secure facility in a secure location. Information contained in the records shall include:

- (1) all treatment and medication administered;
- (2) the juvenile's medical history; and
- (3) periodic reports made by the physician as requested by the facility administrator.

(b) When a death occurs within the secure facility, the facility administrator shall:

- (1) hold a formal review;
- (2) sign a written summary of facts;
- (3) submit all information to the executive administration of the secure facility and the OJA Executive Director; and
- (4) request an autopsy by the State Medical Examiner's Office.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-137. Disciplinary procedures

Secure facility staff members shall protect the safety and constitutional rights of juveniles and seek a balance between expression of individual rights and preservation of facility order. The facility's disciplinary process shall include:

- (1) A list of prohibited acts and sanctions constituting minor rule violations and the following procedural safeguards:
 - (A) The procedure for addressing minor rule violations that is initiated by a staff report of an incident that includes the proper offense citation;
 - (B) A maximum time frame of five (5) days, excluding weekends and holidays, from the discovery of the offense to final disposition; and
 - (C) The list of minor rule violations that is included in the juvenile handbook issued to all juveniles during orientation.

- (2) A list of prohibited acts and sanctions constituting major rule violations and the following procedural safeguards:
- (A) The procedure for addressing major rule violations that is initiated by a staff report of an incident that includes the proper offense citation;
 - (B) Juveniles charged with major rule violations are scheduled for a hearing as soon as practicable, but no later than seven (7) days, excluding weekends and holidays, after being charged with a violation. Juveniles are notified in writing of the time and place of the hearing at least 24 hours in advance of the hearing;
 - (C) The list of major rule violations that is included in the juvenile handbook issued to all juveniles during orientation;
 - (D) A juvenile charged with a major violation of facility rules shall be given a written copy of the report containing the alleged rule violation(s) within 24 hours of the incident or within 24 hours of the facility staff's discovery of a violation. A hearing may be held within 24 hours of the violation notification providing the juvenile can prepare for the hearing with assistance, if needed, and furnishes written consent;
 - (E) A hearing is conducted with an opportunity to present evidence;
 - (F) The hearing officer shall issue a written decision within three (3) days excluding weekends and holidays; and
 - (G) An opportunity to appeal shall be provided.
- (3) Medical staff shall not impose sanctions on juveniles for refusing to accept medical care.
- (4) Rules regarding discipline are found in OAC 377:10-1-3.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-138. Medical and health care programs

- (a) The facility shall have a designated physician as a health care authority.
- (b) The health care authority shall be authorized to make and shall be responsible for making decisions about the deployment of health resources and the day-to-day operations of the health care services program.
- (c) Current credentials/licensures and job descriptions for health care providers shall be maintained at the facility.
- (d) Access to medical and dental records shall be restricted to authorized personnel.
- (e) All medical/health care records are confidential and shall be maintained in a separate secure file.
- (f) Each facility shall have written health care policy and procedures approved by a designated physician, which include the following:
 - (1) the arrival of a new juvenile admission shall require a medical and dental screening by a licensed nurse;

- (2) all medical screening findings shall be recorded on a form approved by the physician;
 - (3) all medication and first aid supplies shall be accounted for during the receiving, storing, dispensing, administering and distributing process; and
 - (4) medical and dental instruments and supplies (i.e. syringes, needles, scalpel blades, and other sharps) shall be under maximum secure storage, controlled, and perpetually inventoried under the supervision of on-duty secure facility staff.
- (g) Each secure facility shall have written policy and procedures for serious or common problems, including:
- (1) drug toxicity and withdrawal,
 - (2) pregnancy,
 - (3) sexually transmitted disease (STD),
 - (4) suicide threats, and
 - (5) emotional problems.
- (h) Each facility shall have written policy and procedures addressing the management of communicable and infectious diseases in juveniles, to include tuberculosis, hepatitis, HIV, and Methicillin-resistant Staphylococcus aureus (MRSA).
- (i) Upon arrival at the secure facility, all juveniles shall receive health care services information as contained in the juvenile handbook issued during orientation.
- (j) A medical/health care assessment shall be conducted within fourteen (14) days of admission unless there is documentation of a medical/health assessment within the previous ninety (90) days.
- (k) No member of the secure facility staff shall impede a juvenile's requests for access to health care services.
- (l) The use of medication for punishment, control or program management shall be prohibited.
- (m) The facility shall prohibit the use of juveniles for medical, pharmaceutical or cosmetic experiments.
- (n) If neurological problems are suspected in a case of learning disabilities, the medical services worker shall refer the juvenile for testing.
- (o) The staff shall refer a juvenile with speech and hearing defects to a speech pathologist.
- (p) The secure facility physician or licensed nurse shall review medical and dental records whenever possible prior to the juvenile's discharge or transfer. When a juvenile is transferred to another facility, the secure facility worker shall ensure that the juvenile's medical records or a summary of his or her medical records is forwarded to the receiving facility prior to or upon arrival.
- (q) Upon discharge/release the facility's designated physician shall sign a medical summary that is included in the juvenile's medical file.

377:3-13-138.1. [RESERVED]

[Source: Reserved at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-138.2. Medical isolation

The secure facility physician shall determine placement of any juvenile in medical isolation, according to the juvenile's diagnosis and medical risk.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-138.3. Administration of medications

- (a) Any medication administered to juveniles shall conform to the Medication Administration Recording System (MARS) standard for record keeping.
- (b) Medications shall be administered only by the physician, registered nurse, or other staff who have received approved training in administration of medications.
- (c) When prescription medications are used, the juvenile, parent/guardian/custodian, and appropriate staff members shall be made aware of the side effects of the medication and proof of said notification shall be maintained in writing.
- (d) Rules regarding administration of drugs shall not preclude the use, with informed consent, of drugs which are capable of relieving specifically identified psychiatric symptoms. If used, the individual plan of treatment must state the specific benefits expected for specific symptoms or complaints and must document observed benefits or other effects no less than monthly.
- (e) Psychotropic medication(s) administered to juveniles shall comply with applicable laws and regulations of the jurisdiction.
- (f) Medications such as stimulants, tranquilizers, or psychotropics shall be administered only as a part of a program of medically approved therapy. The administration of such drugs shall be periodically monitored by a licensed psychiatrist according to accepted medical standards.
- (g) Telephone orders between a psychiatrist and a requesting nurse shall only occur when the nurse has had prior involvement in the case and the administration of any drugs and when the nurse has personal knowledge of the patient's medical needs. Telephone orders and the patient will be reviewed by a physician or psychiatrist within 48 hours of administration.
- (h) When a juvenile is confined to medical isolation or the unit for medical reasons, the designated staff shall bring medications to be administered to the juvenile at that location.
- (i) When a juvenile is placed in another setting, including community placement, another secure facility, or a contract facility, the designated staff member shall send a three-day supply of the juvenile's prescribed medications with the juvenile.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-138.4. Juvenile's refusal of medical services

- (a) A juvenile shall have the right to refuse non-necessary medical care.
- (1) Non-necessary medical care, as determined by the physician, consists of procedures and treatments that do not pose a serious threat to the juvenile's health if not performed. If the physician determines that omission of the care poses a serious threat to the juvenile's health, the care shall be considered necessary.
 - (2) When a juvenile refuses non-necessary medical care, the juvenile shall complete, date, and sign the appropriate form indicating his or her refusal. The physician shall include a written explanation of the need for the care recommended and the probable consequences of not receiving the care.
- (b) The secure facility shall have in place a policy that governs how to respond to a juvenile who refuses necessary medical services. It shall include the following:
- (1) that the juvenile receive life sustaining emergency medical services; and
 - (2) that the juvenile shall receive counseling to accept necessary medical services.
- (c) If the juvenile continues to refuse medical treatment, the facility administrator shall ensure that:
- (1) the juvenile shall be hospitalized;
 - (2) the juvenile shall be referred to the court of jurisdiction as unmanageable in order to compel enforcement of necessary medical services; and
 - (3) the juvenile's parent or guardian shall be notified.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-138.5. Emergency medical services

Each secure facility shall have a written arrangement for the use of one or more designated hospital emergency rooms to provide 24-hour emergency medical, dental, and mental health care. The secure facility shall have a written agreement with the hospital for evacuation of the juvenile from the facility by use of an emergency medical vehicle.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-139. Suicide prevention program/guidelines

There shall be a written suicide-prevention program approved by the designated health and mental health authority and reviewed by the facility superintendent. The program shall include specific procedure and documentation for performing intake, screening, identifying, and supervising juveniles exhibiting suicidal behavior. The program shall include management review of suicidal incidents, suicide precautions, death of a juvenile or staff member, and staff and juvenile critical-incident debriefing. All direct care staff shall be trained annually in suicide prevention.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-140. Treatment programs

(a) Each secure facility shall provide professional services necessary to meet the identified needs of juveniles. At a minimum services shall include:

- (1) individual, group and family counseling;
- (2) family planning and parent education; and
- (3) programs for juveniles with drug and alcohol problems.

(b) An initial treatment plan for each juvenile shall be completed within seven (7) days of admission to the secure facility.

(c) A final treatment plan shall be completed for each juvenile within thirty (30) days of admission to the secure facility.

(d) The facility shall document resident and parent/guardian/legal custodian participation in the development of the treatment plan.

(e) Treatment plan reviews shall be completed and documented on a monthly basis.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-140.1. Diagnostic evaluation

Each juvenile placed in a secure facility shall receive diagnostic services except a juvenile who had a diagnostic evaluation immediately prior to admission. The diagnostic evaluation shall include:

- (1) a complete medical examination;
- (2) a complete dental examination;
- (3) family and social summary;
- (4) an educational and vocational evaluation;
- (5) a psychological evaluation;
- (6) a neurological appraisal; and
- (7) a speech and hearing evaluation.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-141. Educational programs

A secure juvenile facility shall maintain an educational program in accordance with state laws and the policies and procedures of the Oklahoma Department of Education. Unless otherwise provided by law, the secure facility shall verify there is a current teaching certificate on file for each educational instructor and that each instructor is teaching the course for which they are qualified.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-142. Recreational programs

A secure facility shall post a daily written schedule of offered recreational and physical exercise activities, which includes at least one hour of large muscle activity and may include one hour of structured leisure activity.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-143. Discharge procedures

(a) All juveniles released from a secure facility shall have a completed discharge summary placed in the case record and the case record shall be maintained in a confidential manner.

(b) The juvenile's case record shall be disposed of in accordance with state and federal law.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-144. Security and control

(a) Juvenile count.

(1) At least one daily uninterrupted juvenile population count shall be conducted on each shift;

(2) The results of the population count shall be transmitted to central control where it is documented and available at all times; and

(3) No movement of juveniles shall be permitted during the population count.

(b) **Mail security.** The secure facility shall have a mail security policy that shall include the following:

(1) A child shall have constant access to writing materials and may send mail without limitation, censorship or prior reading, and may receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband, as defined by 57 O.S., § 21 or as otherwise defined by rules promulgated by the Board of Juvenile Affairs, or to inspect for material harmful to minors, as defined by 21 O.S., § 1040.75. Provided that, when based on legitimate facility interests of order and security as determined by the facility administrator, mail addressed to a child or sent by a child may be read, censored, or rejected, except that mail addressed to a child from the attorney of the child or sent by the child to the attorney of said child shall not be opened, censored, or withheld in any way. The child shall be notified when incoming or outgoing mail is withheld in part or in full.

(A) Legitimate facility interests may include but are not limited to:

(i) for security reasons where a clearly documented reason exists, e.g., the correspondent has aided the juvenile in planning an escape or has used the mail to send the juvenile contraband items;

(ii) where it is clearly documented that the correspondence is from a person whose continued relationship poses a threat to the juvenile's treatment or rehabilitation; or

(iii) when the correspondence is from correctional facility inmates whose continued relationship poses

a threat to the juvenile's treatment or rehabilitation.

(B) In any of the above cases, staff shall return the unopened mail to its point of origin, unless it is clearly documented that the correspondence is from a relative.

(c) Control of contraband and Facility Prohibited Item (FPI).

(1) Contraband is defined as any item introduced or found in the secure facility, the mere presence or possession of which shall constitute a violation of criminal law. Contraband discovery procedures require:

(A) confiscation by staff with the completion of a report prior to the end of the shift;

(B) a log entry by staff containing the contraband description and names of involved person(s);

(C) placement of the contraband into secure storage;

(D) a notification to the facility administration for the initiation of a criminal investigation; and

(E) the establishment of a timeline and procedures for storing and disposing of contraband;

(2) A Facility Prohibited Item (FPI) is defined as an item in an individual's possession or control, which is a violation of facility, or unit rules, but does not constitute a violation of criminal law.

FPI discovery procedures require:

(A) The confiscation of the FPI by staff with the completion of a report prior to the end of the shift;

(B) a log entry by staff containing the FPI description and the names of involved person(s);

(C) non-perishable FPI confiscated from a juvenile shall be entered on the juvenile's personal property inventory and, if appropriate, returned upon the juvenile's release;

(D) all other non-perishable FPI confiscated from staff, visitors or others shall be inventoried and properly disposed of when no longer administratively necessary;

(E) all perishable FPI shall be photographed, if necessary, and immediately disposed of in an appropriate manner;

and

(F) the opportunity for juveniles to challenge the confiscation of FPI through the established grievance procedure.

(d) Searches.

(1) **General area search** is defined as a random search of all areas of the secure facility for the security and safety of the juveniles and staff.

(A) The facility administrator shall authorize the procedures through the distribution of a post order.

(B) The search shall be accomplished under the direction of a security shift supervisor by teams of two or more staff trained in conducting searches.

(C) The use of a canine may be authorized, if appropriate and available.

(D) Dates and times for the searches shall be at the discretion of the secure facility's administrator.

(E) The objective of the searches shall be to discover and confiscate contraband and/or FPI.

(F) The completion of staff reports shall be required before the end of shift.

(2) **Specific area search** is defined as a search limited to a certain time and area involving juveniles' personal property in one or more juvenile living quarters.

(A) The search shall be based on reasonable suspicion that a juvenile(s) is in possession of contraband and/or FPI or without reasonable suspicion upon the routine transfer of a juvenile from one living area to another.

(B) A facility administrator shall authorize a search based upon reasonable suspicion while a shift supervisor or above shall authorize a search based on a routine transfer.

(C) The search shall be accomplished under the direction of a security shift supervisor by teams of two or more staff trained in conducting searches.

(D) The use of a canine may be authorized, if appropriate and available.

(E) The date and time for the search shall be specific to the event establishing reasonable suspicion or to the date, time and location of the routine juvenile transfer.

(F) The search objective shall be to discover and confiscate contraband and/or FPI and/or recover missing property and/or injurious item(s).

(G) The completion of staff reports shall be required prior to the end of shift.

(3) **Juvenile body search** is defined as observing and touching the body to discover contraband and/or FPI and is described from the least intrusive to the most intrusive types of search:

(A) **Pat search** is considered to be a routine search and the least intrusive type of search.

(i) It shall be routinely conducted based on suspicion of contraband and/or FPI on the juvenile's person.

(ii) It shall be routinely conducted:

(I) Upon the completion of work assignments (i.e. kitchen, maintenance, etc.); or

(II) At the conclusion of visitation;

(III) After returning from recreation or from school; or

(IV) Following a restraint.

(iii) The search shall be conducted by a minimum of two staff members trained in searches, one of whom shall be the same gender as the juvenile, except in an emergency situation.

(iv) Procedures for conducting the search include:

- (I) The use of hands to pat the outside clothing covering the body;
- (II) The back of the hands shall be used to pat the genitals, buttocks (males and females) and breasts (female); and
- (III) The search may include the removal of coat, hat, gloves, shoes and socks.

(v) A written report shall be required by the end of the shift only when an illegal and/or prohibited item(s) is found.

(B) **Disrobement search** is considered intrusive and involves the complete removal of all clothing items from the body.

(i) This search requires reasonable suspicion that a juvenile(s) is in possession of contraband and/or injurious item(s) and shall be conducted pursuant to verbal or written authorization from the facility administrator or designee.

(ii) The search shall be routinely conducted:

(I) During admission to the secure facility;
or

(II) During discharge from the secure facility; or

(III) Upon return from a pass; or

(IV) Upon return from any appointment, court appearance, event or activity outside the perimeter fence of the secure facility.

(iii) The search shall be accomplished under the direction of a security shift supervisor by a minimum of two staff members trained in searches, both of whom are the same gender as the juvenile.

(iv) The search shall be conducted in a professional manner in an area that prevents observation by other staff and/or other juveniles and not covered by surveillance cameras.

(v) A written report is required by the end of the shift whether or not an illegal and/or prohibited item(s) is found.

(C) **Cavity search** is defined as a non-routine and intrusive search that involves medical personnel in searching the internal areas of body orifices.

(i) The search requires prior written authorization by the facility's administrator or designee based on written facts that would lead a reasonable person to believe a juvenile is carrying contraband and/or injurious item(s) in a body cavity.

(ii) The search shall only be conducted by a physician at the secure facility or by medical personnel at a local hospital.

(iii) A written report shall be required by the end of the shift documenting the search, including the

names of the medical personnel involved, whether or not an illegal and/or prohibited item(s) is found.

(4) Each facility shall maintain a stationary and mobile magnetometer in good working order. All juveniles, staff, and visitors shall be required to pass through the facility's magnetometer (metal detector), and hand-wand if necessary, prior to entry into the facility.

(e) Staff ratios.

(1) The ratio of staff to juveniles on a unit shall not be less than 1 to 10 during waking hours and 1 to 12 during sleeping hours. For units composed entirely of secure individual sleeping rooms the ratio shall not be less than 1 to 10 during waking hours and 1 to 14 during sleeping hours.

(2) At least one staff member of the same gender as the juveniles shall be on duty within the facility on each shift.

(3) Juveniles shall be supervised at all times. Each secure facility shall maintain a plan that details the frequency of visual checks of juveniles made by the staff.

(f) Surveillance plan.

(1) The secure facility shall have a plan for surveillance of all areas of the facility's perimeter. Outside lighting must be sufficient to provide visibility under all conditions with no blind spots.

(2) The facility shall maintain a camera system that is in working condition and monitored by staff in real time with recording capabilities to maintain a minimum of ninety (90) days of video.

(g) Door security.

(1) All perimeter security doors to the living units shall be locked and doors to vacant or unoccupied living units and storage rooms shall remain locked when not in use.

(2) The facility shall maintain a backup release system that allows for the immediate release of juveniles from locked areas in the event of an emergency.

(h) Key control.

(1) The facility's key control system shall include:

(A) The maintenance of a log of all keys with lock locations and names of employees possessing keys;

(B) Key storage that permits easy determination of the presence or absence of keys;

(C) The maintenance of at least one duplicate key for each lock in the facility;

(D) A central area from which keys are issued; and

(E) The labeling of all keys to include color-coding and touch identification of emergency keys.

(F) No keys shall be taken off the premises except as authorized by the facility administrator.

(i) Physical force.

(1) Use of force is authorized, as provided in 10A O.S., § 2-7-604 and 377:10-1-4.

(2) Use of physical force requires a medical evaluation and photo(s) of the juvenile(s) immediately following the incident.

(3) A written report is required prior to the end of shift following all uses of physical force.

(j) **Mechanical restraints.** The standards regarding mechanical restraints are found in 10A O.S., § 2-7-604 and 377:10-1-4.

(k) **Oleoresin Capsicum.** The use of Oleoresin Capsicum (OC) spray shall conform to 377:10-1-4.1.

(l) **Solitary Confinement.**

(1) The use of confinement as a method of intervention with juveniles shall be limited to the following:

(A) Solitary confinement is the involuntary removal of a juvenile from contact with other persons by confinement in a locked room, including the juvenile's own room, except during normal sleeping hours. Solitary confinement is a serious and extreme measure to be imposed only in emergency situations. It may be imposed only upon a juvenile in a secure facility who is out of control and is a serious and immediate physical danger to him or herself or others, and only after less restrictive methods of control have failed.

(B) Solitary confinement shall not be used for punishment at any secure facility. No juvenile shall remain continuously in solitary confinement in excess of three (3) hours. As soon as the juvenile is sufficiently under control so as to no longer pose a serious and immediate danger to him or herself or others, the juvenile shall be released from solitary confinement. The use of such confinement is not limited to three (3) continuous hours within any twenty-four (24) hour period when the juvenile is out of control and poses a continuing serious and immediate physical danger to him or herself or others, provided that any juvenile who meets this required standard for such confinement for a period in excess of three (3) continuous hours must be examined by a licensed mental health professional at the conclusion of the 3-hour period.

(C) All rooms used for solitary confinement shall have at least eighty (80) square feet of floor space, and shall have toilets, potable water, and adequate lighting, heating/cooling, and ventilation for the comfort of the juvenile. Juveniles in solitary confinement shall have access to appropriate medical and psychological services.

(2) A facility shall establish procedures for solitary confinement that include:

(A) a log of events to include date, time, location and rationale;

(B) staff visual observation of juvenile behavior as documented every fifteen minute period the juvenile is in solitary confinement; and

(C) reauthorization by the facility administrator after every twenty-four (24) hour period of time the juvenile has been in solitary confinement.

(3) Juveniles are afforded living conditions and privileges based on their behavior.

(4) The establishment of a cool down period and time out periods appropriate types of interventions for inappropriate juvenile behaviors.

(m) Firearms and tools.

(1) Firearms shall not be permitted in the secure facility except for law enforcement officers during emergency situations.

(2) All tools and kitchen utensils shall be classified, controlled and stored based on their level of risk for death or serious injury.

(n) Escape. The facility shall develop procedures for apprehension of juveniles who escape from the facility to include notification of law enforcement agencies and OJA criminal investigators.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-145. Transportation procedures

(a) The Superintendent or designee shall assign responsibility for transportation of juveniles to a specific staff member. At least one employee of the same sex shall accompany any transported juvenile.

(b) Facility policy shall outline written requirements specific to vehicle use and maintenance, staff responsibilities and oversight, establishment of a transportation log and vehicle insurance.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-146. Staff training

(a) All new direct care workers and professional specialist staff shall receive 120 hours of orientation training during their first year of employment and 40 hours of training each subsequent year of employment. At a minimum, the training shall cover:

- (1) security procedures;
- (2) supervision of juveniles;
- (3) suicide intervention/prevention;
- (4) use-of-force;
- (5) juvenile rules and regulations;
- (6) safety procedures;
- (7) key control;
- (8) interpersonal relations;
- (9) communication skills;
- (10) cultural awareness;
- (11) sexual abuse/assault; and
- (12) ethics training.

(b) Medical training requirements

(1) The facilities shall establish an employee orientation and training program that includes:

- (A) The recognition of signs and symptoms of illness or injury and knowledge of action required in potential emergency situations;

- (B) The administration of first aid and cardiopulmonary resuscitation (CPR);
 - (C) The establishment of methods of obtaining assistance;
 - (D) The signs and symptoms of mental illness, retardation and drug and alcohol abuse; and
 - (E) The procedures for transfer to appropriate medical facilities or health care providers.
- (c) New direct care staff and professional care staff who work with juvenile shall receive orientation training before assignment as the only staff responsible for juveniles.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-147. Personnel practices

- (a) The facility shall comply with state law requirements for each applicant for employment. The facility shall not employ or retain any person for whom there is documented evidence that the employee would endanger the health, safety, and/or well-being of juveniles.
- (b) The criminal background check shall be maintained separately from the employee's personnel file.
- (c) All personnel shall be selected, retained, and promoted on the basis of merit and specified qualifications should be examined by individuals from outside the facility to ensure the system is open and fair.
- (d) Equal employment opportunities shall exist for all positions.
- (e) All professional specialists shall be qualified in their fields as determined by their job description.
- (f) Employees who have direct contact with juveniles shall receive a physical examination prior to a job assignment. Employees receive reexaminations according to a defined need or schedule.
- (g) All employees shall be provided annual performance reviews.
- (h) The facility personnel manual shall be accessible to employees through hard copy or electronic means.
- (i) The facility shall establish a grievance process available to all employees.
- (j) The facility shall maintain a current, accurate and confidential personnel record on each employee.
- (k) A separate confidential medical file shall be established for each employee.
- (l) A training file shall be established for each employee.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-147.1. Background history records searches

- (a) The Office of Juvenile Affairs, through direct request, shall require a records search for each applicant for employment, which shall include the following:
 - (1) a national criminal history records search based upon submission of fingerprints that shall be provided by the Oklahoma State Bureau of Investigation (OSBI), including Rap Back notification, and the Federal Bureau of Investigation (FBI)

pursuant to National Child Protection Act, 42 U.S.C.A. § 5119a, and 74 O.S. § 150.9, provided both the OSBI and FBI act in their designated role;

(2) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(4) a search of the Department of Corrections (DOC) Sex Offender Registry;

(5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(6) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;

(A) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(B) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

(7) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.

(8) the Office of Juvenile Affairs shall make a direct request for background searches to be conducted on behalf of any:

(A) operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs,

(B) employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs, or

(C) persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs.

(b) Criminal history investigation. The facility shall not employ or retain any person for whom there is documented evidence that the employee would endanger the health, safety, and/or well-being of juveniles.

(1) A facility shall not employ or retain an individual who has been:

(A) convicted of or entered a plea of guilty or nolo contendere to any felony involving:

(i) violence against a person;

(ii) child abuse or neglect;

- (iii) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sell, or distribute illegal drugs;
- (iv) sexual misconduct;
- (v) gross irresponsibility or disregard for the safety of others;
- (vi) any crime against a child; or

(B) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(2) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(A) The facility may consider, document, and submit to the Office of Public Integrity within 10 days of the employee's first day of work the:

- (i) type of crime or offense for which the individual was convicted or a finding was made; and
- (ii) reference letters concerning the individual in question.

(B) The Office of Public Integrity may make a recommendation to the facility administrator as to whether the applicant for employment should be approved or disapproved.

(3) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-147.1(b)(1), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

(4) If the facility becomes aware of any person being formally charged with any of the criminal offenses described in OAC 377:3-13-147.1(b)(1), he or she must be removed from contact with juveniles until the charges are resolved.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15 ; Amended at 35 Ok Reg 1765, eff 9-14-18]

377:3-13-147.2. Sexual activity

No staff member shall engage in any sexual activity with a juvenile. Violation of this rule shall result in termination and/or criminal prosecution.

[Source: Added at 32 Ok Reg 1980, eff 9-11-15]

377:3-13-148. Abuse/neglect reporting procedures

Facility policy shall outline reporting requirements for staff in accordance with Title 10A O.S., § 1-2-101, 10A O.S., § 1-9-112 and O.A.C. 377:3-1-25.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10]

377:3-13-149. Food and nutrition requirements

(a) All facilities shall comply with regulations promulgated by Oklahoma State Department of Health Rules and Regulations pertaining to food service establishments and applicable accreditation standards approved by OJA.

(b) A qualified nutritionist or dietician shall review and approve the facility's dietary menus at least annually to ensure nationally recommended, age- appropriate, daily allowances for basic nutrition are met. Food service supervisory staff shall verify adherence to the established basic daily servings and shall conduct menu evaluations at least quarterly.

(c) Therapeutic diets shall be prepared and served by written orders of a physician pursuant to federal and state law.

[Source: Added at 27 Ok Reg 638, eff 1-8-10 (emergency); Added at 27 Ok Reg 2182, eff 7-15-10 ; Amended at 32 Ok Reg 1980, eff 9-11-15]

SUBCHAPTER 15. INFORMATION TECHNOLOGY DEPARTMENT

PART 1. GENERAL PROVISIONS

377:3-15-1. Purpose

The Information Technology Department is the unit designated by the Office of Juvenile Affairs (OJA) to develop and maintain a management information system. The system includes all OJA programs and services related to juveniles and their families. The system developed is the Juvenile-On-Line Tracking System (JOLTS).

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 24 Ok Reg 1392, eff 7-1-07]

377:3-15-2. Legal basis

The management information systems are authorized by 10A O.S., §§ 2-7-308 and 2-7-905.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-15-3. JOLTS requirements

(a) Pursuant to 10A O.S., §§ 2-7-308 and 2-7-905, the OJA management information system:

(1) is based on integration, utilization, or modification of existing systems within the Department;

- (2) ensures the privacy, security, and limited access to the information contained within JOLTS;
- (3) includes specific case information, including outcomes, and monitors the status of juveniles receiving services from OJA;
- (4) provides management reports and information relating to OJA programs, as well as total information required for planning, monitoring, and evaluation of programs; and
- (5) ensures that reports are immediately generated by staff requesting the report.

(b) The Information Technology Department shall integrate the JOLTS system with DHS as provided by law.

(c) The management information systems is available to persons authorized to obtain OJA's confidential reports and records as per Article VII of the Oklahoma Juvenile Code, the Juvenile Offender Tracking Program, and OJA rules.

[Source: Added at 14 Ok Reg 1863, eff 6-2-97 ; Amended at 24 Ok Reg 1392, eff 7-1-07 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

PART 3. PLANNING, RESEARCH, AND EVALUATION SERVICES

377:3-15-15. Purpose [REVOKED]

[Source: Added at 17 Ok Reg 3132, eff 7-27-00 ; Revoked at 22 Ok Reg 2070, eff 7-1-05 ; Revoked at 22 Ok Reg 2070, eff 7-1-05]

377:3-15-16. Annual reporting responsibilities [REVOKED]

[Source: Added at 17 Ok Reg 3132, eff 7-27-00 ; Revoked at 22 Ok Reg 2070, eff 7-1-05]

377:3-15-17. Other services [REVOKED]

[Source: Added at 17 Ok Reg 3132, eff 7-27-00 ; Revoked at 22 Ok Reg 2070, eff 7-1-05]

SUBCHAPTER 16. OFFICE OF PLANNING AND RESEARCH [REVOKED]

377:3-16-1. Purpose [REVOKED]

[Source: Added at 22 Ok Reg 2070, eff 7-1-05 ; Revoked at 24 Ok Reg 1392, eff 7-1-07]

377:3-16-2. Legal basis [REVOKED]

[Source: Added at 22 Ok Reg 2070, eff 7-1-05 ; Revoked at 24 Ok Reg 1392, eff 7-1-07]

377:3-16-3. Planning and reporting requirements [REVOKED]

[Source: Added at 22 Ok Reg 2070, eff 7-1-05 ; Revoked at 24 Ok Reg 1392, eff 7-1-07]

377:3-16-4. Other Services [REVOKED]

[Source: Added at 22 Ok Reg 2070, eff 7-1-05 ; Revoked at 24 Ok Reg 1392, eff 7-1-07]

SUBCHAPTER 17. FEDERAL FUNDS DEVELOPMENT UNIT

PART 1. GENERAL PROVISIONS

377:3-17-1. Purpose

The purpose of this Subchapter is to describe the rules pertaining to the Federal Funds Development Unit (FFDU).

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 17 Ok Reg 3132, eff 7-27-00]

377:3-17-2. Legal basis

The authority for the functions of the Federal Funds Development Unit is found in 10A O.S., § 2-7-304.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 17 Ok Reg 3132, eff 7-27-00 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-17-3. OSFFD functions [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

PART 3. PLANNING, RESEARCH, AND EVALUATION SERVICES [REVOKED]

377:3-17-15. Purpose [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

377:3-17-16. Annual reporting responsibilities [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

377:3-17-17. Other services [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

PART 5. FEDERAL-STATE COORDINATION AND TECHNICAL ASSISTANCE SERVICES

377:3-17-25. Purpose

The Federal Funds Development Unit supports the Executive Director's, the Chief of Staff's and the Board of Juvenile Affairs' work with Oklahoma's Congressional delegation, other governmental entities, and national organizations to maximize resources devoted to preventing delinquency, protecting the public and for changing juvenile offenders into productive citizens. The purposes of FFDU are to:

- (1) identify and promote the use of exemplary juvenile crime control-prevention strategies that work;
- (2) organize the coordinated efforts of communities, the private sector, and Federal, State and local governments to continually improve the juvenile justice system; and
- (3) assist OJA in efficiently administering available resources.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 17 Ok Reg 3132, eff 7-27-00 ; Amended at 24 Ok Reg 1392, eff 7-1-07]

377:3-17-27. Maximize fiscal resources

(a) Staff shall identify state, federal, and private funding sources which can be used to fund juvenile justice and delinquency prevention services to juveniles coming to the attention of OJA. Staff shall notify local OJA staff, communities, and other children and youth service agencies of funding opportunities.

(b) FFDU staff shall provide technical assistance to potential applicants on the requirements related to Request for Funding Proposals (RFP) and Grant Guidelines. Technical assistance is provided to assist local OJA staff, communities, and public or private funding agencies in:

- (1) developing a responsive proposal;
- (2) planning and implementing new programs;
- (3) making adjustments to existing programs; and
- (4) assessing the community and system needs.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 17 Ok Reg 3132, eff 7-27-00]

377:3-17-28. Proposals seeking only an OJA Letter of Support

Any group outside of OJA may seek a letter of support from the Executive Director of OJA or the Chief of Staff of OJA for proposals on which there has been no prior collaboration on behalf of this agency. An outside entity seeking a letter of support shall ensure its request is received by OJA no later than five (5) days before the deadline date for submittal of the proposal. The request must be accompanied by the original copy of the proposal under signature of the requesting entity's Chief Executive Officer.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 24 Ok Reg 1392, eff 7-1-07]

377:3-17-29. Federal/state liaison

(a) FFDU staff shall maintain a depository of federal legislation and regulations, interpret federal requirements, and conduct policy analysis of the impact of mandates upon state juvenile justice programs and delinquency prevention initiatives.

(b) FFDU staff shall keep up with changes in mandates that accompany the:

(1) Department of Human Service's State Plans for:

(A) Titles IV-B, IV-E, and XX of the federal Social Security Act; and

(B) the Oklahoma State Plan for Temporary Assistance for Needy Families (TANF) block grant; and

(2) the Oklahoma Health Care's State Plan for Title XIX for the purpose of participation in the programs.

(c) OJA is included in State Plans for participation in every program mentioned in paragraph (b) of this section.

(d) A "Random Moment Time Study" methodology, Cost Allocation Plan, and eligible population rates are used to determine federal financial participation for administration, training, and program operations costs and expenditures.

(e) Whenever a juvenile is placed in any jail, adult lockup, or other detention facility, the Office of Juvenile Affairs shall have access to all facilities which detain such juveniles and shall have access to any data regarding such juveniles. The Office of Juvenile Affairs shall have access to all jails, adult lockups, or other adult facilities in this state, including all data maintained by such facilities, to assure compliance with this section.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Amended at 17 Ok Reg 3132, eff 7-27-00 ; Amended at 32 Ok Reg 398, eff 11-17-14 (emergency); Amended at 32 Ok Reg 1997, eff 9-11-15]

377:3-17-30. Title IV-E

(a) In order to receive Title IV-E funds, OJA shall administer a program for foster care that meets all the requirements of Titles IV-B and IV-E of the Social Security Act.

(b) Since the Department of Human Services is the designated IV-E state agency, OJA must adhere to DHS rules set forth in OAC 340:75-13, Part 2.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99]

377:3-17-31. Title XIX targeted case management

Rules regarding Title XIX targeted case management services are promulgated by the Oklahoma Health Care Authority. Rules are set forth in OAC 317:30-5, Part 97.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99]

377:3-17-32. Title XIX residential behavioral management services in group settings and non-secure diagnostic and evaluation centers

Rules regarding Title XIX residential behavioral management services in group settings and non-secure diagnostic and evaluation centers are promulgated by the Oklahoma Health Care Authority. Rules are set forth in OAC 317:30-5, Part 105.

[Source: Added at 16 Ok Reg 2967, eff 7-12-99]

PART 9. PROPERTY MANAGEMENT [REVOKED]

377:3-17-35. Property management responsibilities [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

PART 11. CONTRACTING [REVOKED]

377:3-17-65. Contracting [REVOKED]

[Source: Added at 16 Ok Reg 2967, eff 7-12-99 ; Revoked at 17 Ok Reg 3132, eff 7-27-00]

SUBCHAPTER 19. CONTRACT, PROCUREMENT, AND SUPPORT SERVICES

377:3-19-1. Purpose and legal base

The purpose of this subchapter is to describe rules pertaining to contract, procurement, and support services. The authority for the Office of Contract, Procurement, and Support Services to carry out its duties is found in 10A O.S., § 2-7-101(H)(7).

[Source: Added at 17 Ok Reg 3134, eff 7-27-00 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

377:3-19-2. Property management responsibilities

Designated staff shall:

- (1) properly account for assets pertaining to facilities and materials, in accordance with state laws and procedures;
- (2) establish and maintain procedures for routine inspection and inventory of state property; and
- (3) maintain a space management program which ensures adequate facilities for all field agency operations.

[Source: Added at 17 Ok Reg 3134, eff 7-27-00 ; Amended at 21 Ok Reg 2428, eff 7-1-04]

377:3-19-3. Contracting

(a) In accordance with the Central Purchasing Act, 74 O.S., as amended, OJA shall develop internal procurement procedures, including procedures to ensure that sole source contracts comply with all relevant

state and federal laws and the OJA Board will be notified of any approved contracts at the next Board meeting.

(b) In accordance with 10A O.S., § 2-7-101(H)(7), OJA shall develop internal contracting procedures.

(c) The Executive Director shall establish final signature authority for all OJA acquisition forms and will notify the OJA Board when changes are made to the signature authority.

[Source: Added at 17 Ok Reg 3134, eff 7-27-00 ; Amended at 21 Ok Reg 2428, eff 7-1-04 ; Amended at 28 Ok Reg 1981, eff 7-15-11]

CHAPTER 5. INSTITUTIONAL PLACEMENT

[Authority: 10A O.S., §§ 2-7-101, 2-7-301, and 2-7-601]

[Source: Codified 7-1-05]

SUBCHAPTER 1. GENERAL PROVISIONS

377:5-1-1. Purpose

The purpose of this subchapter is to provide rules for administrative parole hearings, administrative parole, step-down or reentry programs, and to establish due process for parole revocation and Administrative Transfer Hearings for juveniles.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 28 Ok Reg 1990, eff 7-15-11]

377:5-1-2. Mission

The Parole Board shall provide administrative and/or parole hearings when there is:

- (1) an application to revoke parole;
- (2) an application for an Administrative Transfer Hearing; or
- (3) a recommendation to deny parole.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05]

377:5-1-3. Legal basis

Granting parole, revoking parole, providing for a step-down or reentry program, and administratively transferring juveniles from a community placement (nonsecure) to an institution (secure) are administrative functions authorized by Title 10A O.S., §§2-7-301(B)(2), 2-7-601(A)(3), 2-7-601(B), and 2-5-212. The Parole Board is an Office within the Office of Juvenile Affairs (OJA) and is composed of persons designated by the Chief of Staff. The Chief of Staff or Parole Board shall assign staff to conduct hearings.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 28 Ok Reg 1990, eff 7-15-11]

377:5-1-4. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Step-down or reentry program" A step-down or reentry program means the release of a juvenile from institutional placement to a group home, transitional living program, independent living program, or other community-based facility or program, which focuses on reintegration of the juvenile into the community.

[Source: Added at 28 Ok Reg 1991, eff 7-15-11]

SUBCHAPTER 3. PRE-RELEASE PLANNING

377:5-3-1. Pre-release planning

Title 10A O.S., Sections 2-7-601(A) and 2-5-212, give OJA authority to place a juvenile or youthful offender on parole whenever OJA determines that such release shall not be detrimental to society and that the juvenile or youthful offender is ready to be returned to the community or has reasonably completed a plan of rehabilitation. The Office of Juvenile Affairs may, pursuant to the same provisions of law, release a juvenile or youthful offender from an institution for placement in a group home, transitional living program, independent living program or other community-based step-down or reentry program.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 28 Ok Reg 1990, eff 7-15-11]

377:5-3-2. Scheduling of the tentative targeted review date

(a) **Institutional Treatment Plan.** Within 30 days of institutional admission, an Institutional Treatment Plan shall be prepared and signed by the Institutional Supervisor, Youth and Juvenile Justice Specialist (JJS) Worker.

(b) **Scheduling.** Within 45 days of institutional admission a targeted review date shall be set for the juvenile. A meeting shall be held with the juvenile for the purpose of scheduling the targeted review date. At the meeting the criteria for release shall be explained to the juvenile.

(c) **Persons Present.** The juvenile, the Advocate Defender, and the Institutional JJS shall be present at the meeting.

(d) **Guidelines for targeted review date.** The targeted review date is determined by the juvenile's delinquent classification and date of placement in the institution. The dates are given in (1) - (2) of this paragraph:

- (1) Class I's, Class II's, and Class III's - twelve months
- (2) Class IV's- nine months

(e) Accelerated targeted review date. During the course of the juvenile's stay at the institution, the juvenile's institutional worker and/or local JSU worker can recommend the juvenile's targeted review date be rescheduled to an earlier date than the date previously scheduled.

(f) **Criteria for release.** Release from an institution is not guaranteed by the fact that a targeted review date has been scheduled. The juvenile must comply with the clearly established treatment goals of the individual treatment plan. Release on parole will be subject to terms and conditions established by OJA, whenever **OJA** determines that such release will not be detrimental to society and that the juvenile is ready to be returned to the community. Release to a step-down or reentry program shall be in accordance with continuing treatment objectives.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 28 Ok Reg 1990, eff 7-15-11]

377:5-3-3. Parole

(a) **Parole.** The granting of parole is an administrative function, which is authorized by 10A O.S., §§ 2-7-601(A)(3) and 2-5-212. This function is

carried out through a parole hearing or through an administrative parole.

(b) **The Parole Board process.** When a juvenile placed in an institution has made sufficient progress towards meeting the goals of his/her treatment plan and, where applicable, has successfully completed the passes as prescribed by the Office of Juvenile Affairs (OJA), the institution and JSU worker shall submit a parole recommendation to the Parole Board for release consideration.

(c) **Administrative parole.** An administrative parole is the method by which parole may be granted without a parole hearing.

(1) The Executive Director of OJA or his/her designee may grant an administrative parole for a juvenile exiting a program with a projected length of stay.

(2) When JSU and institutional staff recommend that the juvenile should be paroled, the Parole Board may accept the recommendation and grant an administrative parole.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 28 Ok Reg 1990, eff 7-15-11]

377:5-3-4. Review of the targeted review date

(a) **General Provisions.** The purpose of the review is to assess the juvenile's progress toward the successful completion of his or her individual treatment plan. The review shall provide the juvenile with the opportunity to verbally express any treatment concerns that he or she might have.

(b) **Persons Present.** The juvenile, the Advocate Defender, the JJS, and the JSU worker shall participate in the review.

(c) **Notice.** The juvenile shall receive notice of the review at least 48 hours in advance.

(d) **Recommendations.**

(1) At the conclusion of the review, the institutional staff and JSU worker may recommend to the Parole Board that the juvenile be paroled. If parole is recommended, the recommendation shall be submitted to the Parole Board for release consideration. If the Parole Board rejects the recommendation, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2 (a).

(2) The institutional staff and/or the JSU worker may or may not recommend parole. If parole is not recommended by either or both, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2 (b).

(3) The juvenile shall be advised of the recommendation and the reasons for the recommendation at the conclusion of the review.

(e) **Waiver.** A juvenile may waive his/her Parole Hearing. The Advocate Defender and JJS shall be present and sign the waiver. The waiver shall be sent to the Parole Board by the JJS and copies placed in the juvenile's file.

(f) **Step-down or reentry program.** A juvenile may be recommended for placement in a step-down or reentry program when the juvenile has reached the appropriate phase level and has otherwise sufficiently achieved treatment plan objectives. If the release to such program has not occurred prior to the targeted review date or is not recommended at

the conclusion of the targeted review, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2(b), unless waived by the juvenile pursuant to paragraph (e) of this rule.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 28 Ok Reg 1990, eff 7-15-11 ; Amended at 30 Ok Reg 703, eff 6-1-13]

377:5-3-5. Parole rules

(a) A uniform set of parole rules is set forth in the Statement of Parole Rules form. Prior to being released on parole from an institution, the juvenile shall be required to sign parole rules. The JSU worker, based on the juvenile's individual needs, may add more specific rules to assist the juvenile with community adjustment. Additional conditions are written in the Additional Parole Rules form and carry the same force and effect as the uniform rules.

(b) Parole rules include:

(1) an acknowledgment by the juvenile that the juvenile is on parole and agrees that he/she:

(A) will not violate any federal, state, or local laws;

(B) will not leave the approved placement without approval from the JSU worker;

(C) will obey reasonable and lawful commands of parent, guardian, or other custodian, including school officials;

(D) will attend school, unless legally excused; and

(E) will be involved in an appropriate alternative program, if legally excused from school.

(2) a statement that the juvenile understands that the JSU worker may add additional, more specific conditions to assist with the juvenile's individual supervision/treatment needs; and

(3) an agreement by the parent, guardian, or legal custodian that he/she shall enforce the rules and cooperate with the JSU worker during the supervision period. In special circumstances, if a juvenile has reached his/her 18th birthday, or is legally emancipated, at the time of parole, no parent or guardian will be required to sign the rules.

(c) Copies of the signed rules shall be provided to the juvenile and parent, guardian, or legal custodian.

(d) JSU workers shall use compliance with parole rules as a basis for recommending discharge from custody and non-compliance as a basis for a parole revocation hearing.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05]

377:5-3-6. Rules of Supervised Community Placement for step-down or reentry

Juveniles placed in step-down or reentry programs shall execute Rules of Supervised Community Placement which shall conform to the requirements of Rules 377:25-7-27 and 377:25-7-28.

[Source: Added at 28 Ok Reg 1990, eff 7-15-11]

SUBCHAPTER 5. HEARINGS

377:5-5-1. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Administrative Transfer Hearing (community)" A hearing by which the supervised community placement (SCP) status of a delinquent juvenile may be terminated.

"Hearing Examiner" A Hearing Officer or Panel of Parole Board members who preside over parole hearings.

"Hearing Officer" Hearing Officers shall be appointed by the OJA Chief of Staff.

"Parole Board Members" Parole Board Members shall be the OJA Chief of Staff/designee and his two appointees.

"Parole Hearing" An evidentiary hearing provided to a juvenile when OJA staff do not recommend parole during the month of targeted review or when a staff recommendation for parole is rejected by the Parole Board.

"Parole Revocation Hearing" An evidentiary hearing by which the parole status of a juvenile may be revoked. A juvenile's parole may be revoked for violation of the terms and conditions of parole.

"Targeted Review Date" An actual fixed month and year for targeted review.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 26 Ok Reg 2246, eff 7-1-09]

377:5-5-2. Parole Hearing

(a) If the Parole Board has rejected a staff recommendation for parole, a 3-member panel of the Parole Board shall preside over the parole hearing, as the Hearing Examiner.

(b) If parole has not been recommended by the JSU and/or institutional staff, a Hearing Officer shall preside over the parole hearing, as the Hearing Examiner.

(c) **Notice.** The juvenile, parent, guardian, or legal custodian and Advocate Defender shall have at least 14 calendar days notice of the hearing.

(d) **Conduct of Parole Hearings.** The parole hearing shall be conducted in an orderly manner and with a concern for privacy with ample opportunity for the juvenile to express his/her views. The Hearing Examiner shall explain the purpose of the parole hearing and the issues to be addressed to the juvenile.

(1) OJA staff shall provide written documentation and other information, which supports their recommendation at least seven (7) days (excluding weekends and holidays) prior to a Parole Hearing. The information shall include, but is not limited to:

(A) the number and severity of committing offense(s) and any previous offense(s);

- (B) the institutional adjustment of the juvenile including any serious negative behavior; i.e., major rule violations;
- (C) the existence of a workable parole placement and an adequate program in the community;
- (D) the juvenile's adjustment on any weekend passes or other community release;
- (E) the review of the juvenile's progress;
- (F) the existence of any pending charges and the possibility of any recommitment on these charges;
- (G) the juvenile's willingness to cooperate with parole supervision; and
- (H) relevant conditions in the community.

(2) The juvenile may have access to information, which is submitted to the Hearing Examiner unless the Examiner considers the information harmful to the juvenile.

(3) The juvenile shall be given an opportunity to verbalize and present documentation why he/she should be granted parole and be allowed to question the Hearing Examiner and staff present about any of the documents used in the hearing.

(4) The Hearing Examiner shall consider any documentation submitted and may ask the juvenile, OJA staff, and other parties involved in the care of the juvenile questions relevant to granting or denying parole. If, in the opinion of the Hearing Examiner, a case requires an examination and opinion by a Psychiatrist or Psychologist, Certified members of the appropriate profession are available for such examination and opinions. The Hearing Examiner may access the juvenile's master file as a reference source during the hearing.

(5) When the Hearing Examiner has considered all written and oral evidence, the Hearing Examiner shall prepare a written statement of the specific factors and reasons, which support the granting or denying of parole. The Hearing Examiner shall address the parole release criteria as well as any specific concerns.

(6) A Hearing Officer or Panel may defer its decision on any case for just cause for a period not to exceed 30 days (excluding weekends and holidays). In these cases, the juvenile shall receive written notice of the reasons for the deferral with the date and time when the Parole Hearing shall resume. The hearing shall resume prior to the expiration of 30 days (excluding weekends and holidays).

(7) Presiding official is Hearing Officer.

(A) At the close of the hearing, if a Hearing Officer has presided over the Parole Hearing as provided in Rule 377:5-5-2(b), he/she shall advise the juvenile of his or her recommendation to be submitted to the Parole Board and the reasons supporting the recommendation.

(B) The Hearing Officer shall issue a written recommendation to grant or deny parole to the Parole Board within three (3) days (excluding weekends and holidays).

(C) The Parole Board shall review all records and make a decision to grant or deny parole within ten (10) days (excluding weekends and holidays) of receiving the recommendation.

(D) The decision and the reasons for the decision of the Parole Board shall be made available in writing to the appropriate staff and to the juvenile within 14 calendar days (excluding weekends and holidays) of the Hearing.

(8) Presiding official is a Panel.

(A) At the close of the hearing, if a Panel has presided over the Parole Hearing as provided in Rule 377:5-5-2(a), the panel shall advise the juvenile of the outcome of its decision to grant or deny parole and the reasons therefor.

(B) The Panel shall prepare a written decision granting or denying parole within ten (10) days (excluding weekends and holidays) of the hearing.

(C) The Panel's decision shall be made available in writing to the appropriate staff and to the juvenile within three (3) calendar days (excluding weekends and holidays) of the issuance of the decision.

(9) The parole hearing shall be recorded. A summary of the proceedings and the Hearing Examiner's recommendation or decision shall be kept in the juvenile's case record.

(10) The Parole Board or the Panel shall inform a juvenile of his or her rights to appeal decisions granting or denying parole.

(e) Persons present. Persons attending the hearing are limited to those persons necessary for the orderly and fair conduct of the hearing.

(1) A representative of the Office of Advocate General or designee shall be present at all parole hearings.

(2) The parent, guardian or legal custodian shall be provided prior notice of all Parole hearings.

(3) The JSU and Institutional workers shall be present when requested by the Hearing Examiner.

(4) The Hearing Examiner shall decide whether additional persons may be present at the parole hearing.

(f) Appeals of parole decisions. A juvenile, his or her parent, guardian, legal custodian, attorney or a representative of the Advocate General's Office, or a designee may appeal a decision of the Parole Board or that of a Panel as provided in 377:5-5-2(a) in the following manner:

(1) A written notice of appeal, stating the reasons therefor shall be submitted to the Office of Juvenile Affairs, Office of the Executive Director, within seven (7) days (excluding weekends and holidays) of the receipt of the decision granting or denying parole.

(2) The Executive Director shall consider all appeals and render a decision to sustain or deny an appeal within seven (7) days (excluding weekends and holidays). The Executive Director shall notify the juvenile, Advocate General's Office and any individual who filed on behalf of the juvenile, of his/her decision to sustain or deny the appeal.

(g) **Effective date of parole.** The decision of the Parole Board or the Panel's decision, if not appealed, is final within seven (7) days (excluding weekends and holidays) of the hearing.

(h) **Subsequent hearings.** If parole is denied, a parole hearing must be conducted every twelve (12) months in accordance with rules set forth in this section.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 30 Ok Reg 703, eff 6-1-13]

377:5-5-3. Parole revocation hearing

(a) **Parole violations.** When alleged violations of parole occur, the JSU worker and supervisor shall consider specific factors when deciding whether to request a revocation of a juvenile's parole. Factors include the:

- (1) seriousness of the juvenile's offense;
- (2) overall adjustment of the juvenile; and
- (3) demonstrated lack of amenability to treatment.

(b) **Pre-revocation conference.** The first step toward revocation is the pre-revocation conference. The District Supervisor or designee shall meet with the juvenile, the parent, guardian, legal custodian, placement provider (if applicable), and the JSU worker to:

- (1) advise the juvenile and the parent(s), guardian(s) or legal custodian(s) of their constitutional and legal rights as documented;
- (2) discussed the alleged parole violations;
- (3) document the violations on the Application to Revoke Parole forms; and
- (4) distribute copies to the juvenile, the parent(s), guardian(s), legal custodian(s) or placement provider.

(c) **Result of pre-revocation hearing.** The juvenile may choose to have a hearing before a Hearing Officer or waive the hearing by signing a Waiver of Parole Revocation form.

(d) **Revocation hearing.** If the decision is to have a hearing, the JSU worker shall file the Application to Revoke Parole with the Parole Administrator and request that the hearing date be scheduled. The hearing shall be held in the county where the alleged violation of administrative or parole rules occurred or the county of original jurisdiction [10A O.S. § 2-7-601(B)(2)].

(e) **Due process.** Parole revocation hearings are held in accordance with 10A O.S. § 2-7-601(B), and OJA rules set forth in this section.

(f) **Waiver of a revocation hearing.** The juvenile may waive a revocation hearing anytime prior to the presentation of evidence by completing and presenting a waiver to the Hearing Officer or other representative of OJA.

(g) **Conducting Interstate Compact Revocation.** For juveniles on parole placed in the State of Oklahoma through the Interstate Compact on Juveniles (ICJ), a Hearing Officer shall perform a fact-finding hearing and determine if the juvenile has violated the terms of his/her parole conditions while residing in the State of Oklahoma.

(h) **General provisions.**

- (1) The Parole Administrator shall designate a Hearing Officer to preside over the parole revocation hearing.
- (2) Pursuant to 10A O.S. § 2-7-601(B)(3), if legal counsel for the juvenile has not otherwise been obtained, the JSU worker shall file an application for an Order Appointing Counsel with the District Court wherein the alleged violations occurred.
- (3) Upon the JSU worker's filing an application, the Parole Administrator, in cooperation with the Hearing Officer shall schedule a revocation hearing within a reasonable period of time.
- (4) Notice of the hearing, including the date, time, and place of the hearing, and a copy of the Application to Revoke Parole shall be mailed by the Parole Administrator to the juvenile, the parent, guardian or legal custodian, the judge in the county wherein the alleged violations occurred, and the juvenile's legal counsel, if one has been retained or appointed.
- (5) Hearings shall be conducted in accordance with 377:5-5-5.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 28 Ok Reg 1990, eff 7-15-11 ; Amended at 30 Ok Reg 703, eff 6-1-13 ; Amended at 35 Ok Reg 1772, eff 9-14-18]

377:5-5-4. Administrative Transfer Hearing

(a) An Administrative Transfer Hearing is an administrative process by which the Parole Board may terminate the Supervised Community Placement (SCP) status of a juvenile. The juvenile may be placed in an institutional setting. The Parole Board shall base a decision to revoke SCP on the seriousness of the offense and the overall adjustment of the juvenile.

(b) **General provisions.** (Pre-administrative Conference)

(1) **Supervised Community Placement.** When alleged SCP violations occur, the JSU worker and supervisor shall consider specific factors when deciding whether to request an Administrative Transfer Hearing. Factors include the:

- (A) seriousness of the juvenile's offense;
- (B) overall adjustment of the juvenile; and
- (C) demonstrated lack of amenability to treatment.

(2) **Pre-Administrative Transfer Hearing conference.** The first step toward a transfer hearing is the pre-administrative transfer hearing conference. The District Supervisor or designee shall meet with the juvenile, the parent, guardian, legal custodian, placement provider (if applicable), and the JSU worker to:

- (A) advise the juvenile and the parent, guardian or legal custodian of their constitutional and legal rights as documented;
- (B) discuss the alleged violations of the SCP rules;
- (C) document the alleged SCP violations on the Application for Administrative Transfer; and
- (D) distribute copies to the juvenile, the parent, guardian, legal custodian and/or placement provider.

(c) **Result of Pre-Administrative Transfer Hearing Conference.** The juvenile may choose to have a hearing before a Hearing Officer or waive

the hearing by signing a Waiver of Administrative Transfer Hearing. If the juvenile decides to waive an Administrative Transfer Hearing, the JSU worker shall file the waiver with the Parole Administrator.

(d) **Administrative Transfer Hearing.** If the decision is to have a hearing, the JSU worker shall file the application for Administrative Transfer Hearing with the Parole Administrator and request that a hearing date be scheduled. The hearing shall be held in the county where the alleged violation occurred [10A O.S., § 2-7-601(B)2].

(e) **Due process.** Administrative Transfer hearings are held in accordance with 10A O.S., § 2-7-601(B), and OJA rules set forth in this section.

(f) **Waiver of an Administrative Transfer Hearing.** The juvenile may waive an Administrative Transfer hearing anytime prior to the presentation of evidence by completing and presenting a waiver to the Hearing Officer or other representative of OJA.

(g) **Conduct of the hearing.**

(1) After receiving an application for an administrative transfer hearing, the Parole Administrator shall designate a Hearing Officer to preside over an administrative transfer hearing.

(2) As provided in 10A O.S., § 2-7-601(B)(3), if legal counsel for the juvenile has not otherwise been obtained, the JSU worker shall file an application for an Order Appointing Counsel with the District Court wherein the alleged violations occurred.

(3) Upon the JSU worker's filing an application, the Parole Administrator, in cooperation with the Hearing Officer shall schedule an Administrative Transfer Hearing within a reasonable period of time.

(4) Notice of the hearing, including the date, time, and place of the hearing, and a copy of the Application for Administrative Transfer Hearing shall be mailed by the Parole Administrator to the juvenile, the parent, guardian or legal custodian, the judge in the county wherein the alleged violations occurred, and the juvenile's legal counsel, if one has been retained or appointed.

(5) The hearing shall be conducted in accordance with 377:5-5-5.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 28 Ok Reg 1990, eff 7-15-11 ; Amended at 30 Ok Reg 703, eff 6-1-13]

377:5-5-5. Conduct of Parole Revocation and Administrative Transfer Hearings

(a) Conduct of the hearings. The Hearing Officer shall conduct the hearing to obtain accurate information upon which an informed decision can be reached.

(1) At the beginning of the hearing, the Hearing Officer shall ascertain that:

(A) notice of the hearing, including the time, date and location of the hearing, and a copy of the Application to Revoke Parole or for Administrative Transfer Hearing (ATH), were given to the juvenile, the parent, guardian or legal custodian, and legal counsel at least 24 hours before the hearing; and

- (B) legal counsel is present to represent the juvenile and has been given an opportunity to prepare a defense.
- (2) Only an attorney who is licensed to practice law in the State of Oklahoma shall be permitted to represent a juvenile.
- (3) Persons attending the hearing are limited to those persons necessary for the orderly and fair conduct of the hearing. Hearings are conducted with a concern for privacy.
- (4) Requests for continuances from any of the parties may be granted only at the discretion of the Hearing Officer. Due consideration shall be given to:
- (A) the timeliness of the request;
 - (B) the justification;
 - (C) convenience to the interested parties;
 - (D) problems with continued detention; and
 - (E) the Hearing Officer's schedule.
- (5) The Hearing Officer may exclude any participant from the hearing for good cause. The Hearing Officer shall state the reasons for exclusion on the record at the time it is made. However, the attorney for the juvenile and the representative of the agency shall be present continuously while the hearing is in progress.
- (6) The Hearing Officer may recess the hearing at the request of either party or at his/her own initiative for a brief period of time as necessary to facilitate the hearing process. The Hearing Officer shall state for the record:
- (A) the reasons for the recess;
 - (B) the time the recess began; and
 - (C) the time the recess ended.
- (7) The first presenter shall be a representative of OJA. The presenter shall carry the burden of proof that the juvenile violated conditions of parole or supervised community placement.
- (8) The juvenile and legal counsel shall be present while evidence is being presented. The juvenile's parent, guardian or legal custodian may be present at all times the juvenile is present, unless they are the adverse parties by the nature of the violations alleged.
- (9) Either party or the Hearing Officer may invoke the "Rule of Sequestration". When the "Rule" is invoked, the Hearing Officer shall instruct all witnesses that they are to be sequestered from the hearing room, called in the order in which they are expected to testify, and are not to discuss their testimony with other witnesses.
- (10) Harassment or intimidation of witnesses is not permitted.
- (11) The application may be dismissed at the request of the OJA representative prior to the Hearing Officer's recommendation to sustain or deny the application.
- (12) Prior to commencement of the hearing, no one shall be permitted to discuss with the Hearing Officer any facts related to issues of the hearing.
- (b) **Evidence.** The Hearing Officer shall screen all evidence for its material value to the issues of the hearing.

(1) Hearsay evidence is considered only in light of its reliability, relevancy, necessity, and probative value. Generally, the more the information is removed from its source, the less weight it should be given. The Hearing Officer may not base a decision substantially upon hearsay evidence.

(2) Relevant evidence is admissible. Evidence is relevant if it has a tendency to prove or disprove any disputed fact issue before the Hearing Officer.

(3) The Hearing Officer shall take official notice of any fact that the courts may judicially notice and of those matters within the Hearing Officer's particular field of expertise, including policies and procedures of the agency.

(4) Written material may be introduced during the course of the hearing by either the juvenile's legal counsel or the representative of the OJA.

(c) Fact-finding standards and hearing sequence.

(1) A Hearing Officer must find by a preponderance of the evidence that:

(A) the allegations are true; and

(B) revocation or transfer is warranted under the circumstances.

(2) A preponderance of the evidence means that the evidence indicates that the facts to be proved are:

(A) credible; and

(B) more probable than not.

(3) Upon the conclusion of the hearing, the Hearing Officer may recommend that the Application to Revoke Parole or for Administrative Transfer be sustained based upon a preponderance of the evidence. The Hearing Officer shall advise the juvenile and legal counsel of the recommendation and the appeal process.

(4) The Hearing Officer shall prepare a written recommendation within three (3) working days (excluding weekends and holidays) of the hearing as to whether the juvenile's parole should be revoked or placement should be administratively transferred. The report must include the allegation(s), the finding(s) of fact, and mitigating circumstances, if any. The Hearing Officer shall submit the report to the Parole Administrator to submit to the Parole Board.

(d) Parole Board review. The Parole Board shall review the recommendation of the Hearing Officer and the entire record of the hearing and either grant or deny the application to revoke parole or administrative transfer in writing.

(e) Distribution. The Parole Administrator shall send written copies of the final decision and a copy of the written recommendation of the Hearing Officer to the juvenile, the juvenile's parent, guardian or legal custodian, legal counsel, the JSU, and the court in the county wherein the violations occurred within ten (10) working days (excluding weekends and holidays) following the hearing.

(f) Appeal. A juvenile may appeal the decision of the Parole Board to the Executive Director who has final review authority. The appeal must be

filed by the juvenile within ten (10) days (excluding weekends and holidays) after receipt of the Parole Board's decision. The Executive Director shall inform all involved parties of the appeal decision within ten (10) days (excluding weekends and holidays).

(g) **Recordings.** Recordings of revocation hearings shall be preserved for six (6) months from the date of the hearing or as otherwise required by law.

(h) **Expungement.** If the Application for Revocation of Parole or Administrative Transfer is denied by the Parole Board or the Executive Director, OJA shall expunge all materials related to the alleged offense from the juvenile's case record.

[Source: Added at 22 Ok Reg 2071, eff 7-1-05 ; Amended at 24 Ok Reg 1398, eff 7-1-07 ; Amended at 26 Ok Reg 2246, eff 7-1-09 ; Amended at 30 Ok Reg 703, eff 6-1-13]

SUBCHAPTER 7. INTENSIVE TREATMENT PROGRAM TRANSFERS

377:5-7-1. Intensive Treatment Program Transfer Process

(a) The Intensive Treatment Program (ITP) Transfer is an administrative process to determine whether the juvenile is dangerous and poses a threat in the current placement and should be transferred to a more secure and intensive treatment setting. In emergency transfers, such due process safeguards are instituted immediately following the transfer. The OJA Executive Director or designee shall authorize all emergency transfers.

(b) Following a confirmed finding of a qualifying rule violation, and prior to transfer, the following shall occur:

- (1) completion of ITP screening;
- (2) an ITP staffing where the Advocate Defender shall be present at the ITP staffing to assist the juvenile in representation; and
- (3) a 2/3 vote of the ITP staffing committee members.

[Source: Added at 32 Ok Reg 1998, eff 9-11-15]

CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[Authority: 10A O.S., § 2-7-101]

[Source: Codified 6-2-97]

SUBCHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

377:10-1-1. Purpose

The purpose of this Subchapter is to set forth rules for OJA staff and for contractors providing care for juveniles in custody of the Office of Juvenile Affairs. Rules in this Subchapter include juvenile rights, the use of physical force, including restraints, confidentiality, the use of audio/video equipment for recreational or programmatic activities in OJA-operated and contract facilities, and contracting requirements.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01]

377:10-1-1.1. Definitions

The following words and terms, when used in this Subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Juvenile" means all persons in OJA custody or under its supervision for whom OJA is required to provide services by law or court order.

[Source: Added at 18 Ok Reg 2159, eff 7-1-01]

377:10-1-2. Juvenile rights

(a) **Right to treatment.** Each juvenile shall have the right to receive individualized care and treatment in the least restrictive setting consistent with the juvenile's care and treatment needs and, in the case of a delinquent juvenile, with the protection of the public. This means that:

- (1) Juveniles are entitled to be protected and cared for in a safe, caring, and humane environment;
- (2) Services provided to juveniles shall be based upon the individualized needs of each child, as determined by comprehensive assessment and evaluation, flexible, and available when needed for juveniles throughout the state. Juveniles shall be provided the programs and services reasonably necessary to implement each juvenile's individual service plan;
- (3) Services provided to juveniles shall be family-based whenever possible;
- (4) A full range of community-based program options must be a part of an overall continuum of care so as to implement the least restrictive placement for juveniles that is consistent with their needs and additionally, in the case of delinquents, with public safety;

(5) In determining the appropriate placement of juveniles, the presumption shall be that the juvenile's best interests are served by remaining in his or her own home or home community with necessary services to be provided there;

(6) Placement of juveniles in residential settings shall occur only after all non-residential alternatives have been attempted or considered, and placement of children in secure or highly restrictive residential settings shall occur only after less restrictive residential settings have been attempted or considered;

(7) Brief psychiatric hospitalization for the short-term crisis stabilization of juveniles shall be the primary use of inpatient psychiatric care. Inpatient psychiatric care shall not be used for chemical dependency treatment unless the juvenile is psychotic, suicidal, or dangerous and cannot be stabilized in a less restrictive placement;

(8) Residential services shall be provided, whenever possible, in small, homelike, community-based facilities rather than larger, self-contained units; and

(9) When juveniles are placed in residential care, multiple residential placements shall be avoided to achieve placement stability. The length of stay in non-community-based residential care shall be as brief as possible.

(b) **Institutional placements.** No juvenile adjudicated in need of supervision shall be placed in an OJA institution or other secure institution.

(c) **Classification of juveniles.** Classification policies and procedures provide for the identification and utilization of the least-restrictive placements with the needs of the juvenile and additionally, in the case of delinquents and youthful offenders, with the protection of the public.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99]

377:10-1-3. Discipline

(a) When it becomes necessary to discipline a juvenile, staff shall do so by utilizing sanctions that are appropriate to the severity of the infraction. Appropriate methods of discipline include withdrawal of privileges or placement in a more restrictive environment.

(b) Destruction of state property. Juveniles found guilty through the disciplinary process of destroying state, staff, or other resident property will be assessed the value of the property as determined by the disciplinary hearing officer. Juveniles shall pay for the property from any appropriate funds.

(c) OJA staff and contractors may use physical force or mechanical restraints only under the circumstances described in OAC 377:10-1-4, 10-1-4.1, and 10-1-4.2.

(1) Appropriate types of discipline protect the resident from harming self and others.

(2) Staff and contractors shall use a course of behavioral management approved by the Executive Director or the Chief of

Staff of the Office of Juvenile Affairs in dealing with juveniles. Other appropriate methods of control include withdrawal of privileges, placement in a more restrictive environment, or placement in the crisis management center, when necessary.

(d) OJA staff and contractors shall adhere to OJA rules regarding discipline of juveniles. Prohibited disciplinary actions include, but are not limited to:

- (1) corporal punishments of any kind;
- (2) threats;
- (3) derogatory remarks or other verbal abuse directed toward the juvenile or the juvenile's family;
- (4) deprivation of meals;
- (5) deprivation of visits with the natural or adoptive parents without prior consultation with OJA staff;
- (6) use of profanity by OJA or contract staff;
- (7) hog-tying;
- (8) use of psychotropic drugs for punishment, control, or program management; and
- (9) use of chemical agents, including, but not limited to:
 - (A) teargas;
 - (B) mace;
 - (C) pepper gas; or
 - (D) other devices which use chemicals to control juveniles.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-1-4. Use of physical force and/or mechanical restraints

(a) **Use of physical force.** Title 10A O.S., § 2-7-604 prohibits the use of physical force in institutions and other facilities operated by or contracted with OJA except:

- (1) when necessary for self-protection;
- (2) to separate juveniles who are fighting;
- (3) to restrain juveniles who are in danger of harming themselves or others; or
- (4) to restrain juveniles who have escaped or are in the process of escaping.

(b) **Use of mechanical restraints.** The use of mechanical restraints in institutions or other facilities operated by or contracted with OJA for any purpose is prohibited except upon a juvenile's hands and/or legs as specifically provided for in this subsection. Mechanical restraints may be employed only in the following situations:

- (1) for transporting a juvenile to or from a facility when there are reasonable grounds to believe that the juvenile is a serious escape risk or a threat to the public safety; or
- (2) within OJA institutions, to gain control of a violently out-of-control juvenile or in situations where multiple juveniles are collectively engaged in physically assaultive behavior. If the juvenile is not transported to a place of separation or confinement, the restraints shall be removed as soon as staff have

gained control of the situation or the juvenile is no longer violently out of control.

(3) within OJA institutions, to transport a violently out-of-control juvenile to a place of separation or confinement, but only after less restrictive methods of control have failed. When the restraints are employed in this situation, the restraints shall be removed as soon as the juvenile regains control but no later than the time that the juvenile is placed into solitary confinement. Under no circumstances shall OJA staff or contractors apply the restraints as punishment.

(4) A "walk and talk" policy shall be implemented wherein the juvenile is first afforded the opportunity to voluntarily walk to a place of separation or confinement without the application of any mechanical restraints.

(c) **Additional restraints.** The following use of mechanical restraints may be employed:

- (1) bellychain;
- (2) humane blanket wrap;
- (3) newly developed mechanical restraint methods or practices that are no more restricted than those authorized by this subsection and reflect current standards of practice in the juvenile justice field.

(d) **Prohibited restraints.** The practice of attaching hands and feet, as in hog-tying, is presumptively punitive and is specifically prohibited. The use of a restraint chair is prohibited.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 315, eff 12-3-13 ; Amended at 31 Ok Reg 1926, eff 9-12-14]

377:10-1-4.1. Use of chemical agents

(a) Use of Oleoresin Capsicum (OC) spray in a secure facility is prohibited except in the following circumstances that allow for the lawful and justifiable use of force:

- (1) for self-protection; or
- (2) to separate juveniles who are fighting; or
- (3) to restrain juveniles in danger of inflicting harm to themselves or others; or
- (4) to restrain juveniles who have escaped or who are in the process of escaping.

(b) The deployment of Oleoresin Capsicum (OC) spray is considered a use of physical force. When the use of physical force is authorized, staff members who are assigned to work with juveniles shall employ the least force necessary under the circumstances.

(c) Under no circumstances shall OJA staff or contractors use Oleoresin Capsicum (OC) spray as punishment.

(d) Following the use of any OC spray, medical staff shall be notified promptly and shall evaluate all parties affected.

[Source: Added at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 30 Ok Reg 708, eff 6-1-13 ; Amended at 32 Ok Reg 1999, eff 9-11-15]

377:10-1-4.2. Use of Electrical Conducted Device (ECD)

(a) Use of ECD in a secure facility is prohibited except in the following circumstances:

- (1) where only Youthful Offenders are housed; and
- (2) when Youthful Offenders have a means and opportunity to cause great bodily injury or threaten the life of a staff or other Youthful Offenders.

(b) Following the use of any ECD, medical staff shall immediately evaluate all Youthful Offenders affected by the device. When an ECD is used, a critical incident investigation shall be completed.

[Source: Added at 28 Ok Reg 1993, eff 7-15-11]

377:10-1-5. Testing for research purposes

(a) Juveniles are permitted to participate in research projects if:

- (1) the research is:
 - (A) non-medical;
 - (B) non-pharmaceutical; or
 - (C) non-cosmetic;
- (2) the Executive Director or Chief of Staff has determined that the resident will not suffer negative effects; and
- (3) the juvenile signs an informed consent stating that his or her participation is voluntary.

(b) the juvenile may terminate his or her participation at any time upon the juvenile's written request.

(c) The staff shall obtain execution of an informed consent by the juvenile's parent, guardian, legal custodian or obtain a judicial order allowing the juvenile's participation in research projects. Voluntary participation in research by juveniles who are 18 years of age or older, or who have been legally emancipated, does not require an informed consent by parent, guardian, or legal custodian.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01 ; Amended at 22 Ok Reg 2683, eff 8-1-05 ; Amended at 24 Ok Reg 1401, eff 7-1-07]

377:10-1-6. Pharmaceuticals

(a) Medical or pharmaceutical testing for experimental or research purposes is prohibited.

(b) Mind altering drugs, such as stimulants, tranquilizers, or psychotropics, may be administered only as a part of a program of medically-approved therapy.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 18 Ok Reg 2159, eff 7-1-01]

377:10-1-7. Confidential records

(a) The Oklahoma Juvenile Code at 10A O.S., § 2-6-102, as amended provides for the confidentiality of the following records relating to juveniles:

- (1) juvenile court records;

- (2) agency records;
 - (3) district attorneys' records;
 - (4) law enforcement records;
 - (5) nondirectory education records; and
 - (6) social records.
- (b) "Record" includes, but is not limited to:
- (1) written or printed documents;
 - (2) papers;
 - (3) logs;
 - (4) reports;
 - (5) files;
 - (6) case notes;
 - (7) films;
 - (8) photographs;
 - (9) audio or visual tape recordings pertaining to a juvenile proceeding or a juvenile; and
 - (10) information entered into and maintained in an automated or computerized information system (10A O.S., § 2-6-101 as amended).
- (c) The records listed in (a) of this Section are confidential and may not be open to the general public or inspected, or their contents disclosed except as provided by state or federal law. In all other cases, confidential records may only be inspected or disclosed pursuant to an order of the Court (10A O.S., § 2-6-101, as amended).

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-1-8. Agency records

(a) "**Agency record**" means records prepared, obtained, or maintained by a public or private agency with regard to a child who is or has been under its care, custody, or supervision or with regard to a family member or other person living in the home of such child and includes, but is not limited to:

- (1) any study, plan, recommendation, assessment, or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care, or treatment of such child; or
- (2) any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision.

(b) The Office of Juvenile Affairs "agency records" are confidential and may not be inspected nor their contents disclosed without a court order, unless otherwise provided by state or federal law, except to the following persons [10A O.S., § 2-6-106(A)]:

- (1) the judge having the child currently before the court in any proceeding pursuant to Title 10A O.S. and any judge of the district court or tribal court to which any proceedings may be transferred;
- (2) employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem, appointed

by the court, and members of review boards established pursuant to the Oklahoma Children's Code;

(3) a district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to 10A O.S. or the prosecution of crimes against children;

(4) the attorney representing a child who is the subject of a juvenile proceeding pursuant to the provisions of Title 10A O.S. The attorney representing a child or an attorney considering representing a child in a juvenile proceeding may access other confidential records listed in 10A O.S., § 2-6-102 (A) for use in the legal representation of the child;

(5) employees of juvenile bureaus in the course of their official duties;

(6) employees of a law enforcement agency of this or another state and employees of a child protective service of another state or any federally recognized Indian tribe member in the course of their official duties pertaining to investigations of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;

(7) employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under 18 years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation;

(8) the Oklahoma Commission of Children and Youth;

(9) the Department of Human Services;

(10) any public or private agency or person authorized by the Office of Juvenile Affairs to diagnose or provide care, treatment, supervision, or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided the OJA may limit the disclosure to summaries or to information directly necessary for the purpose of the disclosure;

(11) any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision, or other services provided such child;

(12) the parents of the child who is the subject of any records;

(13) the child upon attaining eighteen (18) years of age or upon the termination of court jurisdiction of the case, whichever occurs later;

(14) any person or agency for research purposes, if any of the following conditions are met:

(A) The person or agency conducting the research is employed by the State of Oklahoma or is under contract with the state and is authorized by the Office of Juvenile Affairs to conduct the research; and

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to any documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

(15) the Governor or to any person the Governor designates, in writing;

(16) any federal official of the United States Department of Health and Human Services, the United States Social Security Administration, the United States Department of Justice, the United States Department of Homeland Security, or any employee of the United States Probation Office;

(17) any member of the Legislature, upon the written approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate;

(18) employees of the Department of Corrections in the course of their official duties; and

(19) employees of the Department of Mental Health and Substance Abuse Services in the course of their official duties.

(c) Any person to whom the information is released shall show proper identifying credentials prior to release of the confidential information. The information disclosed remains confidential and must be used for the purposes for which the disclosure is authorized. It is unlawful for any person to furnish or disclose confidential records or information for commercial, political, or unauthorized purposes. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 32 Ok Reg 399, eff 11-17-14 (emergency); Amended at 32 Ok Reg 2000, eff 9-11-15]

377:10-1-9. Information sharing

(a) The Juvenile Offender Tracking Program, 10A O.S., § 2-7-901, et seq., provides for the exchange of information relating to juvenile offenders among law enforcement agencies, juvenile court personnel, district attorneys, and others who require such information.

(b) Information regarding such juvenile offenders shall be made available to the agencies responsible for the implementation of the Program. The Office of Juvenile Affairs, the juvenile bureaus, the District Attorneys' Council, the Oklahoma State Supreme Court as provided by law, the Oklahoma Commission on Children and Youth, the Oklahoma State Bureau of Investigation, local law enforcement agencies, and other agencies comprising the juvenile justice system, as defined by 10A O.S., § 2-7-902(1), shall enter into contracts or interagency agreements under the Interlocal Cooperation Act for the purpose of sharing information regarding said offenders.

(c) Such contracts and agreements shall be made in accordance with any applicable proposed guidelines as set forth in 10A O.S., § 2-7-904.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-1-10. Disclosure of records without court order

(a) In accordance with the rules adopted pursuant to the Oklahoma Juvenile Code, 10A O.S., §§ 2-6-102 and 2-6-104, and 10 O.S., § 620.6, juvenile court records, agency records, district attorney's records, law enforcement records, non-directory education records, and social records, as defined by law, may be inspected and their contents disclosed without a court order to:

- (1) participating agencies as defined in 10A O.S., § 2-6-101(9);
- (2) a person, agency, hospital, or clinic authorized or directed by the court or by the Office of Juvenile Affairs to care for, treat, examine, evaluate, or supervise a child or to treat, examine, or evaluate the parent, legal guardian, or other adult person living in the home of the child;
- (3) a legally recognized school that is not a participating agency in which the child, who is the subject of the records, is currently enrolled or has been presented for enrollment; and
- (4) individuals or agencies engaged in legitimate research for educational, scientific, or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose.

(b) Information and records released as provided herein shall remain confidential and shall be used for the purposes for which disclosure is authorized. It is unlawful for any person to furnish any confidential record or disclose any confidential information contained in any juvenile record for commercial, political, or any unauthorized purpose. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

(c) In accordance with the provisions of the Juvenile Offender Tracking Program, 10A O.S., § 2-7-901, et seq., and 10 O.S., § 620.6, information included in juvenile court records, agency records, district attorney's records, law enforcement records, non-directory education records, and social records may be entered in and maintained in the Juvenile Justice Information System, or other automated system, whether or not the record is confidential. Such information systems may be accessed by participating agencies as provided for by law (10A O.S., § 2-6-102).

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-1-11. Documents and records

(a) Documents filed with or presented to OJA shall be retained in the OJA files for the length of time required by state and federal laws. Documents

shall be disposed of, sealed, and expunged in a manner consistent with the Records Management Act, 67 O.S., §§ 201 through 216; 67 O.S., §§ 305 through 317, which pertain to archives and records; and 10A O.S., § 2-6-109, which pertains to the sealing of records. The records disposition schedule for OJA is available for public inspection.

(b) OJA records are available for public inspection in accordance with the Oklahoma Open Records Act, 51 O.S., § 24A.1 through 24A.24 as amended and OJA rules and procedures. All requests for agency and/or juvenile records must be submitted to the OJA Public Records Officer, P.O. Box 268812, Oklahoma City, OK 73126. No staff, other than the Public Records Officer or designee, shall fill records requests.

(c) In order to avoid giving unfair advantage to competitors or bidders, OJA shall keep confidential records relating to:

- (1) specifications for competitive bidding prior to publication by the public body; and
- (2) prior to the opening of bids by OJA or its representative, the contents of sealed bids solicited through requests for proposals or requests for information under Office of Management Enterprises, Division of Capital Assets Management (DCAM) purchasing rules or those established by OJA.

(d) Provisions for copying and search fees are contained in the Open Records Act, with these exceptions being noted:

- (1) OJA shall not charge a copy fee to other public entities, clients or their representatives, or employees;
- (2) no search fee is charged to those seeking information in the public interest, including news media, schools, authors, or "taxpayers seeking to determine whether those entrusted with the affairs of its government are honestly, faithfully, and competently performing their duties as public servants."; and
- (3) former employees seeking information from their personnel files shall not pay for the first ten (10) pages, but shall pay the prescribed fees for anything over ten (10) pages.

(e) The fees listed in (1)-(4) of this subsection may be charged separately or in combination. For example, a person may be charged a search fee in addition to a fee for photocopying.

(1) **Fees for photocopying.** OJA has established the following fee schedule, which must be posted for public view, for photocopying documents having the dimensions of 8½ x 14 inches or smaller:

- (A) 25 cents per page;
- (B) a maximum of one dollar (\$1.00) per copied page for a certified page.

(2) **Fees for search.** Requests that are for a commercial purpose or clearly would cause excessive disruption of office function shall be charged a search fee of \$25.00 per hour for staff time spent in the search.

(3) **Fees for other types of reproduction.** Requests for computer runs, microfilming, or reproduction other than photocopying shall be charged the cost to OJA of duplicating the information involved. Such requests shall be forwarded to the State Office where the fee is developed with the appropriate division.

(4) **Payments of fees.** All fees shall be paid prior to delivering the copies. If the request is for search only, the fee shall be paid before the person is allowed to review the material. All fees shall be paid by check or money order; cash is not accepted. The fee payment shall be transmitted to the State Office, Attention Finance Division. In addition, a receipt shall be given upon payment.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 30 Ok Reg 707, eff 6-1-13]

377:10-1-12. Equality of services

When providing services to juveniles and families, neither OJA nor contract service-provider shall discriminate on the basis or race, color, age, gender, religion, national origin, or disability.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01]

377:10-1-13. Individual treatment and service plan (ITSP)

Rules regarding the individualized treatment and service plan are found in 377:25-9-2.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 3628, eff 6-1-98 (emergency); Amended at 16 Ok Reg 2969, eff 7-12-99 ; Amended at 18 Ok Reg 2159, eff 7-1-01]

377:10-1-14. Contracting requirements

Private providers of secure care institutional programs, if any, into which juveniles in-OJA custody are placed shall comply with all the terms and conditions set forth in the Appendix to Order of Dismissal and shall have achieved accreditation or be actively seeking accreditation from the American Correctional Association. All other private facilities providing placements to juveniles in OJA custody shall comply with all applicable state licensing standards and the terms and conditions set forth in Sections III and IV of the Appendix of Order of Dismissal.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97]

377:10-1-15. Use of audio/video equipment for recreational or programmatic activities in OJA-operated and contract facilities

Any OJA-operated or contract facility which uses audio/video equipment for recreational or programmatic activities shall abide by rules set forth in this section.

(1) Content of material.

(A) The facility may show those movies rated G, PG, or PG-13 by the Motion Picture Association of America, Inc. (MPAA).

(B) The facility may show movie videos with ratings other than G, PG, or PG-13 which have been:

- (i) edited for educational use by a recognized educational editing company; and
- (ii) approved by staff as designated in paragraph (2) of this section.

(C) Audio tapes may be used only as part of an approved curriculum or program.

(D) Any video game rated "restricted" by Entertainment Software Rating Board (ESRB) is not permitted for use in the facility.

(2) Staff regulations.

(A) Each facility shall designate a person or persons to review and select all video/audio cassettes/games for recreational use.

(B) Staff are prohibited from bringing audio/video cassettes/games to the facility which have not been reviewed and approved by the designated staff.

(C) A designated staff member shall maintain a video/audio cassette/game log. The purpose of the log is to track each audio/video cassette/game used for recreational purposes. The log shall be available for inspection by OJA staff.

(3) Juvenile regulations.

(A) Juveniles are prohibited from bringing personal audio/video cassettes, compact discs, games, or recording devices to the facility.

(B) Juveniles are prohibited from using any radio with external speaker capacity in the facility.

(C) As part of a reward/incentive program, a juvenile may be permitted to have a headset radio without play/record capacity.

[Source: Added at 16 Ok Reg 2969, eff 7-12-99]

SUBCHAPTER 2. GRAND STAFFING PROCESS

377:10-2-1. Definitions [EXPIRED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 through 7-14-97 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-97 (after the 7-14-97 expiration of the emergency action), Section 377:10-2-1 was no longer effective. For the official text of the emergency rule that was in effect from 7-16-96 through 7-14-97, see 13 Ok Reg 3719.*

**377:10-2-2. Grand staffing coordinator's responsibilities
[EXPIRED]**

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 through 7-14-97 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-97 (after the 7-14-97 expiration of the emergency action), Section 377:10-2-2 was no longer effective. For the official text of the emergency rule that was in effect from 7-16-96 through 7-14-97, see 13 Ok Reg 3719.*

**377:10-2-3. Placements in which the grand staffing process occurs
377:10-2-3. Placements in which the grand staffing process occurs
[SUPERSEDED BY 377:10-9-11]**

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97]

377:10-2-4. Grand staffing process components [EXPIRED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 through 7-14-97 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-97 (after the 7-14-97 expiration of the emergency action), Section 377:10-2-4 was no longer effective. For the official text of the emergency rule that was in effect from 7-16-96 through 7-14-97, see 13 Ok Reg 3719.*

**377:10-2-5. Individual service plan (ISP) planning meeting
[EXPIRED]**

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 through 7-14-97 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-97 (after the 7-14-97 expiration of the emergency action), Section 377:10-2-5 was no longer effective. For the official text of the emergency rule that was in effect from 7-16-96 through 7-14-97, see 13 Ok Reg 3719.*

**377:10-2-6. Length of stay criteria
377:10-2-6. Length of stay criteria [SUPERSEDED BY 377:10-9-12]**

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97]

377:10-2-7. Mid-point grand staffing

377:10-2-7. Mid-point grand staffing [SUPERSEDED BY 377:10-9-13]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97]

377:10-2-8. Executive grand staffings

377:10-2-8. Executive grand staffings [SUPERSEDED BY 377:10-9-14]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97]

SUBCHAPTER 3. PLACEMENT

377:10-3-1. Purpose

The Placement Unit is designated by the Office of Juvenile Affairs to authorize and coordinate placements above the foster care level for all adjudicated juveniles and youthful offenders in custody of the Office of Juvenile Affairs. All commitments, recommitments, parole revocations and administrative transfers of custody youth must be processed through the Placement Unit. The Placement Unit shall make all placements in accordance with 10A O.S., §§ 2-5-212, 2-7-502, 2-7-503, and 2-7-504.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2666, eff 7-1-98 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2638, eff 7-1-01 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 32 Ok Reg 1999, eff 9-11-15]

377:10-3-2. Placement process

(a) When a juvenile is committed to the custody of the Office of Juvenile Affairs, the JSU worker shall conduct a review and assessment of the juvenile to determine the type of placement consistent with:

- (1) the juvenile's treatment needs in the closest location to the juvenile's home; and
- (2) if the juvenile is adjudicated delinquent, the protection of the public [10A O.S., § 2-2-803].

(b) The JSU worker shall make a recommendation to remove a juvenile from home after reasonable efforts to allow the parents to fulfill their roles have failed. In making a decision regarding moving a juvenile from the home, the JSU worker shall consider the best interests of the juvenile, as well as, the protection of the public.

(c) From intake to placement, the JSU worker shall collect information relating to the Uniform Child Custody Jurisdiction Act (UCCJA) (43 O.S., § 551-101 et seq.) or the Indian Child Welfare Act (ICWA) (10 O.S., § 40.1 et seq.), as applicable. Placements of OJA-custody juveniles shall be made in accordance with UCCJA and ICWA when appropriate.

(d) All placements require authorization by the Placement Unit except changes of placement to:

- (1) independent living (requires authorization by district supervisor);
- (2) own home;
- (3) relative's home; and
- (4) foster care.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2666, eff 7-1-98 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2638, eff 7-1-01 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 32 Ok Reg 1999, eff 9-11-15]

377:10-3-3. Delinquent and youthful offender classification

As required by 10A O.S., §§ 2-2-803 and 2-5-212, OJA shall conduct a thorough review and assessment of each juvenile placed in OJA custody. OJA staff shall assess each delinquent or youthful offender in three areas in order to identify the most appropriate placement. The three areas are:

- (1) offense history;
- (2) risk assessment; and
- (3) treatment needs.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2638, eff 7-1-01 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-3-4. Offense history classification

Offense history is classified as follows:

- (1) **Class I Delinquent/Youthful Offender.** Class I refers to a multiple victim endangering offender. The Class I offender has committed more than one seriously violent, aggressive, or assaultive offense and may have a history of property offenses;
- (2) **Class II Delinquent/Youthful Offender.** Class II refers to a one-time, seriously violent, aggressive, or assaultive offender who may have a history of property offenses;
- (3) **Class III Delinquent/Youthful Offender.** Class III refers to property offenders. The Class III offender has committed multiple, habitual, or chronic property or misdemeanor offenses; or
- (4) **Class IV Delinquent/Youthful Offender.** Class IV offenders have committed:
 - (A) a single spree of property offenses or misdemeanors;
 - (B) a single property offense or misdemeanor; or
 - (C) two property offenses or misdemeanors occurring over a widely spaced period of time.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2666, eff 7-1-98 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2638, eff 7-1-01]

377:10-3-5. Placement risk assessment

(a) The placement risk assessment, which is included in the JOLTS Placement Worksheet, is comprised of seven components which are scored to assist in determining the level of risk a juvenile poses to both the public and himself or herself.

- (b) Items included in the placement risk assessment are the:
- (1) most recent offense upon the juvenile's commitment, recommitment, revocation, or administrative transfer;
 - (2) most serious prior offense;
 - (3) number of offenses the juvenile has committed in the past three years;
 - (4) age of the juvenile when he or she first committed a felony for which there was an official finding of fact;
 - (5) number of times the juvenile was previously placed out of the home above the foster care level by OJA or a juvenile bureau;
 - (6) substance abuse by the juvenile; and
 - (7) juvenile's school attendance at the time of commission of the most recent offense or at the time of the request for a change of parole setting or change of placement.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2666, eff 7-1-98 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2634, eff 7-1-01]

377:10-3-6. Placement needs assessment

Factors considered in the placement needs assessment are the juvenile's:

- (1) education;
- (2) intellectual ability;
- (3) home stability;
- (4) drug or alcohol use;
- (5) interaction with authority figures;
- (6) reaction to stress;
- (7) stressors;
- (8) self-image;
- (9) history of abuse/neglect;
- (10) social alienation;
- (11) aggressiveness;
- (12) emotional stability; and
- (13) employment.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2666, eff 7-1-98 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 through 7-14-01 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent rule. Upon expiration of an emergency action revoking a section, the last prior permanent text is reinstated. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), the text of section 377:10-3-6 reverted back to the permanent text that became effective 7-1-98, as was last published in the 2000 OAC Supplement.*

377:10-3-7. Placement of juveniles adjudicated In Need of Supervision (INS)

An INS juvenile may be placed in his or her own home, a relative's home, a foster home, or a community-based setting. An INS juvenile shall

not be placed in an institution.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Revoked at 17 Ok Reg 3216, eff 7-18-00 (emergency); Amended at 18 Ok Reg 2638, eff 7-1-01]

SUBCHAPTER 5. AGREEMENTS BETWEEN STATES FOR PLACEMENT AND TRANSFER OF JUVENILES

377:10-5-1. Purpose

The Interstate Compact for Juveniles (ICJ) is an agreement among compacting states to take joint and cooperative action, pursuant to 10A O.S., § 2-9-102(B).

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 31 Ok Reg 316, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1927, eff 9-12-14]

377:10-5-2. Legal authority

The Interstate Compact for Juveniles is authorized by and functions in accordance with 10A O.S., §§2-9-101 through 2-9-116 and the Rules of the Interstate Commission for Juveniles.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 31 Ok Reg 316, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1927, eff 9-12-14]

377:10-5-3. Cooperative supervision of delinquent juveniles on probation or parole

OJA staff shall refer for placement in another state through the ICJ Unit only those juveniles adjudicated delinquent or in need of supervision.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 16 Ok Reg 2976, eff 7-12-99]

377:10-5-4. Interstate Compact on the Placement of Children

(a) The Interstate Compact on the Placement of Children (ICPC) is an agreement among compacting states to effect the out-of-state placement of children, which may include delinquent or in need of supervision (INS) juveniles in privately owned and operated group homes or institutions for delinquents.

(b) The ICPC functions pursuant to 10 O.S., §§ 571 through 577.

(c) The JSU worker must use the ICPC in order to place a delinquent or INS juvenile in an out-of-state:

- (1) privately owned and operated group home; or
- (2) institution for delinquents.

[Source: Added at 16 Ok Reg 2976, eff 7-12-99 ; Amended at 31 Ok Reg 316, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1927, eff 9-12-14]

377:10-5-5. Compact Administrator

(a) The Executive Director of the Office of Juvenile Affairs (OJA) shall serve as the Compact Administrator pursuant to the Interstate Compact for Juveniles (ICJ).

(b) The Compact Administrator shall be responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the State Council.

(c) The Compact Administrator, or designee, shall preside at all meetings of the State Council.

[Source: Added at 31 Ok Reg 316, eff 12-3-13 (emergency); Added at 31 Ok Reg 1921, eff 9-12-14]

SUBCHAPTER 7. CONTRACT PROGRAMS AND SERVICES

PART 1. GENERAL PROVISIONS AND FOSTER CARE

377:10-7-1. Legal Authority and Purpose

(a) The Office of Juvenile Affairs is authorized by 10A O.S., § 2-7-613, to establish and implement a foster care program for juveniles in the custody of OJA, and by 10A O.S., § 2-7-614, to be the certification authority for foster homes. No juvenile in the custody of the Office of Juvenile Affairs shall be placed with any foster placement unless the foster placement meets licensing standards as required by rules promulgated by the Board of Juvenile Affairs and the Oklahoma Child Care Facilities Licensing Act, as found in 10 O.S., § 401 et seq, and is otherwise approved for foster care by the Office of Juvenile Affairs for juveniles within its custody.

(b) The Office of Juvenile Affairs is authorized by 10A O.S., § 2-7-606(D) to develop a variety of placements for OJA-custody juveniles.

(c) The purpose of this subchapter is to describe and establish the requirements for the programs and facilities for which the Office of Juvenile Affairs contracts for the placement of juveniles, and to establish the licensing standards for foster care.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 317, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-2. General provisions [REVOKED]

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Added at 14 Ok Reg 1160, eff 7-1-97 (emergency); Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 2974, eff 7-12-99 ; Revoked at 31 Ok Reg 317, eff 12-3-13 (emergency); Revoked at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-2.1. Definitions

The following words and terms when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Foster family home" is defined in 10 O.S., § 402 and means a private residence in which a juvenile is placed for out-of-home foster care services and includes a specialized foster home, a therapeutic foster family home, or a kinship care home. Foster parents shall provide continuous 24-hour care and support.

"Kinship care" means full-time care of a child by a kinship relation.

"Kinship relation" or "kinship relationship" means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child' provided, however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control.

"Parental substitute authority" means the foster parent's authority to integrate a juvenile who is in the custody of OJA and who requires out-of-home placement into the family setting, and to care for the juvenile as the foster parent would his or her own child, excluding the authority to use corporal punishment, by:

- (A) meeting the juvenile's physical and emotional needs;
- (B) teaching the juvenile problem-solving, self-control, and responsibility; and
- (C) building the relationship between the foster parent and the juvenile.

"Treatment team" means the Juvenile Services Unit worker, the foster parents, and others deemed as appropriate by OJA.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3. Foster home licensing

The Office of Juvenile Affairs, as the licensing authority, shall issue a certificate of licensure for each foster home approved for placement of OJA custody juveniles. A copy of the license is maintained in the foster home file. Certification of the foster home applies only to the location of the residence at the time the home study is made. If the family moves, OJA shall certify the new location. Certification of the foster home includes, but is not limited to, written documentation of:

- (1) an application for foster home certification that includes prior child care experience with other agencies;
- (2) a current and complete foster home study before the home is approved;
- (3) criminal history records search conducted for each household member over the age of 18; and
- (4) an annual foster home study update.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 174, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2981, eff 7-12-99 ; Amended at 17 Ok Reg 318, eff 10-12-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3135, eff 7-27-00 ; Amended at 21 Ok Reg 1404, eff 7-1-04 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 317, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.1. Foster home study

- (a) **Written home study.** OJA shall prepare a written home study before approving the foster home and prior to placement of a juvenile that contains, at a minimum, information regarding:
- (b) **Interviews and home visits.** Interviews and home visits include documentation of at least one of the following:
- (1) separate face-to-face interview with each parent, school-age child, and any other household member;
 - (2) joint face-to-face interview; and
 - (3) home visit;
- (c) **Household composition.** Information regarding household composition includes each person residing in the home;
- (d) **Foster juvenile profile.** The foster home study includes the applicant's preference for age, gender, and special needs of the juvenile;
- (e) **Motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding juveniles in foster care;
- (f) **Health.** Health information for each household member includes:
- (1) present physical health;
 - (2) emotional stability;
 - (3) medical history, including records of immunizations; and
 - (4) any history of drug or alcohol use;
- (g) **Family functioning.** The foster home study includes information regarding the assessment of family dynamics, functions and interactions with each member of the family;
- (h) **Foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, history of previous marriages or significant relationships, date of present marriage, and a description of the marriage or relationship;
- (i) **Employment.** The foster home study includes the employment history of family members;
- (j) **Financial information.** Financial information in the foster home study includes documentation of annual income;
- (k) **Education.** The foster home study includes information regarding the education of family members;
- (l) **Religion.** Information regarding religion includes the family's religious preference and practices;
- (m) **Description of the home.** The description of the home includes the:
- (1) type of dwelling and physical description; and
 - (2) location of the home and description of the neighborhood;
- (n) **Weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and documentation of a notice to the applicant that weapons and firearms are prohibited unless a full-time duly appointed peace officer, who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of 70 O.S., § 3311, resides in the home;
- (o) **Transportation.** Information regarding transportation includes the family's means of transportation and verification of:
- (1) a valid driver's license for each family member who will transport a juvenile in foster care;
 - (2) license tag;
 - (3) insurance; and

(4) verification of the existence of the applicant's agreement to transport all juveniles and adults in compliance with applicable state law, per 47 O.S., § 11-1112;

(p) **Family history.** The foster home study includes information regarding family history, including:

- (1) names of parents and siblings;
- (2) dates and places of birth;
- (3) physical health and mental stability;
- (4) relationship with family members;
- (5) social, cultural, and religious orientation; and
- (6) information regarding each applicant's childhood including how each was disciplined;

(q) **Written references.** The foster home study includes three written references from persons who have information relative to the family's ability to provide foster care and includes:

- (1) name, address, and telephone number;
- (2) when and how the person became acquainted with the applicants;
- (3) how often the person has contact with the family;
- (4) information regarding family functioning; and
- (5) opinions regarding personal qualities and ability to provide care for juveniles in foster care; and

(r) **Recommendation.** The foster home study includes a recommendation of whether to approve the home that:

- (1) is signed and dated by the person who conducted the foster home study and the district supervisor; and
- (2) if approved, contains the juvenile's profile and number of juveniles for which the home is approved.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.10. Applicable records

(a) **Juvenile's case record.** Records maintained by OJA for juveniles in placement include, but are not limited to:

- (1) an intake form that includes the juvenile's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;
- (2) history of previous placements and dates;
- (3) reason for the present placement;
- (4) a description of the circumstances that led to the juvenile's present placement;
- (5) a description of the juvenile's relationship with other significant adults and children;
- (6) admission assessment that includes the juvenile's current level of functioning and medical history, including:
 - (A) medications the juvenile is currently taking;
 - (B) immunizations;
 - (C) allergies; and
 - (D) childhood diseases;

- (7) current court order(s) documenting legal custody of the juvenile and other applicable court orders;
- (8) certified birth verification;
- (9) juvenile's medical information, including:
 - (A) juvenile's medical authorization number, if applicable;
 - (B) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
 - (C) written authorization to provide medical care;
 - (D) disabilities;
 - (E) psychosocial information;
 - (F) name of the juvenile's last doctor, if known; and
 - (G) documentation of medical services;
- (10) history of the juvenile's family of origin;
- (11) information regarding the physical health of the juvenile's family, including father, mother, and grandparents;
- (12) information regarding the emotional stability of family members;
- (13) reports from schools, specialists, and other agencies;
- (14) documentation that the juvenile's rights have been explained to the juvenile;
- (15) documentation that the grievance policy has been explained to the juvenile;
- (16) a service plan per OAC 377:25-9-2 completed within 30 days of placement and signed and dated by the juvenile, staff, foster parents, and parent or guardian;
- (17) revision of the service plan every six months;
- (18) case notes that have been signed and dated;
- (19) a discharge plan that includes anticipated length of placement and future placement;
- (20) a discharge summary that includes an assessment of the juvenile's progress in placement, the juvenile's continuing needs and plans, and recommendations for follow-up services, if any; and
- (21) documentation of inability to obtain any of the information contained in this subsection and efforts to obtain it.

(b) **Foster home record.** OJA shall maintain a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:

- (1) certification form and documents verifying certification, per OAC 377:10-7-3;
- (2) a complete report of the home study with evaluation and recommendations as required;
- (3) records of all juveniles placed in the home with dates, names, ages, and rates of payment for services, if applicable;
- (4) records of all juveniles removed from the home with dates, names, ages, and reasons for removal;
- (5) financial agreements, if applicable;
- (6) signed and dated case notes, visits or contacts, and conferences;
- (7) a copy of the placement worksheet on each juvenile;

- (8) correspondence;
- (9) records of the home study, updated annually, per OAC 377:10-7-3.6(d);
- (10) documentation of training; and
- (11) written agreements and contracts between the agency and the foster parents.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.11. Applicable rights

- (a) **Juvenile's rights.** OJA requires that the juvenile in foster care is:
- (1) not forced to participate in publicity or promotional activities;
 - (2) not publicly identified as in the custody of OJA;
 - (3) provided an opportunity to participate in religious services;
 - (4) supplied with facilities and supplies for personal care, hygiene, and grooming;
 - (5) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other juveniles in the community;
 - (6) provided individual space in the foster home for the juvenile's personal possessions and a reasonable degree of privacy.
 - (A) The juvenile has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the Individual Treatment and Service Plan (ITSP).
 - (B) Personal belongings are sent with the juvenile when the juvenile leaves the home;
 - (7) expected to perform only household tasks that are within the juvenile's abilities, reasonable for the juvenile's age, and similar to those expected of other household members of comparable age and ability;
 - (8) given guidance in managing money.
 - (A) Money earned by the juvenile or received as a gift or allowance is the juvenile's personal property.
 - (B) The juvenile is not required to use earned money to pay for room and board, unless it is a part of the ITSP and approved by the parent or custodian and OJA;
 - (9) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the ITSP;
 - (10) not denied meals as punishment;
 - (11) not subjected to remarks that belittle or ridicule the juvenile or the juvenile's family;
 - (12) allowed to visit with the juvenile's family, in accordance with the service plan;
 - (13) not forced to acknowledge dependency on OJA or foster home or gratitude to them;
 - (14) given the opportunity, at the juvenile's or OJA's request, for private conversation with OJA's staff members who are responsible for the juvenile's supervision;

(15) given the opportunity to file a grievance, pursuant to 377:3-1-27 through 377:3-1-30; and

(16) provided educational opportunities in accordance with the juvenile's ITSP.

(b) Foster parent's rights. Foster parent's rights shall include, but not be limited to, the right to:

(1) be treated with dignity, respect, and consideration as a professional member of the treatment team;

(2) be notified of and given appropriate, ongoing and continuing education and training to develop and enhance foster parenting skills;

(3) be informed about ways to contact OJA or the child-placing agency in order to receive information and assistance to access supportive services for any juvenile in the foster parent's care;

(4) receive timely financial reimbursement for providing foster care services;

(5) be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;

(6) be provided a clear, written explanation of the ITSP concerning the juvenile in the foster parent's home;

(7) receive, at any time during which a juvenile is placed with a foster parent, additional or necessary information that is relevant to the care of the juvenile;

(8) be notified of scheduled review meetings, permanency planning meetings, and special staffing concerning the juvenile in order to actively participate in the case planning and decision-making process regarding the juvenile;

(9) provide input concerning the plan of services for the juvenile and to have that input be given full consideration in the same manner as information presented by any other professional on the treatment team;

(10) communicate with other foster parents in order to share information regarding the juvenile; specifically, information concerning the number of times a juvenile has been moved, the reasons for the movement, and the names and telephone numbers of the previous foster parents, if such information is authorized for release;

(11) communicate with other professionals who work with the juvenile within the context of the treatment team including, but not limited to, therapists, physicians, and teachers;

(12) be given, in a timely and consistent manner, any information regarding the juvenile and the juvenile's family which is pertinent to the care and needs of the juvenile and to the permanency plan for the juvenile. Disclosure of information shall be limited to that information which is authorized by the provisions of 10A O.S., § 2-6-101 et seq;

(13) be given reasonable notice of any change in or addition to the services provided to the juvenile pursuant to the juvenile's ITSP;

(14) except in emergency cases, be given written notice of plans to terminate the placement of the juvenile with the foster parents

and the reasons for the changes or termination in placements;
(15) be notified by OJA in a timely and complete manner of all court hearings, including notice of the date and time of any court hearing, the name of the judge or hearing officer, location of the hearing, and court docket number of the case;
(16) be informed of decisions made by the court, OJA, or the child-placing agency concerning the juvenile;
(17) be considered a preferred placement option when a juvenile who was formerly placed with a foster parent is to re-enter foster care at the same level and type of care, if that placement is consistent with the best interests of the juvenile and other children in the home of the foster parent and the protection of the public;
(18) be provided a fair, timely, and impartial investigation of complaints concerning the certification of the foster parent;
(19) be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect certification retention or placement of children in the home;
(20) be allowed to exercise parental substitute authority;
(21) have timely access to the appeals process of OJA and the child placing agency and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;
(22) be provided the number of the statewide toll-free Foster Parent Hotline;
(23) file a grievance and be informed of the process for filing a grievance;

(c) OJA and a child-placing agency under contract with OJA shall be responsible for implementing this subsection on foster parents' rights.

(d) Nothing in this subsection shall be construed to create a private right of action or claim on the part of any individual, OJA, or any child-placing agency, pursuant to 10A O.S., § 1-9-119(C).

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.12. Foster parent grievance procedure

OJA's grievance policy and procedures for foster parents are as follows:

- (1) Grievances shall be in writing and submitted to the Juvenile Services Unit District Supervisor of the district where the foster home is located. The JSU District Supervisor shall meet with the foster parent within five (5) days of the submission of the grievance to the district office. Within two (2) days of the initial meeting, a proposed resolution will be established and presented to the foster parent, unless the resolution was finalized at the initial meeting. If additional time is needed to satisfy a grievance, these time frames may be extended by agreement.
- (2) If there is not an established agreed upon resolution within five (5) days of the initial meeting or applicable extensions, the foster parents may appeal to the JSU Division Director. Such

appeal shall be filed within two (2) days. The JSU Division Director shall make a decision that resolves the appeal within three (3) days, and the decision shall be final.

(3) All resolved and unresolved grievances shall be reviewed by the JSU Division Director. Grievances shall be annually reported to the Board of Juvenile Affairs.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.2. Criminal history records searches and disqualifying crimes

(a) **Background history records search.** OJA shall conduct a records search for every person living in the household who is or becomes 18 years of age or older, which shall include all of the following:

- (1) a national criminal history records search based upon submission of fingerprints that shall be conducted by the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes;
- (2) a search of the Oklahoma State Courts Network (OSCN) which may include Oklahoma District Court Records (ODCR);
- (3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;
- (4) a search of the Department of Corrections (DOC) Sex Offender Registry;
- (5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;
- (6) a Motor Vehicle Report obtained from the Department of Public Safety (DPS);
- (7) a search of all applicable out-of-state child abuse and neglect registries for the foster parent and any adult household member who has not lived continuously in Oklahoma for the past five (5) years as required by 10A O.S., § 1-7-111;
 - (A) The prospective foster home is not approved without the results for the foster parent and adult household members of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;
 - (B) When no child abuse and neglect registry is maintained in the applicable state, OJA shall request any information that can be provided;
- (8) a criminal history records search conducted by an authorized source, when any adult household member has lived outside the United States within the last five (5) years;
- (9) a request for a background check from Family Advocacy for the active or retired military applicant or adult household member; and
- (10) a search of all Department of Human Services (DHS) Child Welfare records for history of child maltreatment for any adult

household member.

(b) **Disqualifying crimes.** A prospective foster parent is not an approved placement for a juvenile if the prospective foster parent or any other person residing within the home has been convicted of any of the following felony offenses:

- (1) any physical assault, battery, or a drug-related offense within a five-year period preceding the application date;
- (2) child abuse or neglect;
- (3) domestic abuse;
- (4) a crime against a child, including, but not limited to, child pornography; or
- (5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (1) if such crime occurred outside of the five year period.

(c) **Placement restriction.** OJA shall not place a juvenile with an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

(d) **JOLTS record search.** A search of JOLTS shall be conducted by OJA on each minor over the age of thirteen (13) years residing in the home.

(e) **Early placement.** OJA may place a child pending completion of the national criminal history records search if the prospective foster parent and every adult residing in the foster family home has resided in this state for at least five years immediately preceding such placement and a preliminary name-based check of each person over the age of eighteen (18) years residing in the prospective foster family home has been conducted to determine whether any adult member of the household has been arrested for or convicted of any crime.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14 ; Amended at 32 Ok Reg 400, eff 11-17-14 (emergency); Amended at 32 Ok Reg 2001, eff 9-11-15]

377:10-7-3.3. Foster home physical requirements

(a) **General requirements.** The foster home shall:

- (1) be clean, safe, and in good repair;
- (2) have the exterior around the home free from objects, materials, and conditions that constitute a danger to the juveniles served;
- (3) have access to, or be able to provide transportation to, school, church, recreational and health facilities, and other community resources, as needed; and
- (4) be in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) **Safety requirements.**

- (1) Clear glass doors are plainly marked to avoid accidental impact.
- (2) All weapons and firearms are prohibited, except as provided in 70 O.S., § 3311.
- (3) All controlled, prescribed, and alcoholic substances shall be secured in a locked cabinet.

(4) All dangerous, flammable, and poisonous substances shall be secured in a locked cabinet.

(5) Smoking is prohibited inside the home and when transporting juveniles.

(6) Stairways over four steps, inside and outside, have railings.

(c) **Fire safety requirements.**

(1) A fire extinguisher rated for Class ABC fires is installed in the kitchen area.

(2) The foster home is equipped with at least one operable smoke detector in the vicinity of the sleeping areas, or as required by OJA.

(3) Each floor used as living space has at least two means of escape, at least one of which is a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window with minimum dimensions of 20" X 24".

(4) All heating and air conditioning equipment is installed in accordance with state and local mechanical codes and manufacturer's instructions.

(d) **Health requirements.**

(1) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.

(2) Rooms used by juveniles are well ventilated and well lit.

(3) Windows and doors used for ventilation are screened.

(4) The foster parent shall not expose the juvenile to environmental tobacco smoke, also known as passive or secondhand smoke.

(5) Measures are taken by the foster parents to keep the house and grounds free of rodents, insects, and stray animals.

(6) At least one operable sink, one operable toilet, and one operable tub or shower are available in the home.

(7) Each juvenile is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.

(8) Linens are changed when needed.

(9) Animals or household pets are permitted, provided there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, are in good health, show no evidence of carrying disease, are friendly toward juveniles, and present no threat to the health, safety, and well-being of juveniles.

(10) OJA requires the foster family to comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

(e) **Sleeping arrangements.** A separate bed is provided for each child or juvenile.

(1) No more than two children or juveniles may share a sleeping room, except as approved by OJA.

(2) Separate sleeping rooms are provided for children older than four years who are of a different sex.

(3) Juveniles in foster care do not share a sleeping surface with adults in the household.

(f) **Emergency plans.** The foster home complies with the requirements pertaining to emergency plans contained in this subsection.

(1) The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.

(2) The home has a telephone, and emergency numbers are posted for the health professional or clinic, fire department, police department, ambulance service, and substitute caregiver.

(3) The foster parent has an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.

(4) First aid procedures and supplies are readily available.

(5) The foster parent ensures that each child and juvenile, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire. The foster parent conducts periodic evacuation drills.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.4. General foster parent qualifications

(a) **Age.** Foster parents shall be at least 21 years of age.

(b) **Income and employment.** Foster parents shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments, if applicable.

(1) Foster parents who both work outside the home shall obtain approval from OJA for their plan of care for the juveniles during their absence.

(2) Foster parents shall obtain approval from OJA to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the juveniles.

(3) The foster home shall not operate a child care business in the foster home.

(c) **Number of children.** The foster home complies with requirements regarding placement of juveniles in the foster family home.

(1) No more than five foster juveniles are placed in the home.

(2) The number, ages, and needs of foster juveniles placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.

(3) The total number of juveniles in the home, including the foster parents' biological children, adopted children, and foster children, cannot exceed six. Local city ordinances should be researched by the foster parents to determine if other restrictions apply.

(d) **Foster Parent Training.** OJA shall provide and document that each foster parent has received at a minimum:

(1) six hours of orientation or pre-service training prior to approval of the foster home or placement of a juvenile which includes at a minimum:

(A) OJA policy;

- (B) program philosophy;
 - (C) confidentiality;
 - (D) mandatory reporting of child abuse;
 - (E) grievance process;
 - (F) emergency medical procedures; and
 - (G) fire and disaster plans;
- (2) six additional hours of training within the first calendar year of certification that is relevant to the needs of the juvenile placed in the foster home including, but not limited to:
- (A) normal child development;
 - (B) behavior management;
 - (C) separation and loss; and
 - (D) infection control and injury prevention; and
- (3) twelve hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.5. Foster parent responsibility

(a) **General.** Foster parents shall provide OJA any information related to compliance with all requirements and allow OJA access to any member of the household and entry into all rooms within the home. Foster parents:

- (1) are responsible, mature, healthy adults capable of meeting the needs of the juveniles in foster care;
- (2) demonstrate a capacity for setting realistic expectations for behavior that is based on the ages, abilities, and special needs of the juveniles;
- (3) may be married couples, single persons, or family members with a stable living arrangement; and
- (4) ensure that all members of the household are informed of and agree to accept the juvenile into the home.

(b) **Notifications.** Foster parents shall comply with the requirements pertaining to notifications. Foster parents shall notify OJA:

- (1) in writing, prior to allowing any person to take up residence for more than two weeks in the foster home;
- (2) immediately of the occurrence of:
 - (A) the death of the juvenile;
 - (B) a serious injury or illness involving medical treatment of the juvenile;
 - (C) unauthorized absence of the juvenile from the home as defined by OJA policy;
 - (D) removal of the juvenile from the home by any person or agency other than OJA, or attempts at such removal;
 - (E) loss of income that affects the family's ability to meet the needs of the juveniles in foster care;
 - (F) any involvement of the juvenile with legal authorities;
 - (G) any fire or other emergency requiring evacuation of the home;
 - (H) lack of heat, water, or electricity; and

- (I) removal of the juvenile from the county for an overnight stay; and
- (3) as soon as possible of:
 - (A) any serious illness or death in the household;
 - (B) the departure or return of any member of the household;
 - (C) a move to another residence;
 - (D) any other circumstance or incident seriously affecting the juvenile or care of the juvenile; and
 - (E) any allegations of child abuse.
- (c) **Cooperation.** Foster parents shall work cooperatively with OJA representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each juvenile. Foster parents shall:
 - (1) fully disclose all information related to a juvenile's problems or progress to OJA;
 - (2) treat any personal information about a juvenile or the juvenile's family in a confidential manner;
 - (3) participate in an annual review with OJA to mutually evaluate the strengths and weaknesses of the foster home, as well as OJA's relationship with the foster parents; and
 - (4) agree to not accept a non-relative juvenile from any source without the approval from OJA.
- (d) **Medical services.** OJA requires that the juvenile in foster care receive appropriate medical services.
- (e) **Nutrition.** Each juvenile is provided a balanced, nutritious, and developmentally appropriate diet. The food is wholesome in quality, ample in quantity, and of sufficient variety.
- (f) **Transportation.** Juveniles in foster care are transported in compliance with applicable state law, 47 O.S., § 11-1112. The transporting vehicle shall be covered by liability insurance as required by Oklahoma laws. The foster family has emergency transportation available.
 - (1) **Driver qualifications.** Drivers transporting juveniles in foster care have an operator's license that is valid in the driver's state of residence and is of the type appropriate for the vehicle.
 - (2) **Passenger restraints.** Juveniles who are transported are properly secured in an individual seat belt.
- (g) **Financial disclosure.** The foster parent shall immediately make available to OJA the cost of the juvenile's care, all income, other than part-time employment income earned by the juvenile, and resources (including, but not limited to Social Security or SSI or other federal or state benefits, inheritance, trust funds, insurance benefits, Indian trusts, or other monies to which the juvenile may be entitled) that are received by the foster parent(s) on behalf of the juvenile.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.6. OJA responsibility

- (a) **Policy.** OJA shall provide foster parents with OJA policy relative to foster care.
- (b) **Case planning.** OJA is responsible for case planning.
- (c) **Supervision.**
- (1) OJA shall provide supervision at least once a month to each juvenile in foster care, including private visits with the juvenile in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment;
 - (2) OJA may remove the juvenile at its discretion or provide consent for discharge of the juvenile from foster care when appropriate; and
 - (3) OJA may approve visitation by parents or relatives when appropriate.
- (d) **Annual home study updates.** OJA shall update the foster home study annually to include:
- (1) documentation of a home visit;
 - (2) documentation of a face-to-face interview with each parent, school-age child, and any other household member;
 - (3) current vehicle insurance verification; and
 - (4) reports of any significant changes from the initial home study.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.7. Foster home contract

- (a) **Contract.** OJA shall have a written contract with the foster care placement provider and provide the foster parents a copy of the contract. At a minimum, the contract shall include the following provisions:
- (1) OJA shall have access at all times to the juvenile and to the foster placement;
 - (2) a listing of any specific requirements, duties, or restrictions in providing foster care services;
 - (3) that any foster child shall have access to and be accessible by any court-appointed special advocate for the foster child and the foster child's attorney;
 - (4) any foster care placement provider shall comply with performance standards required pursuant to 10 O.S., § 401 and any of the rules promulgated by the Board of Juvenile Affairs;
 - (5) information regarding the amount of payment to be made for foster care services, including but not limited to a description of the process involved in receiving payment, including projected time frames, information related to reimbursements for eligible costs and expenses for which the foster parent may be reimbursed and any information concerning the accessibility and availability of funds for foster parents;
 - (6) OJA may remove a juvenile in OJA custody from a foster placement whenever the agency determines that removal is in the best interests of the juvenile or consistent with the state's interest in the protection of the public; and
 - (7) such other contract provisions required by OJA.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-3.8. Informal and alternate care arrangements

(a) **Informal care arrangements.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the juvenile, including before and after school hours, and not to exceed 24 consecutive hours.

(1) The foster parent shall:

- (A) ensure that informal care providers possess the maturity and skill to address the needs of the juvenile in foster care;
- (B) secure prior authorization for informal care from OJA. Prior authorization may apply to multiple events when the same informal provider is used;
- (C) not utilize a juvenile in foster care to babysit a younger child unless approved by OJA; and
- (D) provide the informal provider information for contacting the foster parent and other emergency contacts.

(2) The informal provider must be at least 18 years of age.

(b) **Alternate care arrangements.** The foster family may develop a relationship with another family as an alternate provider who can provide care for the juvenile in foster care in excess of 24 hours, in case of family emergencies, family vacations, or when the provider needs respite care. OJA must approve the alternate care and have documentation that the alternate provider is at least 21 years of age, provides one reference, meets the foster home requirements listed in OAC 377:10-7-3.3, and complies with discipline and behavior management requirements in OAC 377:10-7-3.9.

(1) OJA shall conduct a records search for every person living in the household who is or becomes 18 years of age or older, which shall be assessed yearly, and shall include all of the following:

- (A) a national criminal history records search based upon submission of fingerprints that shall be conducted by the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes;
- (B) a search of the Oklahoma State Courts Network (OSCN) which may include Oklahoma District Court Records (ODCR);
- (C) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;
- (D) a search of the Department of Corrections (DOC) Sex Offender Registry;
- (E) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(F) a Motor Vehicle Report obtained from the Department of Public Safety (DPS);

(G) a search of all applicable out-of-state child abuse and neglect registries for the applicant and any adult household member who has not lived continuously in Oklahoma for the past five (5) years as required by 10A O.S., Section 1-7-111;

(i) the prospective foster home is not approved without the results for the applicant and adult household members of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(ii) When no child abuse and neglect registry is maintained in the applicable state, OJA shall request any information that can be provided;

(H) a criminal history records search conducted by an authorized source, when any adult household member has lived outside the United States within the last five (5) years;

(I) a request for a background check from Family Advocacy for the active or retired military applicant or adult household member; and

(J) a search of all Department of Human Services (DHS) Child Welfare records for history of child maltreatment for any adult household member.

(2) A search of JOLTS shall be conducted by OJA on each minor over the age of thirteen (13) years residing in the home.

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14 ; Amended at 32 Ok Reg 583, eff 2-3-15 ; Amended at 32 Ok Reg 2003, eff 9-11-15]

377:10-7-3.9. Discipline and behavior management requirements

(a) **Objectives.** The objectives of discipline and behavior management are to provide a positive learning experience for the juvenile to grow and develop and to learn acceptable standards of social behavior.

(b) **Expectations of foster parents.** Foster parents shall:

(1) recognize and encourage appropriate behavior;

(2) teach by example and use fair and consistent rules with logical consequences;

(3) use methods of discipline that are relevant to the behavior;

(4) supervise with an attitude of understanding, firmness, and discipline;

(5) give clear directions and provide guidance consistent with the juvenile's level of understanding;

(6) redirect the juvenile by stating alternatives when behavior is unacceptable;

(7) express themselves so the juvenile understands that the juvenile's feelings are acceptable but certain actions or behavior are not;

(8) help the juvenile learn what conduct is acceptable in various situations;

- (9) encourage the juvenile to control the juvenile's own behavior, cooperate with others and solve problems by talking things out; and
- (10) communicate with the juvenile by showing an attitude of affection and concern.

(c) **Discipline and behavior management policy.** OJA complies with the requirements regarding discipline and behavior management contained in this subsection. OJA's discipline policy is maintained in writing and is provided to foster parents, the juvenile, and the juvenile's parent or custodian.

- (1) OJA's discipline policy includes:
 - (A) the goal and purpose of OJA's discipline and behavior management program;
 - (B) approved methods of discipline and behavior management;
 - (C) a list of persons authorized to administer discipline and behavior management methods to juveniles in foster care; and
 - (D) OJA's method of monitoring and documenting implementation of the policy; and
- (2) OJA's discipline policy prohibits punishment:
 - (A) of a physical nature, such as shaking, striking, spanking, or physical abuse;
 - (B) that constitutes emotional abuse, such as humiliation, name-calling, cursing, or degrading remarks regarding the juvenile or the juvenile's family;
 - (C) administered by one juvenile to another juvenile;
 - (D) that denies meals, sleep, or mail;
 - (E) that places a juvenile in a locked room; and
 - (F) any disciplinary action prohibited in OAC 377:10-1-3(d).

[Source: Added at 31 Ok Reg 317, eff 12-3-13 (emergency); Added at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-4. Therapeutic foster care

- (a) The Office of Juvenile Affairs may contract for the provision of therapeutic foster care services to OJA-custody juveniles who are between the ages of 10 and 18 years of age with documented mental health problems. A therapeutic foster home is a foster family home, which provides specific services to eliminate social and behavioral problems of a juvenile placed in the home.
- (b) Juveniles who are not appropriate for therapeutic foster care are those with serious and repeated delinquent behaviors who appear to need intensive residential or group care treatment programs which provide 24-hour awake supervision and/or juveniles who are so severely emotionally disturbed that they require hospitalization or intensive residential or group care treatment programs which provide 24-hour awake supervision.
- (c) The number of children placed in one therapeutic foster home shall not exceed two unless written authorization is granted by OJA. The

placement of a third resident shall only occur in special circumstances such as keeping sibling groups together or when a third resident is temporarily placed due to an existing resident approaching discharge from the program.

(d) Prior to the placement of children in therapeutic foster care homes, all foster parents must satisfactorily complete thirty-five pre-service hours, not including the six hours of orientation, of primarily skill-based training consistent with OJA's treatment methodology and the service needs of emotionally disturbed and behaviorally disordered children. All therapeutic foster parents must satisfactorily complete a minimum of eighteen hours of in-service training per year to maintain certification, whether or not a resident is placed in the home. First Aid and CPR training may count for up to 8 hours of in-service training within the first year of certification. After the first year, First Aid and CPR recertification training may count as no more than 4 hours of the required 18 hours of in-service training annually. In-service training may include a variety of formats and procedures including in-home training provided by OJA staff.

(e) Rules regarding eligible providers, admission requirements, description of required services, and the Title XIX payment rate are found in Title 317, the Oklahoma Health Care Authority [317:30-5-740, 317:30-5-741(5)(D), 317:30-5-742, 317:30-5-473, and 317:30-5-475]. In addition to the requirements of the Oklahoma Health Care Authority, therapeutic foster homes shall be licensed by DHS, provide services, and meet the licensing requirements for therapeutic foster care as identified in OAC 340:75, the therapeutic foster care contract, and the OJA foster home standards listed in OAC 377:10-7-1 through 377:10-7-3.12.

(f) OJA, pursuant to 2-7-613(A), shall provide supervision to juveniles in therapeutic foster care.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 174, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2981, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 317, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-5. Specialized community home

(a) **General provisions.** A specialized community home (SCH) is a community-based, family-structured home for up to five OJA-custody juveniles. A SCH shall be operated by, and in the home of, a professional, contracted social service provider. The contractor shall provide an intensive, individually-focused, therapeutic intervention program of social services in addition to basic residential care. The contractor shall also provide counseling, educational opportunity, employment opportunity, cultural enrichment, and independent living skills training consistent with each juvenile's treatment plan. The SCH contractor's full-time job shall be to operate the specialized community home and provide services.

(b) **Foster family care standards.** An applicant, to become a specialized community home provider, shall submit a program proposal to the Executive Director or the affected division administrator, and meet the requirements listed in OAC 377:10-7-3. A specialized community home contractor shall meet, at a minimum, the OJA foster home standards

listed in OAC 377:10-7-3.

(c) **Program proposal.** An applicant shall address each of the criteria listed in (1)-(16) of this subsection in the applicant's written program proposals.

(1) **Previous child care experience.** The applicant shall provide a description of the applicant's previous child care experience with the target population described.

(2) **Educational background and abilities of the applicant.** The applicant shall provide information regarding the applicant's formal education, training, and abilities. The applicant shall describe how the education enhances his or her ability to successfully operate this program.

(3) **Adaptability.** The applicant shall describe in writing how he or she may adapt to meet the needs of juveniles referred to the program.

(4) **Behavior management.** The applicant shall describe in writing his or her philosophy of behavior management methods and its applicability to the proposal population.

(5) **Effect on other family members.** The applicant shall provide information on the effect, if any, becoming a specialized community home will have on family members and the plan to minimize any risk potential that may exist.

(6) **Role of the spouse.** The applicant shall describe in writing the role which a spouse, present in the home, will play in the overall operation of the specialized community home.

(7) **Overall plan of service delivery.** The applicant shall provide a written plan of service delivery. The applicant shall answer the following questions:

(A) What types of services will be directly provided and in what manner?; and

(B) What will be accessed from the community?

(8) **Relief/respice care.** The applicant shall provide an outline of the plan for relief/respice care arrangements.

(9) **Community/school system acceptance.** The applicant shall describe the community/school system tolerance level for the type of juveniles proposed for placement.

(10) **Facility.** The applicant shall provide information regarding whether the home is adequate to accommodate four juveniles in addition to the applicant's own family. Upon written approval from the Executive Director or the affected division administrator, a home may be certified for five juveniles in addition to the applicant's own family.

(11) **Recreational resources.** The applicant shall provide a written description of and a plan for using available recreational resources.

(12) **Educational resources.** The applicant shall provide a description of available State Board of Education certified educational resources, including vocational education and special education.

(13) **Independent living.** The applicant shall have a plan to assess and teach independent living skills to juveniles 16 years of

age and older.

(14) **Employment resources.** The applicant shall describe plans to teach job skills and access employment resources. The applicant shall identify transportation resources.

(15) **Community resources.** The applicant shall provide information regarding the availability of community resources and the applicant's plan for accessing community resources.

(16) **Transportation.** The applicant shall advise whether he or she can provide transportation for the juveniles.

(d) **OJA staff participation.** OJA staff may not participate in writing program proposals.

(e) **Role expectations of the specialized community home contractor.** OJA may require specific training for the SCH prior to placing a juvenile in the home. Specialized community home (SCH) contractors shall annually obtain 21 hours of training regarding working with juveniles. All SCH contractors and their spouses shall receive training in an approved system for managing aggressive and non-aggressive acting-out behavior. Contractors shall attend OJA mandatory meetings held twice yearly, as well as any additional required training. Contractors shall receive training hours for attending the required meetings.

(f) **Responsibilities of the specialized community home contractor.** The Office of Juvenile Affairs shall set forth specific responsibilities of the specialized community home contractor in the contract between OJA and the contractor. OJA staff shall ensure that contractors meet all contractual requirements.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 174, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2981, eff 7-12-99 ; Amended at 21 Ok Reg 1404, eff 7-1-04 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 317, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1929, eff 9-12-14]

377:10-7-6. OJA foster family home standards [REVOKED]

[Source: Added at 15 Ok Reg 2667, eff 7-1-98 ; Revoked at 16 Ok Reg 174, eff 10-22-98 (emergency); Revoked at 16 Ok Reg 2981, eff 7-12-99]

377:10-7-7. Kinship foster care

(a) Any responsible adult over the age of 18 with whom a juvenile has a kinship relationship may apply to become a kinship foster home for that juvenile.

(b) An OSBI criminal history records search must be completed and a national criminal history records search based on fingerprints initiated before a family is certified as a foster home.

(c) The worker shall complete a foster home study on kinship foster parents. Kinship foster parents must meet the standards set forth in OAC 377:10-7-1 through 377:10-7-3.12.

(d) A foster parent providing kinship care shall, if possible, complete the training before the juvenile is placed. If training is not possible before placement, the kinship foster parent must receive the training no later than three months after placement. Training requirements are listed in

OAC 377:10-7-1 through 377:10-7-3.12.

[Source: Added at 16 Ok Reg 174, eff 10-22-98 (emergency); Added at 16 Ok Reg 2981, eff 7-12-99 ; Amended at 17 Ok Reg 318, eff 10-12-99 through 7-14-00 (emergency); Amended at 17 Ok Reg 3135, eff 7-27-00 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 31 Ok Reg 317, eff 12-3-13 (emergency); Amended at 31 Ok Reg 1929, eff 9-12-14]

PART 3. CONTRACT-BASED RESIDENTIAL CARE

377:10-7-15. Purpose

The purpose of this Subchapter is to describe contract-based residential care (CBRC) programs. A CBRC facility is a group home, defined by 10 O.S., § 7301-1.3 or a community residential center, operated by a private, licensed Child Placing Agency or Residential Child Care Facility. The CBRC program shall contract with OJA to provide a specifically defined course of care and treatment for juveniles in OJA custody. The contract facility shall comply with the DHS published "Requirements for Residential Child Care Facilities" (OAC 340:110-3, Part 9).

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

377:10-7-16. Levels of care system

The Levels of Care system is a system in which a contract facility's service provision is measured against and defined by:

- (1) a standardized set of approved criteria, as defined in OAC 377:10-7-17 through 377:10-7-20;
- (2) requirements set forth in the contract between OJA and the facility; and
- (3) basic licensure requirements as set out in DHS rules 340:110, "Requirements Residential for Child Care Facilities.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

377:10-7-17. Specialized Residential Care ("Level C")

The standardized set of criteria for each "Level C" community-based residential care facility is provided in (1)-(8) of this Section.

- (1) **Nature of program services.** The major focus of the "Level C" Program shall be to assist a juvenile to change or alter the juvenile's behavior problems through a residential rather than therapeutic model.
 - (A) The professional staff of the agency shall provide group and individual treatment. Outside consultation shall be available to assist. Designated "on call" staff shall provide crisis intervention.
 - (B) Group work shall focus on eliminating behavioral problems.
 - (i) Primary focus shall be on residential model.

- (ii) Minimum based on the juvenile's individual needs and treatment plan.
- (iii) The designated social work counseling staff shall provide individual therapy as needed.
- (iv) Family treatment shall be available for families when appropriate.

(2) **Description of juveniles to be served.** Juveniles appropriate for placement in a "Level C" facility have demonstrated behavior problems.

(A) Typical behaviors of a juvenile placed in a "Level C" facility include:

- (i) repeated minor criminal offenses;
- (ii) difficulty in school;
- (iii) problems with authority figures;
- (iv) sexual acting out;
- (v) verbal aggression;
- (vi) peer difficulties; and
- (vii) runaway incidents.

(B) A juvenile placed in "Level C" may be intellectually limited and have difficulty with impulse control.

(C) A juvenile appropriate for placement in a "Level C" facility is a low risk to self and others. Thus, 24-hour awake supervision is not necessary.

(3) **Educational services.** Education shall conform to standards of the State Board of Education. In-house educational program operated in conjunction with the local school system shall be optional. The facility shall ensure that:

- (A) each juvenile shall be provided the training and education appropriate to the juvenile's abilities;
- (B) special, remedial, and vocational education are available; and
- (C) tutoring services are provided for juveniles who need them.

(4) **Recreational services.** Planned and supervised indoor and outdoor recreation shall be available. Juveniles shall have leisure time to pursue their talents, hobbies, and chosen positive interests. Recreation shall be available through campus facilities and community resources.

(5) **Employment services.** The facility shall provide services to prepare juveniles for employment and, when appropriate, facilitate job placement and job retention.

(6) **Independent living skills training.** Independent living focus shall be incorporated throughout the program with a goal of improving the juvenile's capability to function in adulthood.

(7) **Description of staff.** Staff shall include professional and non-credentialed persons. Non-credentialed personnel shall typically perform basic care and custody functions. Social workers, psychologists, or other professional staff shall augment the service.

(A) Direct care staff may reside part time at the facility and shall be available 24 hours per day.

(B) Staff to juvenile ratio shall meet requirements as set forth in DHS rules OAC 340:110, "Requirements for Residential Child Care Facilities." All direct care staff shall meet, at minimum, state licensing standards.

(C) Direct care staff training shall be mandatory, formalized, and provided by professional and noncredentialed staff of the agency as well as resources outside the agency.

(D) Direct care staff shall participate in review staffings of each juvenile. The direct care staff may also access consultation

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

377:10-7-18. Moderate intensity specialized residential care ("Level D")

The standardized set of criteria for each "Level D" community based residential care facility is provided in (1)-(9) of this Section.

(1) **Nature of program services.** The basic goals of this level shall be elimination of behavioral problems through therapy and by provision of intensive, 24-hour awake supervision.

(A) Social services shall be generally provided by professional and direct care staff of the facility as a team. Facility staff shall have access to a consultant, as described in paragraph (c) of 377:10-7-2. The on-site direct care staff shall respond first to crisis situations. Backup shall be through the normal on-call schedule.

(B) The facility's environment shall provide a therapeutic setting. The professional staff of the facility with assistance from the direct care staff shall provide group work. The primary goal of groups is to stop a juvenile's pattern of aggressive behavior. Groups shall be held for a minimum of one hour per week. Individual therapy is provided for each juvenile for a minimum of one hour per week based on the juvenile's individual needs and treatment plan. The facility's designated social work or counseling staff shall provide individual therapy.

(C) Mental health consultation shall be available for juveniles directly through a licensed psychologist, psychiatrist, or clinical social worker.

(2) **Description of juveniles to be served.**

(A) A juvenile appropriate for placement in a "Level D" facility shall have demonstrated behavior problems. The juvenile may have a history of multiple failed placements. Typical behaviors are:

- (i) repeated minor criminal offenses;
- (ii) difficulty in school;
- (iii) problems with authority figures;
- (iv) sexual acting out;
- (v) verbal aggression;

- (vi) physical aggression toward authority figures;
- (vii) peer difficulties; and
- (viii) runaway behavior.

(B) A juvenile placed in a "Level D" facility may experience emotional difficulties which can be treated in a structured community-based setting. The juvenile also has consistent antisocial and aggressive behavior. The juvenile may be intellectually limited and incapable of controlling impulses, requiring a high degree of individualized supervision and services.

(3) **Educational services.** Education shall conform with the standards of the State Board of Education. In-house educational programs operated in conjunction with the local school system are optional. The facility shall ensure that:

- (A) each juvenile is provided the training and education appropriate to the juvenile's abilities;
- (B) special, remedial, and vocational education are available; and
- (C) tutoring services are provided for juveniles who need them.

(4) **Recreational services.** Planned and supervised indoor and outdoor recreation shall be available for each juvenile. The facility shall provide leisure time to pursue talents, hobbies, and chosen interests. Recreation shall be available on campus and/or through community resources.

(5) **Employment services.** The facility shall provide services to prepare a juvenile for employment and, as appropriate, facilitate job placement and job retention.

(6) **Independent living skills training.** The program shall incorporate a focus on independent living with a goal of improving the juvenile's capability to function in adulthood.

(7) **Description of staff.** Staff shall include professional and non-credentialed persons. Non-credentialed personnel shall perform basic care and custody functions. Social workers, psychologists, or other professional staff shall augment services provided by non-credentialed staff. Twenty-four hour awake supervision shall be provided. Line staff shall typically have specific shift assignment. If the direct care staff members live in the facility, a shift component shall be in place to ensure continuous awake supervision and staff capability to respond to crisis situations on a 24-hour basis.

(A) Staff to juvenile ratio shall meet requirements as set forth in DHS rules OAC 340:110, "Requirements for Residential Child Care Facilities." Juvenile care and professional staff shall meet, at minimum, state licensing standards.

(B) Juvenile care and professional staff shall receive formal training in excess of the minimum required, upon entering the job and on an ongoing basis. The facility shall provide training through a combination of in-house and outside training.

(C) Direct care staff shall participate in staffing of each juvenile as a part of the treatment team. All direct care staff shall have access to psychological and/or psychiatric consultation.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 2976, eff 7-12-99 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

377:10-7-19. Moderate to High Intensity Specialized Residential Care ("Level D Plus")

The standardized set of criteria for each "Level D Plus" community based residential care facility is provided in (1)-(10) of this Section.

(1) **Nature of program services.** The basic goals of the program shall be eliminating behavioral problems through therapy and by providing 24-hour awake supervision.

(A) Social services shall be generally provided by professional and direct care staff of the facility as a team. Consultants shall be available to staff. On-site, direct care staff shall respond initially to crisis situations. Backup shall be through normal on-call schedule.

(B) The facility shall provide a therapeutic setting. The primary goal of groups shall be to stop a juvenile's pattern of aggressive behavior. Groups shall be held at a minimum of two hours per week. An agency social worker or counseling staff shall provide individual therapy for each juvenile a minimum of one hour per week. Family therapy shall be available when needed.

(C) Psychological/psychiatric intervention shall be available to a juvenile by direct contact with a psychologist, psychiatrist, or psychiatric consultant or from the facility's designated social worker or counseling staff with psychological or psychiatric case consultation.

(2) **Description of juveniles to be served.** Juveniles appropriate for "Level D Plus":

(A) may have multiple, failed placements;

(B) may exhibit typical behavior such as:

(i) a combination of repeated criminal offenses;

(ii) difficulty in school;

(iii) problems with authority figures;

(iv) verbal aggression; and

(v) peer difficulties

(C) may evidence antisocial and/or aggressive behavior;

(D) may be intellectually limited with no impulse control requiring individualized services;

(E) may have emotional difficulties that are amenable to treatment in structured, community-based setting; and

(F) may experience chemical abuse secondary to other criminal/behavior problems.

(3) **Educational services.** The facility shall provide education according to the standards of the State Board of Education.

Programs may have in-house education operated in conjunction

with the local school system. The facility shall ensure that:

- (A) each juvenile is provided the training and education appropriate to the juvenile's abilities;
- (B) special, remedial, and vocational education are available; and
- (C) tutoring services are provided for juveniles who need them.

(4) **Recreational services.** The facility shall provide planned and supervised indoor and outdoor recreation. Juveniles shall have leisure time to pursue their talents, hobbies, and chosen positive interests. Services are campus facilities and/or through use of community resources.

(5) **Employment services.** The facility shall provide services to prepare juveniles for employment and, as appropriate, facilitate job placement and job retention.

(6) **Independent living skills training.** Independent living training shall be incorporated throughout the program with a goal of providing each juvenile with adequate life skills and experiences to function as an adult.

(7) **Staffing.** The facility shall provide 24-hour, awake coverage. Two direct care staff shall be on duty on shifts in which juveniles are awake and not in school. Two staff shall typically be on the afternoon/evening shift, the day shift, weekends, school holidays, and during the summer. One consultant (psychiatrist, psychologist, or M.S.W.) shall be available to the administrator and staff at least two hours per week.

(8) Description of staff. Staff shall include professional and non-credentialed personnel. Non-credentialed staff shall typically perform basic care and custody functions. Social workers, psychologists, or other professional staff shall enhance basic care services. If live-in juvenile care is provided, shifts must ensure 24-hour, continuous, awake supervision and capability to respond to crises on 24-hour basis.

(A) Staff to client ratio shall meet requirements for "Residential Child Care Facilities." Direct care and professional staff must meet, at minimum, the state licensing standards.

(B) Direct care and professional staff should have more formal training than the minimum required. Training should be both in-house and outside training.

(C) Direct care staff shall participate in staffing each juvenile as part of treatment team. All direct care staff shall have access to psychological and/or psychiatric consultation.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 2976, eff 7-12-99 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

377:10-7-20. Specialized residential high intensity treatment programs (Level E)

The standardized set of criteria for each "Level E" community based residential care facility is provided in (1)-(9) of this Section.

(1) **Nature of program services.** Intervention is characterized by a highly structured environment and regularly scheduled contact with professional staff. Crisis intervention shall be formalized on a 24-hour basis.

(A) Social services shall be delivered in both group and individual sessions. The primary goal shall be behavior-focused. Structured group treatment shall be provided at a minimum of two hours per week. Individual treatment shall be provided at a minimum of one hour per week. Families shall be involved in the therapeutic process, as indicated by the juvenile's individual treatment plan.

(B) The residential component of this level shall include 24-hour awake supervision by professional staff. Juveniles in this level are considered a high risk to themselves or the community. The contractor shall be required to assist in apprehending and returning to the facility juveniles who are AWOL.

(2) **Description of juveniles to be served.** Juveniles in this group have displayed extreme antisocial and aggressive behavior but are typically not psychotic, although may have DSM IV R diagnosis and may receive psychotropic medication. Juveniles may frequently exhibit serious behavioral problems, which may reflect emotional disturbance. Juveniles may have resided in an OJA-operated or private institution, residential psychiatric facility, or other community-based placement prior to placement into "Level E." In many instances, juveniles may be placed into this program as a diversion from institutionalization. These juveniles require a structured, controlled environment with a high degree of supervision accompanied by intensive services. Juveniles considered for placement into a "Level E" facility evidence a combination of behavioral descriptors including:

(A) very high AWOL risk;

(B) dysfunctional behavior in public school settings;

(C) repeated indiscriminate acts of violence and aggression toward peers, property and/or authority figures;

(D) multiple delinquent offenses; and

(E) may have substance abuse related problems, coupled with:

(i) a current diagnostic evaluation that calls for placement into a highly structured community-based setting;

(ii) multiple failed placements in community-based residential care, especially "Level D," "Level D Plus," and OJA-operated group homes;

(iii) institution eligibility; or

(iv) parole eligibility from the institution with a recommendation for community placement into a staff secure facility.

(3) **Educational services.** The facility shall provide educational opportunities to conform with the standards of the State Board of Education. The facility shall provide juveniles enrolled in the public education program six hours of structured classroom education as outlined by the board of the appropriate school district. Four of the six hours shall include math, social studies, English and science. Certified teachers shall provide educational services. The facility shall ensure that each juvenile completes a pre- and post-program test to measure educational progress using a test approved in writing by OJA. The facility shall enter the testing data into the OJA database. The facility shall ensure that the summer education program is accredited to provide appropriate credit for studies completed by juveniles. The facility shall ensure that:

- (A) each juvenile is provided the training and education appropriate to the juvenile's abilities;
- (B) special, remedial, and vocational education are available; and
- (C) tutoring services are provided for juveniles who need them.

(4) **Recreational services.** The facility shall provide supervised indoor and outdoor recreation for each juvenile. The facility shall develop and maintain a policy, which includes a written recreational program as required by 340:110-3-152(e)(7), and as set forth in an individual treatment plan or contract. The program shall include clearly defined objectives designed to attain positive behavior changes. Recreational programs may be available either on campus or through facilities in the community as outlined in 340:110-3-154(b)(1)(B) and 340:110-3-154.1(a)(3)(N).

(5) **Employment services.** The facility shall provide necessary services to prepare juveniles for employment and, when appropriate, facilitate job placement and job retention.

(6) **Staffing guidelines.** Facilities shall be staffed in accordance with DHS rule 340:110-3-153.1(d) for Executive Program Director qualifications. In addition, the following requirements shall be used for other facility positions:

- (A) One full-time Administrator, who shall direct the treatment plans for each juvenile, implement and supervise the facility's programs and services, administratively supervise the counseling staff and administer the program. The administrator shall be on 24-hour call.
- (B) One Consultant is available for each facility. Consultation is provided on an as needed basis by a Psychiatrist, Psychologist, MSW, Licensed Social Worker, Licensed Professional Counselor, or Licensed Marital and Family Therapist who shall be available to the executive director and all counseling and direct care staff;
- (C) The program shall employ recreation specialists, if applicable, as designated in the facility contract;
- (D) At a minimum, each program must have a:

- (i) certified teacher;
- (ii) part-time secretary; and
- (iii) nutritionist who in accordance with DHS Rule (340:110-3-154.4) is responsible for:
 - (I) planning meals; and
 - (II) assuring compliance with licensing and Health Department standards.

(7) **Direct care staffing guidelines.** The contractor must meet the staffing guidelines set forth in the Department of Human Services standards for Residential Child Care Facilities. Staffing shall be sufficient to allow for at least two direct-care staff at all times, one of which is a licensed counselor on the evening shift.

(8) **Reporting requirements.**

(A) Counseling and direct-care staff shall:

- (i) participate in developing treatment plans for each juvenile;
- (ii) provide individual and group interactions with the juveniles;
- (iii) provide crisis intervention and assist with the juveniles in the on-site classroom;
- (iv) participate with the juveniles in recreational opportunities or interact with the juvenile in the experiential/recreational component as required by the programmatic requirements;
- (v) prepare daily log narrative as to each juvenile's behavior;
- (vi) participate in the weekly staffing of each juvenile; and
- (vii) provide information for court reports.

(B) Facility shall submit a monthly and year-end report to OJA as outlined in the facility's contract.

(9) **Staff training.** The facility director shall be responsible for ensuring staff meet the training requirements as set forth in DHS licensing standards for Residential Child Care Facilities Rule 340:110-3-153.1 (m & n) and Oklahoma Health Care Authority (OHCA) 317:30-5-1043. In addition, each staff shall have an orientation training, which shall include a behavior management course on a passive restraint modality such as MANDT training.

(10) **Description of facility.** The facility must be free standing and meet all fire, health and safety standards and standards for Residential Child Care Facilities. If a provider seeks to establish a "Level E" Program on an existing campus, the provider shall develop and submit to the executive director or the affected division director a written, demonstrable plan to totally separate this program from a lower level program. Staff may not be shared unless they serve only part-time at each program. Populations may not commingle.

08 ; Amended at 29 Ok Reg 650, eff 6-1-12]

Editor's Note: ¹*In 1999, the agency promulgated two permanent versions of this Section (377:10-7-20) with the same effective date (7-12-99). Both versions were published in the 1999 and 2000 OAC Supplements, and again in the 2001 Edition of the OAC. In 2004, the agency reconciled the two versions through permanent rulemaking, effective 7-1-04.*

377:10-7-21. Wilderness camp [REVOKED]

[Source: Added at 15 Ok Reg 268, eff 10-2-97 (emergency); Added at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 16 Ok Reg 174, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2981, eff 7-12-99 ; Amended at 21 Ok Reg 1404, eff 7-1-04 ; Amended at 25 Ok Reg 1368, eff 7-1-08]

PART 5. DETENTION

377:10-7-30. Legal base

Title 10A O.S., §§ 2-3-101 et seq. and § 2-7-504, provides for the detention of juveniles. Title 10A O.S., § 2-5-204(D) provides for the detention of youthful offenders. Title 10A O.S. § 2-3-103(D) authorizes the Board of Juvenile Affairs to establish a plan for secure juvenile detention services and alternatives to secure detention.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 28 Ok Reg 1993, eff 7-15-11 ; Amended at 32 Ok Reg 401, eff 11-17-14 (emergency); Amended at 32 Ok Reg 2004, eff 9-11-15]

PART 7. INDEPENDENT AND TRANSITIONAL LIVING

377:10-7-40. General provisions

Title 10A O.S., § 2-2-502(B)(4) authorizes the Office of Juvenile Affairs to provide any juvenile age 16 or older and placed out-of-home, independent living services. All OJA facilities and contract residential facilities shall provide each juvenile placed with a standardized independent living assessment.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-7-41. Independent living programs

Independent living programs, as defined by 10A O.S., § 2-1-103, are programs and services, which assist juveniles to enhance skills and abilities required for adult living. In addition to minimum staff supervision, independent living services include:

- (1) assisting juveniles in making arrangements for a place to live;
- (2) completing a juvenile's education or vocational training;
- (3) obtaining employment; and
- (4) other independent living services as needed.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 25 Ok Reg 1368, eff 7-1-08 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-7-42. Transitional living programs

(a) A transitional living program, as discussed in 10A O.S., § 2-1-103, is a residential program designed to assist OJA-custody juveniles in acquiring abilities and skills needed for successful adult living. Although transitional living programs may be attached to existing facilities, transitional living programs are not required to be part of another program.

(b) In addition to providing less staff supervision than in group home or institutional programs, transitional living programs shall provide, at a minimum, the following services:

- (1) vocational and educational;
- (2) employment training and employment; and
- (3) other appropriate independent living skills.

(c) The Office of Juvenile Affairs considers a transitional living program, not attached to a facility, a supervised independent living center.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

PART 9. CONTRACTED SERVICES

377:10-7-50. Legal base

(a) Title 10A O.S., § 2-7-305 provides that OJA may contract for provision of services to juveniles and families. When resources allow, OJA may offer contracted services to duly constituted Juvenile Bureaus (10A O.S., § 2-4-101). However, when service capacity is limited, OJA shall give priority to custody juveniles.

(b) Contract services include:

- (1) educational and vocational assessments and services;
- (2) substance abuse assessments and interventions;
- (3) non-residential substance abuse assessment and interventions;
- (4) non-residential diagnostic and evaluation services;
- (5) wraparound services focused on the juvenile and family; and
- (6) tracking services.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2667, eff 7-1-98 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

SUBCHAPTER 9. SERVICES TO JUVENILES IN OUT-OF-HOME PLACEMENTS

PART 1. ADMISSION SERVICES

377:10-9-1. Purpose

The purpose of this Subchapter is to set forth rules regarding services to juveniles in out-of-home placements.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97]

377:10-9-2. Admission services

When a custody juvenile is placed out of the home, the JSU worker shall ensure that all relevant information regarding the juvenile is submitted to the facility and that the juvenile arrives with adequate clothing.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98]

PART 3. GRAND STAFFING

377:10-9-10. Grand Staffing

(a) Grand staffing is a process designed to provide assessment, review, and evaluation of an OJA-custody juvenile's individual treatment service plan. The grand staffing is held for a juvenile placed in an out-of-home placement. The grand staffing process allows staffing participants to develop plans for progress within the facility's treatment program, reintegration or future placement plans based on the needs and services identified during the staffing.

(b) In addition to OJA staff, contracted facility staff, and the juvenile's parent, guardian, or custodian, the JSU worker shall notify and invite involved judges, district attorneys, and attorneys of record of the date of the grand staffing.

(c) The purpose of the grand staffing is to:

- (1) ensure that progress toward the completion of the individual treatment and service plan (ITSP) is being made;
- (2) revise the ITSP if necessary and secure signatures from all participants;
- (3) review the reintegration plan to ensure the juvenile is provided with adequate and appropriate support in the next placement;
- (4) ensure that the rehabilitation plan is executed and progress toward completion is being made; and
- (5) identify systems issues which require action.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98 ; Amended at 16 Ok Reg 2992, eff 7-12-99 ; Amended at 18 Ok Reg 2638, eff 7-1-01 ; Amended at 22 Ok Reg 2077, eff 7-1-05]

377:10-9-11. Placements subject to grand staffing process [REVOKED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 16 Ok Reg 2992, eff 7-12-99 ; Amended at 18 Ok Reg 2638, eff 7-1-01 ; Revoked at 22 Ok Reg 2077, eff 7-1-05]

377:10-9-12. Length of stay criteria [REVOKED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97 ; Revoked at 22 Ok Reg 2077, eff 7-1-05]

377:10-9-13. Mid-point grand staffing [REVOKED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 16 Ok Reg 2992, eff 7-12-99 ; Revoked at 18 Ok Reg 2638, eff 7-1-01]

377:10-9-14. Executive grand staffings [REVOKED]

[Source: Added at 13 Ok Reg 3719, eff 7-16-96 (emergency); Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 16 Ok Reg 2992, eff 7-12-99 ; Revoked at 18 Ok Reg 2638, eff 7-1-01]

SUBCHAPTER 11. CHILD IN NEED OF MENTAL HEALTH TREATMENT

377:10-11-1. Child in need of Mental Health Treatment

The Office of Juvenile Affairs may provide for the care of a child who is in the custody of the Office of Juvenile Affairs and found by a court to be a child in need of mental health or substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Children Act [Title 43A, § 5-501 through 5-513], as required by 10A O.S., § 2-2-804. For Medicaid eligible juveniles who are wards of the court and in the custody of, or under, the supervision of the Office of Juvenile Affairs, OJA employees shall follow applicable rules as promulgated by the Oklahoma Health Care Authority that govern Medicaid reimbursement for inpatient care.

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98 ; Amended at 21 Ok Reg 2428, eff 7-1-04 ; Amended at 24 Ok Reg 1401, eff 7-1-07 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-11-2. Role of the JSU worker for non-adjudicated juveniles in need of mental health treatment [REVOKED]

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98 ; Amended at 16 Ok Reg 2993, eff 7-12-99 ; Revoked at 21 Ok Reg 2428, eff 7-1-04]

377:10-11-3. Role of the JSU worker for non-custody wards of the court requiring mental health services [REVOKED]

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98 ; Revoked at 21 Ok Reg 2428, eff 7-1-04]

377:10-11-4. Role of the JSU worker for DJJ-custody juveniles requiring mental health services [REVOKED]

[Source: Added at 14 Ok Reg 1864, eff 6-2-97 ; Amended at 15 Ok Reg 2679, eff 7-1-98 ; Amended at 16 Ok Reg 2993, eff 7-12-99 ; Revoked at 21 Ok Reg 2428, eff 7-1-04]

SUBCHAPTER 13. REGIMENTED JUVENILE TRAINING PROGRAM STANDARDS

PART 1. GENERAL PROVISIONS

377:10-13-1. Legal base

Statutory authority for the Office of Juvenile Affairs to establish standards for the regimented juvenile training program (RJTPs), including an intensive physical training and discipline phase and a community reintegration phase, is located in 10A O.S., 2-7-609.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-13-2. Accreditation by the American Correctional Association (ACA)

Immediately upon contracting with OJA, the facility shall initiate reasonable efforts to meet ACA "Standards for Juvenile Correctional Boot Camps." The facility must become ACA-accredited within three years of the contract award.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-3. Organization

(a) A facility providing an RJTP must be a legal entity or part of a legal entity. It must comply with all applicable federal, state, and local laws and licensing standards. If the facility is operated by a private organization, corporation, or partnership, the articles of incorporation or partnership must be filed with the Oklahoma Secretary of State.

(b) The facility, or its parent organization, shall have a governing body.

(c) The facility, or its parent organization, shall have a constitution and bylaws approved by the governing body and submitted to OJA.

(d) The facility shall have a written document describing the program's organization, including organizational charts which indicate administrative subgroups, functions, lines of authority, and channels of communication.

(e) The facility shall submit a statement of purpose with OJA, describing the mission, philosophy, goals, and purposes of the program.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-4. Policy

(a) The facility shall have written policy and procedure establishing program goals, objectives, standard operating procedures and a system of regular review. Policy must be consistent with OJA policy.

(b) The policy must address the following subjects:

- (1) screening criteria;
- (2) admission procedures;
- (3) disciplinary procedures;
- (4) visiting arrangements;
- (5) security and control;
- (6) discharge procedures;
- (7) personnel practices;
- (8) juvenile rights;
- (9) resident grievance procedures;
- (10) abuse reporting procedures;
- (11) clothing provisions;
- (12) personal hygiene provisions;
- (13) medical and health care programs;
- (14) educational programs;
- (15) recreational programs;
- (16) food and nutrition requirements;
- (17) general emergency procedures;
- (18) fire safety;
- (19) transportation procedures; and
- (20) suicide prevention guidelines.

(c) The policy and procedure shall be available to all staff, including volunteers, and appropriate regulatory authorities. Any new or revised policy or procedure must be distributed to all staff, including volunteers.

(d) The policy and procedure shall be reviewed and updated, if necessary, at least annually.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-5. Channels of communication

The RJTP director shall hold regular meetings with all facility department directors. Department directors shall hold meetings with their key staff. Such meetings shall be conducted at least monthly.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-6. Monitoring and assessment

(a) The facility shall have a system for annual monitoring and evaluation of operations and programs. The system shall include measurements of progress toward previously identified goals.

(b) The Office of Juvenile Affairs shall conduct program assessments per 377:3-13.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-7. Finances

- (a) The facility must operate under an annual budget of anticipated revenues and expenditures that is approved by its governing authority.
- (b) All financial records pertaining to the facility shall be audited annually by a certified public accountant or public accountant who has a valid current permit to practice in the State of Oklahoma and who is not a staff member, director, incorporator, stockholder, or partner of the facility or its parent organization.
- (c) After each annual audit, the facility shall submit to OJA a copy of the auditor's statement substantiating the solvency of the facility and any parent organization and a statement concerning receipts and disbursements.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-8. Insurance

- (a) The facility shall maintain insurance coverage including worker's compensation, civil liability for employees, liability for facility vehicles, and an employee blanket bond.
- (b) The facility shall carry liability insurance in the amount of \$1,000,000 to adequately compensate persons for injury to their person or property occasioned by an act of negligence by the contracting agency, its agent, employee, or the like. The insurance policy must name OJA as co-insured.
- (c) A "Certificate of Insurance" shall be attached showing the State of Oklahoma as a certificate holder. The insurance policy must contain provisions that OJA will be notified if the insurance carrier intends to cancel or not renew the policy. Further, the facility shall agree to indemnify and hold harmless OJA against any and all bodily injuries and property damages, deficiencies, or liabilities resulting from any negligence on the part of the facility or nonfulfillment of any term or condition of the contract between OJA and the facility. The facility shall indemnify and hold harmless OJA under this contract from any and all assessments, judgements, costs, legal, and other reasonable expenses incidental to any of the foregoing.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 3. PERSONNEL

377:10-13-10. Personnel policy

- (a) The facility shall have written personnel policy and procedure. The facility's policy shall include the following subjects:
 - (1) organizational charts;

- (2) recruitment and promotion, including equal employment opportunity provisions;
 - (3) job descriptions and qualifications, including salary determinations and physical fitness policy;
 - (4) fitness policy;
 - (5) benefits, holidays, leave, and work hours;
 - (6) personnel records and employee evaluation;
 - (7) retirement, resignation, and termination;
 - (8) employee-management relations, including disciplinary procedures, and grievance and appeals procedures;
 - (9) statutes relating to political activities;
 - (10) insurance/professional liability requirements;
 - (11) prohibitions against sexual harassment; and
 - (12) drug-free workplace and drug and alcohol testing;
 - (13) confidentiality of information concerning juveniles; and
 - (14) employee assistance program.
- (b) A personnel policy manual shall be available to each employee.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-11. Staffing requirements

- (a) Staff ratios shall comply with licensing requirements.
- (1) Direct care staff ratios shall be no lower than one staff member to eight juveniles (1:8) during the day and evening shifts, and 1:10 during the night shift. Volunteers may not be used to satisfy the staff to client ratio.
 - (2) Professional counselor/social worker staff ratios shall be no lower than one counselor to twenty juveniles (1:20). A counselor is not requires during the late shift, but must be on-call for emergencies.
 - (3) During school hours, the teacher to student ratio shall be 1:12. When the number of juveniles exceeds 12, 24, 36, or 48, the need for additional teachers or teachers aides shall be determined by the needs of the juveniles in the program.
- (b) The facility shall be sufficiently staffed in all categories of personnel so that juveniles have access to staff, program, and services. Sufficient staff shall be available to provide continuous day and night supervision of the residents and protection of the facility as well as allow staff relief from duty.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-12. Staff qualifications

- (a) The qualifications for the position of facility director shall include:
- (1) a bachelor's degree in an appropriate discipline;
 - (2) two years of related administrative experience; and
 - (3) demonstrated administrative ability and leadership.
- (b) The qualifications, authority, and responsibilities of the RJTP personnel who are not covered by a merit system, civil service regulations, or union contracts are specified in writing by statute or by

the parent agency.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-13. Criminal record checks

The facility shall arrange for a criminal history investigation, prior to employment of any job applicant, in accordance with 10 O.S., § 401.1.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-14. Physical examination

Each employee shall have a pre-employment physical examination by a licensed physician.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-15. Performance reviews

Each employee shall have a written, annual performance review. The review shall be based on defined criteria, reviewed and discussed with the employee, and signed by both the employee and evaluator.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-16. Personnel records

The facility shall maintain a written personnel record for each employee.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-17. Staff training

(a) A regimented juvenile training facility must have a training and staff development program which is planned, coordinated, and supervised by a qualified supervisory employee. The training supervisor shall develop an annual written staff development and training plan for all employees which delineates any required specialized training for employees who perform specific functions. The training plan shall include a schedule for training individual employees and a system of documentation that schedules are routinely followed.

(b) Each new employee shall receive 40 hours of initial orientation during the first week of employment. The employee shall sign and date a statement when orientation has been completed. Orientation training shall include, at a minimum, the following:

- (1) program philosophy and goals;
- (2) use of discipline regulations;
- (3) legal responsibilities of staff;
- (4) juvenile legal rights and responsibilities;
- (5) juvenile rules and sanctions;
- (6) chain of command;
- (7) suicide prevention;
- (8) emergency procedures;

- (9) security procedures);
- (10) first aid;
- (11) report writing;
- (12) supervision of juveniles; and
- (13) juvenile grievance procedures.

(c) All employees shall receive a minimum of 40 hours of job-related training annually.

(d) Full time staff who work in direct and continuing contact with juveniles shall receive an additional 80 hours of training in their first year of employment.

(e) All direct-care staff shall be trained in emergency plans and procedures, including first aid and cardiopulmonary resuscitation during initial orientation.

(f) All staff shall receive training in the operation and use of available fire safety equipment and the alarm system during initial orientation.

(g) All staff shall receive training in OJA-approved behavioral management techniques and restraint techniques within 30 days of employment. Staff may not restrain any juvenile until training is complete.

(h) Staff involved in facilitating groups shall be trained in group facilitation, and shall be familiar with the basic techniques and procedures of group counseling.

(i) Staff who train juveniles in techniques of appropriate decision-making, social skills, and life skills shall be trained to do so.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 5. CASE RECORDS

377:10-13-23. Case records, transfer, and release of information

(a) The program shall have a case record management system, including the following areas:

- (1) the establishment, use, and content of juvenile records;
- (2) the right to case confidentiality;
- (3) secure placement and preservation of records; and
- (4) schedule for retiring or destroying inactive records.

(b) When a juvenile is transferred from a RJTP, a copy of the juvenile's records shall accompany the juvenile to the new placement or, if the juvenile is placed home, to the JSU worker.

(c) The RJTP shall use a "release of information" form which complies with federal and state regulations. A copy of the form shall be maintained in the juvenile's case record.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-24. Confidentiality

The RJTP must safeguard case records from unauthorized and improper disclosure. Manual records must be marked "confidential." When any part of the information is computerized, security must ensure

confidentiality.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-25. Information systems

(a) The RJTP shall establish policy and procedure for the program's information systems and research programs, including procedures and safeguards when using human subjects. The program must:

- (1) create and maintain a data collection, storage, and retrieval system;
- (2) conduct annual program evaluations; and
- (3) implement a process for research activities.

(b) The RJTP shall follow the Office of Juvenile Affairs' policy governing voluntary participation of juveniles in nonmedical, nonpharmaceutical, and noncosmetic research projects.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 7. CITIZEN INVOLVEMENT AND VOLUNTEERS

377:10-13-27. Citizen involvement and volunteers

The RJTP shall:

- (1) organize a voluntary citizen participation program;
- (2) establish and document community involvement; and
- (3) implement a system for the recruitment, selection, training, and supervision of volunteers.

[Source: Added at 15 Ok Reg 1324, eff 1-13-98 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 9. PHYSICAL FACILITY

377:10-13-35. Physical plant

(a) The program shall be located in an appropriate setting and in a structure that is designed for the program model.

(b) The general appearance of the RJTP facility, attached buildings and grounds shall be clean, attractively landscaped and well maintained. Furnishings shall be in good repair.

(c) The program shall have a housekeeping and maintenance plan that includes procedures for weekly sanitation inspections of all internal and external areas to ensure the RJTP is clean and in good repair. The facility shall have procedures for pest control and garbage removal.

(d) All sleeping quarters shall have:

- (1) adequate lighting;
- (2) adequate storage for personal belongings; and
- (3) bed coverings and pillows.

(e) The RJTP shall have, at a minimum;

- (1) one operable toilet for every twelve male juveniles and one for every eight female juveniles (urinals may be substituted for up to one-half of the toilets in male facilities);
 - (2) one operable wash basin with hot and cold running water for every twelve juveniles; and
 - (3) one operable shower or bathing facility with hot and cold running water for every eight juveniles.
- (f) Water for showers must be thermostatically controlled to temperatures ranging from 100 degrees Fahrenheit to 120 degrees Fahrenheit to ensure the safety of juveniles and to promote hygienic practices.
- (g) The RJTP shall post the following items in areas routinely accessible to the residents or provide to each juvenile in writing:
- (1) telephone guidelines;
 - (2) search policy;
 - (3) visitation;
 - (4) program rules and consequences for violating rules;
 - (5) emergency evacuation plan;
 - (6) resident rights;
 - (7) grievance procedures;
 - (8) activity schedule; and
 - (9) procedures to access health care.
- (h) The facility shall provide sufficient private space for individual counseling, large and small group meetings, classrooms, visitation, investigative interviews, meals, and indoor and outdoor recreation.
- (i) The facility shall meet all applicable building, safety, and fire codes.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-36. Juvenile housing

- (a) Each sleeping room must have:
- (1) 20 square feet of unencumbered space per occupant;
 - (2) access to toilets and a wash basin with hot and cold running water 24 hours a day;
 - (3) a bed, mattress, pillow, storage space; and
 - (4) natural light.
- (b) Upon written approval from the Director or Chief of Staff of OJA and notification of the Board of Juvenile Affairs, a regimented juvenile training program may accommodate both males and females provided that:
- (1) males and females shall not occupy the same sleeping area;
 - (2) separate toilet and bathing areas must be available;
 - (3) written facility procedures must outline methods that ensure appropriate personal hygiene privacy; and
 - (4) male and female participants must be directly supervised by program staff when interacting in any program event.
- (c) The facility must provide sufficient seating and writing surfaces for every juvenile. Furnishings must be consistent with the security needs of the juveniles assigned.

(d) Temperatures in indoor living, sleeping, work, and dining areas must be appropriate to the summer and winter comfort zones.

(e) All housing areas must provide:

- (1) lighting of at least 20 foot candles at desk level and in the personal grooming area;
- (2) natural light;
- (3) other lighting requirements for the program determined by the task performed;
- (4) access to a drinking fountain; and
- (5) heating, ventilation, and acoustical systems to ensure healthful and adequate living and working conditions for juveniles and staff.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 16 Ok Reg 185, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2994, eff 7-12-99 ; Amended at 24 Ok Reg 1401, eff 7-1-07]

PART 11. PROGRAM SAFETY AND EMERGENCY PROCEDURES

377:10-13-40. Fire safety

(a) The RJTP shall have a fire prevention program that is approved by the local or State Fire Marshall. The Fire Marshall shall approve plans, current conditions, or required corrections. The fire prevention program shall include:

- (1) a system of fire inspection and testing of equipment at least quarterly or at intervals approved by the authority having jurisdiction, following the procedures stated for variances, exceptions, or equivalencies;
- (2) an annual inspection by either the local or State Fire Marshall; and
- (3) availability of fire protection equipment at appropriate locations throughout the facility.

(b) A qualified fire and safety officer shall conduct a thorough monthly inspection of the facility for compliance with safety and fire prevention standards.

(c) A qualified staff member shall conduct weekly safety inspections of all internal and external areas and equipment.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-41. Emergency plans

(a) The facility shall have a written evacuation plan prepared in the event of a fire or major emergency that is approved by a person trained in the application of appropriate codes. The plan is reviewed by the approving authority annually, updated as needed, and reissued to the local fire jurisdiction and/or other responding agencies. The plan must include:

- (1) the location of the building/room floor plan;
- (2) the location of the publicly posted plan;

- (3) staff drills for the evacuation of residents;
 - (4) use of exit signs and directional arrows for traffic flow; and
 - (5) monthly fire drills in all occupied locations of the program.
- (b) All staff shall be trained in the implementation of written emergency plans. Work stoppage and riot/disturbance plans shall be communicated only to appropriate supervisory or other personnel directly involved in the implementation of these plans.
- (c) The facility must develop written procedures that specify the means for the immediate release of juveniles from locked areas in case of emergency and provide for a back-up-system.
- (d) The facility must have written plans which specify the procedures to be followed in situations that threaten security, including:
- (1) riots;
 - (2) hunger strikes;
 - (3) disturbances;
 - (4) hostage situations;
 - (5) transportation after an incident; and
 - (6) guarding a juvenile placed in a non-secure setting; e.g., hospital.
- (e) Plans regarding security procedures must be reviewed annually and updated if necessary.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-42. Transportation

- (a) The facility shall document periodic maintenance and an annual safety inspection on all vehicles that transport juveniles. The facility shall document immediate completion of safety repairs.
- (b) Vehicles that transport juveniles shall be equipped with the following:
- (1) first aid kit;
 - (2) fire extinguisher;
 - (3) unbroken safety glass on all windows;
 - (4) inside rear view mirror capable of giving the driver a clear view of motor vehicles approaching from the rear; and
 - (5) seat belts securely anchored.
- (c) The facility shall require a driving records check of any employed or contracted driver prior to transporting any juvenile and on an annual basis thereafter.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-43. First aid

First aid equipment shall be approved by the health authority and shall be available at all times, including first aid kits that are in designated areas of the RJTP.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-44. Flammable, toxic, and caustic materials

(a) The facility shall have written policy and procedure which governs the control and use of all flammable, toxic, and caustic materials.

(b) Specifications for the selection and purchase of program furnishings indicate the fire safety performance requirements of the materials selected.

(c) The facility must be equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters. Special containers are required for flammable liquids and for rags used with flammable liquids. All receptacles and containers must be emptied and cleaned daily.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-45. Emergency power and communications

(a) The facility shall have access to an alternate power source to maintain essential services in an emergency.

(b) The facility shall plan for a system of communication within the facility and between the facility and the community in the event of an emergency.

(c) All emergency equipment shall have a quarterly inspection for effectiveness.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-46. Escape

The facility shall have written procedures regarding juveniles who escape, including immediate notification to law enforcement in the district where the escape occurred. Within two hours of an escape, the facility must also notify the juvenile's JSU worker.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-47. Facility maintenance

All internal and external areas and equipment must have a weekly safety inspection.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 13. FOOD SERVICE

377:10-13-55. Food services

(a) The facility shall be maintained in compliance with the Oklahoma State Health Department Food Code and all applicable state and federal sanitation and health codes. The facility shall have an annual compliance inspection and maintain documentation of compliance. The facility shall correct all violations or have plans in place to correct them.

(b) Food service staff shall develop and follow planned menus that take into consideration food flavor, texture, temperature, appearance, and

palatability. Menus must be posted in conspicuous places and followed except when unusual circumstances dictate otherwise.

(c) Each cycle menu shall be reviewed annually and approved by a registered dietitian or physician to:

- (1) ensure compliance with recommended dietary allowances (RDA);
- (2) ensure compliance with the National School Lunch and Breakfast Program requirements;
- (3) approve the caloric intake and nutritional value of the RJTP menu; and
- (4) ensure that planned menus and food portions are appropriate to the scope and nature of the RJTP.[NOTE: A juvenile regimented training program generally requires a high degree of intense physical activities and thus a person's diet may require more calorie and water intake.]

(d) There is a single menu for staff and clients.

(e) The RJTP shall provide for special diets as prescribed by appropriate medical or dental personnel or for juveniles whose religious beliefs require the adherence to religious dietary laws

(f) The kitchen and dining area shall be clean, safe, and well maintained.

(g) Food, including snacks, shall not be withheld, nor the standard menu varied, as a disciplinary sanction.

(h) all personnel involved in the preparation of food shall receive a pre-assignment medical examination and periodic reexaminations (in accordance with local requirements) to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils;

(i) When food services are provided by an outside agency or individual, the program shall obtain written verification that the outside provider complies with the state and local regulations regarding food services;

(j) All food handlers shall be instructed to wash their hands on reporting to duty and after using toilet facilities.

(k) Juveniles and other persons working in food service shall be monitored each day for health and cleanliness by the director of food services or designee.

- (1) The director of food services or designee shall inventory sharp kitchen tools. If juveniles are issued reusable eating utensils, the utensils must be counted before and after each meal.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-56. Sanitation and hygiene

(a) The RJTP must comply with applicable federal, state, and local sanitation and health codes.

(b) The facility's potable water source and supply, whether owned and operated by the public water department or facility, must be approved by an independent, outside source to be in compliance with jurisdictional laws and regulations.

(c) The RJTP shall provide for a waste disposal system in accordance with an approved plan by the appropriate regulatory agency.

(d) The facility's written policy, procedures, and practice shall provide for vermin and pest control, and trash and garbage removal.

(e) The RJTP shall provide for the thorough cleaning, and, when necessary, disinfecting of juvenile personal clothing before storage or before allowing the juvenile to keep and wear personal clothing.

(f) If the program provides clothing, juveniles shall have three complete sets of clothing, and shall have clean clothing daily. Clean clothing may be supplied in several ways, including access to self-serve washer facilities, central clothing, or a combination of the two.

(g) Clean bedding shall be issued at least once a week.

(h) The RJTP shall provide for an approved shower schedule that allows daily showers and showers after strenuous exercise.

(i) The program provides articles necessary for maintaining proper personal hygiene to all juveniles, including:

- (1) deodorant;
- (2) shampoo;
- (3) soap;
- (4) shaving cream; and
- (5) disposable razors.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 15. HEALTH CARE

377:10-13-60. Qualifications

(a) The RJTP shall either contract with or employ a health authority with responsibility for health care. The health authority may be a physician, health administrator, or health agency. When the authority is other than a physician, final medical judgements shall rest with a single designated physician.

(b) Medical, including psychiatric, and dental matters involving medical judgements shall be the sole province of the responsible physician and dentist respectively.

(c) Appropriate state and federal licensure, certification or registration requirements, and restrictions shall apply to staff who provide health-care services to juveniles. The duties and responsibilities of such personnel shall be governed by written job descriptions approved by the health authority. Verification of current credentials and job descriptions shall be on file in the RJTP.

(d) Treatment by health-care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent provider must be performed pursuant to written standing or direct orders by personnel authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-61. Health care services

(a) All juveniles shall receive medical clearance from the health authority prior to participation in the RJTP. All findings shall be recorded on a form approved by the health authority.

(b) The RJTP shall require medical, dental, and mental health screening to be performed by health-trained or qualified health care personnel on all juveniles, excluding juveniles who have had such screenings within 30 days prior to arrival. All findings must be recorded on a form approved by the health authority. The form includes:

(1) inquiry into:

(A) current illness and health problems, including venereal diseases and other infectious diseases;

(B) dental problems;

(C) mental health problems;

(D) use of alcohol and other drugs, which includes types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and a history of problems that may have occurred after ceasing use;

(E) past and present treatment or hospitalization for mental disturbance or suicide attempt; and

(F) other health problems designated by the responsible physician;

(2) observation of:

(A) behavior, which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating;

(B) body deformities, ease of movement, etc.; and

(C) condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of drug abuse; and

(3) medical disposition of juvenile to the:

(A) general population;

(B) general population with appropriate referral to health-care service; or

(C) appropriate health-care service for emergency treatment.

(c) All policies related to health care and mental health care shall:

(1) be reviewed at least annually by the health care authority and revised, if necessary; and

(2) bear the date of the most recent review or revision and signature of the reviewer.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-62. Administration of medications

Medications shall be administered only by the physician, registered nurse, or other staff who have received approved training in administration of medications. When a resident is confined to medical isolation or the cottage for medical reasons, the designated staff shall bring medications to be administered to the resident at that location.

(1) When a resident is placed in another setting, including community placement, another institution, or a contract facility,

the designated staff member shall send a three-day supply of the resident's prescribed medications with the resident.

(2) Medications (mind altering drugs) such as stimulants, tranquilizers, or psychotropics shall be administered only as a part of a program of medically approved therapy. The administration of such drugs shall be periodically monitored by a licensed psychiatrist according to accepted medical standards. The use of medication for punishment, control, or program management shall be prohibited. Telephone orders between a psychiatrist and a requesting nurse shall only occur when the nurse has had prior involvement in the case and the administration of any drugs and when the nurse has personal knowledge of the patient's medical needs. Telephone orders and the patient will be reviewed by a physician or psychiatrist within 48 hours of administration.

(3) Rules regarding administration of drugs shall not preclude the use, with informed consent (or if involuntary, with the same information provided as would be provided to consenting patients), of drugs which are capable of relieving specifically identified psychiatric symptoms. If used, the individual plan of treatment must state the specific benefits expected for specific symptoms or complaints and must document observed benefits or other effects no less than monthly.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-63. Dental

The facility shall provide to each juvenile dental care, under the direction and supervision of a dentist licensed in the state, when the health of the juvenile would otherwise be adversely affected.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-64. Emergency care

The facility shall provide for 24-hour emergency medical, dental, and mental health care availability as outlined in a written plan. The plan must include arrangements for:

- (1) emergency first aid and crisis intervention;
- (2) emergency evacuation of the juvenile from the facility;
- (3) use of an emergency medical vehicle;
- (4) use of one or more designated hospital emergency rooms or other appropriate health facilities;
- (5) emergency on-call physician, dentist, and mental health professional services when the emergency health care is not located in a nearby community; and
- (6) security procedures providing for the immediate transfer of juveniles when appropriate, including:
 - (A) transporting a juvenile to and from the facility; and
 - (B) guarding the juvenile if placed in a non-secure setting.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-65. First Aid, CPR, and first aid kits

(a) Direct care staff and other personnel shall be trained to respond to health-related situations within a four-minute response time. The responsible health care authority in coordination with the RJTP director shall establish a training program which includes:

- (1) recognition of signs and symptoms and knowledge of action required in potential emergency situations;
- (2) administration of first aid and cardiopulmonary resuscitation (CPR);
- (3) methods of obtaining assistance;
- (4) signs and symptoms of mental illness, retardation, and chemical dependency; and
- (5) procedures for patient transfers to appropriate medical facilities or health-care providers.

(b) All staff shall be trained in emergency first aid procedures, including cardiopulmonary resuscitation (CPR). First aid kits shall be available throughout the facility. The responsible physician shall approve the contents, number, location, and procedure for periodic inspection of the kits.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-66. Suicide prevention

The RJTP shall have a written suicide prevention and intervention program which is reviewed and approved by a qualified medical or mental health professional. All staff having responsibility for juvenile supervision shall be trained in the implementation of the program. The program shall include specific procedures for intake screening, identification, and supervision of suicide-prone juveniles.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-67. Serious and infectious disease

(a) The RJTP shall develop policy and procedure to address the management of serious and infectious diseases. Policies and procedures must be consistent with all local, state, and federal laws, as well as with OJA rules. The policies and procedures are updated as new information becomes available. The facility should work with the responsible health authority in establishing policy which includes the following:

- (1) an ongoing education program for staff and residents;
- (2) control, treatment, and prevention strategies that may include:
 - (A) screening and testing;
 - (B) special supervision; and
 - (C) special housing arrangements;
- (3) protection of individual confidentiality; and
- (4) media relations.

(b) The facility shall establish written policy and procedure specifying approved actions to be taken by staff concerning juveniles who have been diagnosed as HIV positive. The policy shall include, at a minimum:

- (1) when and where juveniles are tested;
- (2) appropriate safeguards for staff and juveniles;
- (3) when and under what conditions juveniles are to be separated from the general population;
- (4) staff and juvenile training procedures; and
- (5) confidentiality.

(c) The facility shall strategically place blood and body fluid spill cleanup kits around the facility.

(d) The facility must provide for medical examination of any employee or juvenile suspected of having a communicable disease.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-68. Informed consent

The RJTP shall observe and document Oklahoma's informed consent standards for medical care. When required by law, the informed consent of parent, guardian, or legal custodian shall apply. Any provision of health care against a juvenile's will shall be in accordance with state and federal laws and regulations.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-69. Juvenile participation in research

The RJTP shall follow the OJA policy and procedures regarding research.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-70. Notification of designated individuals

In case of serious illness, surgery, injury requiring medical care, or death of a juvenile, the facility shall notify the juvenile justice worker or supervisor and the juvenile's family within two hours.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-71. Transfer of health records

When a juvenile is transferred from the RJTP to another out of home placement, his or her medical records shall be forwarded to the new placement prior to or at the time of arrival.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 17. SECURITY AND CONTROL

377:10-13-75. Security

The facility shall have policy and procedure for security and control. A security manual shall provide for physical plant inspection, emergency procedures, transportation of juveniles, and control of chemical agents, contraband, keys, tools, equipment, and vehicles.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-76. Shift logs

Staff shall maintain a permanent log recording staff on duty, routine information, and unusual incidents.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-77. Patrol and inspection logs

Staff shall conduct daily inspections of all areas occupied by juveniles and submit a daily written report to their supervisor. Unoccupied areas shall be inspected weekly.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-78. Juvenile count

The facility shall have a written system for physically counting juveniles. The system shall allow for managing the movement of juveniles and identify the location of each juvenile at all times. The system shall include strict accountability for juveniles on approved temporary absences from the facility.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-79. Off-campus activities

Facility policy shall specify procedures for any off-campus activities. Juveniles may participate in off-campus activities outside of the county only after pre-approval by the affected division administrator.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 16 Ok Reg 185, eff 10-22-98 (emergency); Amended at 16 Ok Reg 2994, eff 7-12-99 ; Amended at 21 Ok Reg 1404, eff 7-1-04]

377:10-13-80. Key control

- (a) The facility shall have a key control system for personal and facility keys. The key control system must be periodically checked for accuracy.
- (b) All keys, including personal keys, shall be accounted for at all times.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-81. Searches and contraband control

(a) The control of contraband and weapons shall be a valid basis for authorization of searches.

- (1) The facility director shall develop and implement policy and procedures for searches of the facility and juveniles for the

purpose of controlling contraband. The searches shall be unannounced and at irregular intervals. Staff conducting the search shall be responsible for documenting the search.

(2) All room, cubicle, or dormitory searches must be conducted by two staff persons present at all times.

(3) A staff member conducting a search shall conduct the search in a manner which avoids undue or unnecessary:

(A) force;

(B) embarrassment; or

(C) indignity.

(4) Staff shall not have general authority to search the persons or property of juveniles except as authorized by this section.

(5) Staff shall be trained in effective and safe search techniques, including narcotic detection identification capability.

(6) Policies regarding searches shall reviewed annually and updated as necessary.

(b) **Property searches.** The facility director may, without specific cause, authorize a thorough search of any area, including the juvenile's living quarters and possessions.

(1) Staff shall conduct unannounced and irregularly timed searches. Any area of the facility, except the juvenile's living quarters (cubicle, drawers, etc.), may be searched by any RJTP employee without specific information or cause at any time. Staff shall conduct a complete search of each room or cubicle area prior to occupancy of a new juvenile.

(2) Except as authorized by the facility director, staff shall search juvenile's living quarters or property only on the reasonable belief that the juvenile possesses contraband.

(3) Staff shall conduct regulatory searches of the juvenile's person and property any time a juvenile enters the institution.

(4) Regimented juvenile training program employees may conduct routine visual inspections of personal living quarters without prior authorization. The purpose of the search is to determine whether the living quarters are being maintained in accord with health safety and security regulations. Routine visual inspections include, but are not limited to:

(A) opening drawers;

(B) opening closet doors; and

(C) looking under beds.

(5) Other searches of a juvenile's living quarters or possessions must be based on a reasonable belief that contraband is present. Except when the staff has reasonable fear that the juvenile will dispose of the contraband in the interval, written permission from staff designated by the facility director.

(6) A juvenile whose living quarters or possessions are being searched shall be present when the search is made, except in an emergency.

(c) **Body searches.** A body search includes any pat-down, disrobing, or cavity search. In conducting body searches, staff shall strive to preserve the dignity and integrity of the juvenile. A strip or cavity search may be conducted only after obtaining judicial approval for the search.

- (1) A staff person may pat down the juvenile only if there is a reasonable suspicion that the juvenile is carrying contraband.
- (2) Any search requiring a juvenile to disrobe must be authorized by the facility director. The search is justifiable only when staff have a strong suspicion that the juvenile is carrying contraband. Regimented juvenile training program staff who have had specific training in search procedures may be requested to assist authorized staff in conducting such searches.
- (3) Staff shall search only juveniles of the same sex. The designated staff member shall conduct the search out of the sight of other juveniles. The juvenile may request the presence of a supervisory staff person.
- (4) Only a medically-trained person (nurse or physician) shall conduct a visual or manual inspection of the anal or vaginal cavities. The search may be conducted only when there is strong reason to believe that the juvenile is carrying contraband there. Any body cavity search must be authorized by the facility director or designee. Authorized staff shall conduct the search in the area affording the greatest possible privacy and dignity to the juvenile. The juvenile may request a supervisory staff persons to be present.

(d) **Reporting requirements.** After any search, staff shall make a full report of the scope of the search, detailing any item confiscated. The juvenile-owner shall be given a receipt for any item confiscated. Immediately following a body search, the staff member who requested the search shall file a report with the facility director. The facility director or designee shall give a copy of the report to the juvenile. The staff member shall document the reason for the search in the written report of the search.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-82. Rules and discipline

Written policy and procedure shall document a behavior management system which provides rewards, privileges, and consequences to encourage juveniles to fulfill program expectations and teach positive methods of meeting individual and group needs. Team building and group exercises will not be construed as group punishment as defined in 377:10-1-3(b) (7). Exceptions may be granted upon written consent of the Executive Director of OJA.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-83. Written, accessible handbook

(a) Staff shall ensure that each juvenile receives a written handbook specifying:

- (1) all acts prohibited within the facility;
- (2) penalties that can be imposed for various degrees of violation;
- (3) disciplinary procedures;
- (4) grievance procedures;

- (5) search policies;
- (6) visitation procedures;
- (7) access to religious services;
- (8) telephone procedures; and
- (9) procedures regarding correspondence.

(b) The facility shall maintain, in each juvenile's file, a handbook receipt acknowledgment, signed by the juvenile.

(c) Whenever a literacy or language problem prevents a juvenile from understanding the handbook, a staff member or translator shall ensure that the juvenile understands the rules.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-84. Rule violation procedure

(a) The facility shall have written procedures for all disciplinary procedures. Procedures shall address informal resolution of minor misbehavior. Disciplinary reports of major rule violations by juveniles shall include the following information:

- (1) specific rule violated;
- (2) a formal statement of the charge;
- (3) any unusual behavior;
- (4) any witnesses;
- (5) any physical evidence and its disposition;
- (6) any immediate action taken, including the use of force; and
- (7) reporting staff member's signature and date and time of report.

(b) Investigations shall begin within 24 hours of the major violation report and be completed without unreasonable delay.

(c) The juvenile charged shall be given a copy of the major violation report within 24 hours of the report.

(d) The juvenile charged shall receive notice of the hearing at least 24 hours before the hearing. Hearings should occur as soon as possible after the violation.

(e) Hearings shall be conducted by a person or panel of persons who shall be impartial and of high rank in the program. A record shall be made of the hearing and the findings.

(f) The juvenile charged shall be present at the hearing unless he waives that right in writing. The juvenile may be excluded during the testimony of any juvenile whose testimony must be given in confidence; the reasons for the juvenile's absence shall be documented.

(g) The juvenile shall have an opportunity to make a statement, present evidence, and request witnesses on his behalf; reasons for any denials of that opportunity shall be stated in writing.

(h) The juvenile may request any staff member to represent him or her at the hearing and to question relevant witnesses. The facility director shall appoint a staff representative when it is apparent that the juvenile is incapable of effectively collecting and presenting evidence on his own behalf.

(i) Disciplinary hearing decisions must be based solely on information obtained in the hearing process, including staff reports, the statements of

the juvenile charged, and evidence derived from witnesses and documents.

(j) A written record shall be made of the decision and the supporting reasons and a copy shall be given to the juvenile. The hearing record and the supporting documents shall be kept in the juvenile's file and in the records of the disciplinary committee. If the juvenile is found not guilty of the violation, the disciplinary report shall be removed from his files.

(k) The facility director or designee shall review all disciplinary hearings and dispositions.

(l) The juvenile shall have the right to appeal decisions of the disciplinary committee to the facility program director or designee. The juvenile shall have up to 15 days of receipt of the decision to submit an appeal. The facility director or designee shall decide the appeal within 30 days of receipt and notify the juvenile promptly in writing of the results.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-85. Additional physical training

(a) The facility shall have written specifications for additional physical training to be administered for disciplinary purposes.

(b) Additional physical training must be applied in proportion to the importance of the rule violation.

(c) Additional physical training may not negatively impact the physical health and well-being of the juvenile.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-86. Grievance procedure

Grievance procedures shall be consistent with OJA grievance procedures and be approved by the OJA Advocate General.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-87. Solitary confinement

Solitary confinement of any juvenile is prohibited.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-88. Criminal violations

Any violation of criminal law by a juvenile must be reported to appropriate OJA and law enforcement officials immediately. Any criminal violation must be reported to law enforcement.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-89. Juvenile rights

(a) RJTP policies and procedures shall comply with 10A O.S., § 2-7-603, regarding rules, policies, and procedures required in facilities.

(b) Each juvenile shall have the right to receive individualized care and treatment in the least restrictive setting consistent with the juvenile's

care and treatment needs and, in the case of a delinquent juvenile, with the protection of the public. This means that:

- (1) Juveniles are entitled to be protected and cared for in a safe, caring, and humane environment;
- (2) Services provided to juveniles shall be based upon the individualized needs of each juvenile, as determined by comprehensive assessment and evaluation, flexible, and available when needed for juveniles throughout the state. Juveniles shall be provided the programs and services reasonably necessary to implement each juvenile's individual service plan;
- (3) Services provided to juveniles shall be family-based whenever possible;
- (4) A full range of community-based program options must be a part of an overall continuum of care so as to implement the least restrictive placement for juveniles that is consistent with their needs and additionally, in the case of delinquents, with public safety;
- (5) In determining the appropriate placement of juveniles, the presumption shall be that the juvenile's best interests are served by remaining in his or her own home or home community with necessary services to be provided there;
- (6) Placement of juveniles in residential settings shall occur only after all non-residential alternatives have been attempted or considered, and placement of juveniles in secure or highly restrictive residential settings shall occur only after less restrictive residential settings have been attempted or considered;
- (7) Brief psychiatric hospitalization for the short-term crisis stabilization of juveniles shall be the primary use of inpatient psychiatric care. Inpatient psychiatric care shall not be used for chemical dependency treatment unless the juvenile is psychotic, suicidal, or dangerous and cannot be stabilized in a less restrictive placement;
- (8) Residential services shall be provided, whenever possible, in small, homelike, community-based facilities rather than larger, self-contained units; and
- (9) When juveniles are placed in residential care, multiple residential placements shall be avoided to achieve placement stability. The length of stay in non-community-based residential care shall be as brief as possible.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-13-90. Use of force

(a) Title 10A O.S., § 2-7-604, prohibits the use of physical force in Regimented Juvenile Training facilities operated by or contracted with OJA except:

- (1) when necessary for self-protection;
- (2) to separate juveniles who are fighting;

(3) to restrain juveniles who have escaped or are in the process of escaping; and

(4) to restrain juveniles who are in danger of harming themselves or others.

(b) In every case, the amount of force used shall be the least amount necessary.

(c) Medical attention shall be provided immediately upon the juvenile's release from restraint even if there is no visible evidence or complaint of injury. If necessary, medical attention may be provided by a licensed physician, licensed practical nurse, registered nurse, physician's assistant, or emergency medical technician. Prior to the end of the shift in which the incident took place, any staff member who applies physical force shall submit a written report about the incident to the facility director.

(d) The facility shall give written guidelines to staff on the use of physical force, further stating that, in accordance with staff disciplinary procedures, loss of employment may result if unauthorized use of physical force is proven.

(e) Physical force may never be used as punishment or retaliation.

(f) Facility staff shall not permit any person to use physical force contrary to policy.

(g) Staff members shall not provoke physical confrontation by taunting, harassing, or otherwise manipulating a resident into behavior which would justify physical force.

(h) The use of chemical agents to control juveniles is prohibited.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 28 Ok Reg 1993, eff 7-15-11]

377:10-13-91. Use of mechanical restraints

The Appendix to the Order of Dismissal required that the use of mechanical restraints for any purpose is prohibited except upon a juvenile's hands as specifically provided for in this subsection. The practice of attaching hands and feet, as in hog-tying, is presumptively punitive and is specifically prohibited. Mechanical restraints may be employed only in the following situations:

(1) for transporting a juvenile to or from a facility when there are reasonable grounds to believe that the juvenile is a serious escape risk or a threat to the public safety; or

(2) within OJA institutions, to transport a violently out-of-control juvenile to a place of confinement, but only after less restrictive methods of control have failed. When the restraints are employed in this situation, the restraints shall be removed as soon as the juvenile regains control or is confined, whichever occurs first. Under no circumstances shall OJA staff or contractors apply the restraints as punishment.

[Source: Added at 15 Ok Reg 1324, eff 1-13-98 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-92. Reporting abuse

(a) **Written report.** Facility policy and procedure shall state that a person shall make an immediate written report to the OJA Advocate General and Office of Client Advocacy, DHS State Office, when:

- (1) the person suspects an OJA-custody juvenile has been abused, neglected, or mistreated;
- (2) a juvenile, parent, guardian, or other person makes an allegation of abuse, neglect, or mistreatment;
- (3) a juvenile in OJA custody dies;
- (4) serious injury to an OJA-custody juvenile occurs:
 - (A) as a result or in the case of the use of physical force by an employee;
 - (B) as a result of an assault by any person; or
 - (C) under unexplained, suspicious, or unusual circumstances;
- (5) An OJA-custody juvenile is the apparent victim of, or participates in, sexual activity prohibited by State law; or
- (6) death or serious injury to an OJA-custody juvenile occurs where the presence of alcohol or a controlled dangerous substance is detected on either the juvenile or staff.

(b) **Abuse, neglect, or mistreatment.** Abuse, neglect, or mistreatment does not include the properly performed use of restraints or physical force as authorized by law, policy or regulation.

(c) **Protection or medical treatment.** In the event of alleged abuse, neglect, or mistreatment in a facility, the facility director or designee shall assure protection of the juvenile and obtain medical attention for the juvenile.

(d) **Preliminary investigation.** When a reportable situation arises, each staff member, resident, or other person present during the incident shall immediately prepare and submit to the facility director or designee a written incident report describing what the person saw or heard. The facility director shall make a preliminary investigation to determine who was present when the incident occurred and ensure that those present submit the required written report. The facility director shall also obtain any related medical record or report. The facility director shall ensure that reasonable steps are taken to preserve all evidence or crime scenes until the appropriate investigative agency has arrived on site. All reports prepared pursuant to the preliminary investigation shall be submitted to the facility director or designated representative within 24 hours of the report of the incident.

(e) **Referral to law enforcement agency.** If the reportable situation could result in criminal charges, the facility director or designated representative shall also immediately report the matter to the appropriate law enforcement agency. If there is a question as to whether the reportable situation could result in possible criminal charges, the facility director or designated representative shall immediately consult with the Advocate General or a representative of the OJA Office of General Counsel.

(f) **Rights and responsibilities of accused employee.** An employee involved in the investigation of alleged juvenile abuse, neglect, or mistreatment shall:

- (1) prepare a written incident report concerning any situation which may be reportable as abuse, neglect, or mistreatment, if present when and where the alleged abuse, neglect, or mistreatment occurred;
- (2) be available for scheduled interviews relating to the investigation;
- (3) refrain from any action which may interfere with the investigation, including any action which may intimidate, threaten, or harass any person who has or may provide information relating to the alleged abuse, neglect, or mistreatment;
- (4) respond fully and truthfully to questions relating to alleged abuse, neglect, or mistreatment; and
- (5) maintain rules of confidentiality and decorum so as to not impede, obstruct, hinder, or taint an impending or ongoing investigation.

[Source: Added at 15 Ok Reg 1324, eff 1-13-98 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

PART 19. JUVENILE SERVICES

377:10-13-100. Placement in RJTP

No 12 or 13 year-old juvenile shall be admitted to RJTP without prior approval from the Executive Director, Chief of Staff, or the affected Division Administrator.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98 ; Amended at 24 Ok Reg 1401, eff 7-1-07]

377:10-13-101. Reception and Orientation

The facility shall have written procedures for juvenile reception and orientation.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-102. Personal property

- (a) Written procedures shall indicate the personal property which juveniles may retain in their possession.
- (b) Personal property removed from the juvenile and retained at the facility must be itemized in a written list which is kept in the permanent case file. The facility shall request the juvenile to sign the list. Refusal to sign shall be witnessed and documented by two staff members. The staff shall give the juvenile a copy of the list. The facility shall have written procedures for the control and safeguarding of all such personal property.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-103. Individual treatment plan (ITP) development and review

(a) The facility shall have a written plan for juvenile classification, which is approved by the JSU worker, and which specifies criteria and procedures for determining and changing the status of a juvenile. Each juvenile shall have a review, at least monthly, to determine appropriate classification.

(b) Facility staff shall develop, in conjunction with the JSU worker, an individual treatment plan (ITP) for each juvenile, including measurable criteria of expected behavior and accomplishments and a time schedule for achievement. The ITP shall be prepared within 30 working days after the juvenile's admission. Staff shall review the ITP at least weekly, documenting progress and revising the plan as needed.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-104. Social services

(a) The facility shall have a social services program which provides a wide range of resources appropriate to the program needs of juveniles.

(b) The facility shall have a plan to identify the collective needs of the juveniles at least annually.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-105. Counseling

(a) The facility shall provide access to guidance counseling and treatment programs to meet each juvenile's emergency mental health needs and well-being.

(b) A qualified staff member shall be available to counsel juveniles upon the juveniles' request. Counseling must be provided as identified in the juvenile's Individual Service Plan. Staff shall be available to provide counseling on an emergency basis.

(c) All counselors must have either a:

(1) Bachelors degree in a behavioral science and two years experience in working with juveniles; or

(2) Masters degree in a behavioral science and one year experience in working with juveniles.

(d) The facility shall provide juveniles access to mental health counseling and crisis intervention services as needed.

(e) All facility staff shall be familiar with available counseling programs.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-106. Substance abuse

The facility shall maintain a substance abuse program.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-107. Academic and vocational programs

(a) Policy and procedure shall require an education program for all juveniles, including teaching, educational materials, and books. The program shall emphasize basic literacy skills, including curricula requirements stressing reading, writing, mathematics, science, vocational-technical education, and other courses of instruction designed to assure that such juvenile will be capable of being assimilated into society as productive adults capable of self-support and full participation.

(1) The curriculum shall be written, standardized, and competency-based.

(2) The program shall allow for juveniles to begin at any time and proceed at an individual learning pace.

(b) The facility shall also maintain a system of academic and vocational counseling, including initial screening, assessment, and evaluation to determine each juvenile's educational needs.

(c) The facility shall make an annual evaluation to measure the effectiveness of the educational and vocational training programs against stated performance objectives.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-108. Certification of program and teachers

(a) The academic and vocational education programs shall be recognized, certified, or licensed by the Oklahoma Department of Education.

(b) All teachers shall be certified by the Oklahoma Department of Education.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-109. Library

The facility shall maintain or provide access to a library including a reference collection, containing general and specialized materials, and planned and continuous acquisition of other materials to meet the needs of the staff and juveniles. The facility shall have a qualified staff person who coordinates and supervises library services.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-110. Recreation

The facility shall have a staff member who is trained in recreation or a related field. Juveniles shall have access to recreational opportunities and equipment, including outdoor exercise, when weather permits.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-111. Physical training

The facility shall provide juveniles with physical training opportunities which help increase self-esteem, stamina, well-being, and healthy behaviors.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-112. Religious programs

(a) Juveniles shall have reasonable opportunity to practice religion of their choice. The facility shall ascertain the religious practices and beliefs of the juveniles, if any, and make reasonable accommodations to meet their religious needs. No juvenile shall be compelled to participate in a religious service or practice.

(b) The facility may limit religious practice based upon documented evidence showing that the practice poses a threat to safety or disrupts order in the facility.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-113. Mail

(a) A juvenile shall have daily access to writing materials and may send and receive mail without limitation, censorship, or prior reading, subject only to the limitations necessary to maintain facility security.

(b) Written correspondence between residents, courts, or legal representatives shall be unopened and uncensored, provided that incoming mail from courts or legal representatives may be opened to check for contraband.

(c) Delivery of incoming mail and posting of outgoing mail shall occur within 24 hours, excluding weekends and holidays. Staff may not read or censor correspondence. However, staff may inspect incoming packages for contraband. If mail is opened for inspection, the resident shall open his or her mail in the presence of the designated staff member. The staff member shall document the incident.

(d) Staff shall not limit correspondence to or from the resident's attorney and committing court officials. Staff shall not open or inspect correspondence to the Office of Juvenile Affairs officials, including the advocate defender and staff.

(e) The facility shall not be obligated to purchase or subscribe to publications for individual residents. Staff shall give the juvenile any publications which:

(1) are received through the mail; and

(2) do not interfere with rehabilitative efforts.

(f) The facility shall have written policy to provide indigent juveniles with a specified postage allowance.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-114. Telephone

Juveniles shall have reasonable access to the telephone to make and receive personal calls.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-115. Visiting

- (a) The facility shall allow juveniles to have reasonable opportunity to communicate or visit with family on a regular basis and to communicate with persons in the community.
- (b) Juveniles may not be deprived of family visits as punishment.
- (c) Written policy shall specify regulations pertaining to visiting and shall be available to all staff members, juveniles, and their visitors. Regulations shall address procedures for security and searches of visitors and their belongings.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-116. Escorted leaves

The facility shall have provisions for escorting juveniles while they are involved in community activities.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

377:10-13-117. Release

The facility shall have written procedure for releasing juveniles at the end of their terms. The procedure shall include the following:

- (1) verification of identity;
- (2) verification of release papers;
- (3) completion of release arrangements;
- (4) return of personal effects or contraband;
- (5) check to see that no RJTP property leaves the program;
- (6) arrangements for completion of any pending action, such as grievances or claims for damages or lost possessions;
- (7) medical screening and arrangements for community follow-up where needed; and
- (8) instructions on forwarding mail.

[Source: Added at 15 Ok Reg 771, eff 10-2-97 (emergency); Added at 15 Ok Reg 2682, eff 7-1-98]

SUBCHAPTER 15. SUBSTANCE ABUSE/MENTAL HEALTH SERVICES UNIT

377:10-15-1. Purpose

The Substance Abuse/Mental Health Services Unit provides technical support to field and residential staff regarding issues related to substance abuse. The Substance Abuse/Mental Health Services Unit is responsible for the statewide coordination and review of substance abuse and mental health prevention, intervention, and treatment in all Office of Juvenile Affairs operated and contracted facilities and programs.

[Source: Added at 19 Ok Reg 2666, eff 7-11-02]

377:10-15-2. Organization and administration

(a) The Substance Abuse/Mental Health Services Unit is designated by the Office of Juvenile Affairs to coordinate and provide technical support to field and residential staff regarding issues related to substance abuse and mental health.

(b) The Substance Abuse/Mental Health Services Unit is responsible for the statewide development, administration and review of substance abuse and mental health prevention, intervention, and treatment in all Office of Juvenile Affairs operated and contracted facilities and programs.

(c) Collective results of data may be used for program evaluation and administrative purposes.

[Source: Added at 19 Ok Reg 2666, eff 7-11-02]

377:10-15-3. Testing of juveniles

(a) All juveniles in the custody of the Office of Juvenile Affairs who have been adjudicated delinquent or found to be a youthful offender may be subject to drug testing for the purpose of prevention and intervention for substance abuse.

(b) Juveniles who are not in the custody of OJA may participate in drug testing only with written voluntary consent of:

- (1) the juvenile and legal guardian; or
- (2) upon court order.

(c) The drug test results shall not be used in any new juvenile or criminal charge.

(d) All drug test results of juveniles shall be confidential and shall only be released by court order or in accordance with state or federal statute.

Any and all releases of test results shall be documented in the juvenile's case file, including to whom and when the release occurred.

[Source: Added at 19 Ok Reg 2666, eff 7-11-02]

CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[**Authority:** 10A O.S., §§ 2-7-101, 2-7-303, and 2-7-305]
[**Source:** Codified 6-2-97]

SUBCHAPTER 1. GENERAL PROVISIONS

377:15-1-1. Purpose

The purpose of this Chapter is to describe the rules for the Division of Community-based Youth Services.

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Amended at 24 Ok Reg 1409, eff 7-1-07]

377:15-1-2. Authority, legal basis, and scope

(a) The Division of Community-based Youth Services operates under the authority of 10A O.S., §§ 2-1-103(9), 2-1-103(11), 2-7-202, 2-7-303, 2-7-305 and 2-7-306.

(b) The Division of Community-based Youth Services shall plan and coordinate the contracting of delinquency prevention and treatment services with designated youth services agencies. OJA shall enter into such contracts for the development, implementation and operation of community-based delinquency prevention, diversion, and service programs, consistent with state statutes.

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Amended at 24 Ok Reg 1409, eff 7-1-07 ; Amended at 28 Ok Reg 2010, eff 7-15-11]

377:15-1-3. Application for "Youth Service Agency" designation [REVOKED]

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Revoked at 24 Ok Reg 1409, eff 7-1-07]

377:15-1-4. Criteria for designation as a "Youth Service Agency" [REVOKED]

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Revoked at 24 Ok Reg 1409, eff 7-1-07]

377:15-1-5. Retaining designation as a "Youth Services Agency" [REVOKED]

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Revoked at 24 Ok Reg 1409, eff 7-1-07]

377:15-1-6. Appeal process and administrative hearing process [REVOKED]

[**Source:** Added at 14 Ok Reg 1880, eff 6-2-97 ; Revoked at 24 Ok Reg 1409, eff 7-1-07]

377:15-1-7. Constituency development [REVOKED]

[Source: Added at 14 Ok Reg 1880, eff 6-2-97 ; Revoked at 24 Ok Reg 1409, eff 7-1-07]

SUBCHAPTER 3. STATE PLAN FOR YOUTH SERVICES AGENCIES

377:15-3-1. State Plan

The Community-based Youth Services Division will develop the State Plan for Youth Services Agencies in accordance with criteria approved by the Board of Juvenile Affairs after full consideration of any recommendations of the Department of Human Services and the Oklahoma Association of Youth Services.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

SUBCHAPTER 5. DESIGNATION OF COMMUNITY-BASED YOUTH SERVICES AGENCIES

377:15-5-1. Definitions

The following words or terms shall have the following meaning, unless the context clearly indicates otherwise:

"Applicant" means any non-profit organization submitting an application for designation as a youth services agency to the Board of Juvenile Affairs.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-5-2. Application for "Youth Services Agency" designation

The applicant for designation as a youth services agency shall submit an application to the Board of Juvenile Affairs on a form prescribed by the Board, as set forth in 10A O.S., § 2-7-306(A)(7). The applicant shall submit the application to the Secretary to the Board of the Office of Juvenile Affairs, 3812 N. Santa Fe, Suite 400, P.O. Box 268812, Oklahoma City, OK 73126-8812. OJA shall enter into such contracts for the development, implementation and operation of community-based delinquency prevention, diversion, and service programs, consistent with state statutes.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07 ; Amended at 28 Ok Reg 2010, eff 7-15-11]

377:15-5-3. Application Process

Submission of Application. The applicant for designation as a youth services agency shall submit an application to the Board of Juvenile Affairs on a form prescribed by the Board. The applicant may attach to the form such supplemental materials as may be necessary to fully support the application. The applicant shall provide all documentation required by the Community-based Youth Services Division in support of

the application. The application shall be signed by the person making the application or by the chief executive officer of the organization seeking designation. The signature shall be notarized.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-5-4. Requirements for the Application

(a) The applicant shall describe in detail all aspects of direct community participation in the planning, operation and evaluation of the community-based youth services and programs.

(b) The applicant shall describe in detail:

(1) its capability to deliver all or part of the compensable services set forth in Title 10A O.S., § 2-7-303; core community-based services, as defined in 10A O.S., § 2-1-103(11); or other community-based facilities, programs, or services designated by the Board of Juvenile Affairs as core community-based services.

(2) if applicable, its capability to deliver all or part of the compensable children's services that the Department of Human Services is authorized to provide for by contract with a private agency.

(3) its ability to provide adequate and qualified staff for the services it may provide.

(4) its capability to meet the need for adequate services in its primary catchment area or other areas which it may serve.

(5) a statement of its financial viability as defined by 10A O.S., § 2-7-306. An assessment of the applicant's financial viability shall be based upon a formula as determined by the Community-based Youth Services Division.

(6) a documented need for services in the primary catchment area or other area which it may serve.

(7) if applicable, a statement of how the applicant may augment any services being provided by an existing youth services agency.

(c) **CERTIFICATIONS AND LICENSES:** The applicant shall provide copies of all current licenses and certifications applicable to its operations. If the organization is accredited by a nationally recognized accrediting organization, the applicant shall submit a copy of its most recent evaluation or audit conducted by the certifying organization.

(d) Upon submission of the application, the applicant may be required to undergo an initial peer review to be conducted by the Oklahoma Association of Youth Services Agencies or other Oklahoma non-profit corporation whose membership consists solely of youth services agencies and of whom at least a majority of youth services agencies are members. If a peer review is required by the Community-based Youth Services Division, the applicant and peer reviewing organization shall be notified by the Division Director. The peer review shall be completed and submitted to the Division of Community-based Youth Services within 90 days of the notice of the peer review requirements. The costs, if any, of the initial peer review shall be borne by the applicant. Failure to successfully complete the initial peer review, if required, may be considered by the Division of Community-based Youth Services in making

its recommendation regarding designation of the applicant.

(e) **AGENCY INSPECTION:** The Division of Community-based Youth Services shall make a site visit inspection of the applicant's operations and obtain all available verification required to support the application.

(f) **REFERENCES:** The applicant shall provide letters of reference from local community leaders or other persons familiar with the applicant's operations. The Division of Community-based Youth Services shall obtain from the applicant authorizations to communicate with such references. The Division of Community-based Youth Services shall not be limited to the references provided in conducting its review of the applicant's operations.

(g) **EVALUATION AND SUMMARY:** The Division of Community-based Youth Services shall evaluate the application and all supporting detail and summarize its findings in a Report of the Community-based Youth Services Division to be submitted to the Board of Juvenile Affairs. The evaluation shall be completed and a Report submitted to the Board within 120 days of submission of the application to the Secretary to the Board of Juvenile Affairs. Extensions of the 120-day requirement may be authorized by the Executive Director of the Office of Juvenile Affairs upon good cause shown. The Report shall state whether the designation of the applicant as a Youth Services Agency is based on community needs as indicated in the State Plan for Youth Services Agencies. The Report of the Community-based Youth Services Division shall contain a recommendation as to whether the application should be granted, denied or deferred. The Report shall be signed by the Division Director and approved by the Executive Director of the Office of Juvenile Affairs.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07 ; Amended at 28 Ok Reg 2010, eff 7-15-11]

377:15-5-5. Reporting Process

(a) With respect to any application for designation as a Youth Services Agency, the Division of Community-based Youth Services shall prepare a Report addressing the statutory criteria for designation of Youth Services Agencies, as well as any other criteria established by the Board.

(b) The Report of the Division of Community-based Youth Services (Report) shall contain a recommendation to either grant, deny or defer an application for designation.

(c) The Executive Director of OJA shall approve the Report prior to submission to the Board of Juvenile Affairs.

(d) The Report shall be filed with the Board of Juvenile Affairs and a copy provided to the applicant, either by personal delivery or by certified mail, when filed.

(e) The application for designation as a Youth Services Agency shall be placed on the Board Agenda for consideration at the next Board meeting following the filing of the Report containing the recommendation.

(f) The Board shall consider the Report in determining whether to grant, deny or defer the application.

(g) The Board's review of the Report shall not be conducted as an individual proceeding.

(h) Upon review of the Report the Board may make one of the following determinations:

- (1) grant the application for designation;
- (2) deny the application for designation; or
- (3) defer its decision and direct the Division of Community-based Youth Services to provide additional information to the Board for its consideration.

(i) The applicant shall be notified of the Board's decision by certified mail.

(j) If the application for designation is granted, the designation shall be effective immediately.

(k) If the application for designation is denied, the applicant may request an individual proceeding on the denial by filing a request for hearing with the Secretary to the Board of Juvenile Affairs upon a form approved by the Board. The request for an individual proceeding shall be filed within thirty (30) days of the mailing of the Board's decision. The request for hearing shall state the grounds upon which the applicant disagrees with the decision.

(l) If the decision to grant or deny designation is deferred, the Division of Community-based Youth Services shall file an Addendum to its original Report providing the additional information requested by the Board within the time frames established by the Board. The matter shall be considered at the next Board meeting following the filing of the Addendum. The Addendum shall be provided to the applicant, either by personal delivery or by certified mail, when filed with the Board.

Following review of the Report and Addendum, the Board may:

- (1) grant the application for designation which shall become effective immediately; or
- (2) deny the application.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-5-6. Report Recommending Termination of Designation as a Youth Services Agency

With respect to any Youth Services Agency whose designation is recommended for termination, the Division of Community-based Youth Services shall complete a Report documenting the grounds for the proposed termination.

(1) The Report of the Division of Community-based Youth Services (Report) shall contain an analysis of the program administration, financial viability and most recent peer review report of the Youth Services Agency.

(2) The Report shall also contain a plan to ensure the continuation of services by another Youth Services Agency.

(3) The Report shall reflect the recommendations of the Oklahoma Association of Youth Services Agencies with respect to the plan for service coverage.

(4) The OJA Executive Director shall approve the Report prior to filing with the OJA Board.

(5) The Report shall be filed with the Secretary to the Board of Juvenile Affairs and shall be considered at the next Board meeting following the filing of the Report.

(6) The Board's review of the Report shall not be conducted as an individual proceeding.

(7) Upon review of the Report, the Board may:

- (A) terminate the designation of a Youth Services Agency;
- (B) reject the recommendation for termination; or
- (C) place the Youth Services Agency on probation upon the terms specified by the Board for up to 90 days. The Board may extend the period of probation for an additional 90 days upon consideration of the Youth Services Agency's substantial compliance with the terms of probation. The probationary status of the Youth Services Agency shall be reviewed by the Board not later than the Board meeting immediately preceding the expiration of the probationary period; at the end of the probationary period, including any extension, the Board shall terminate the designation or remove the Youth Services Agency from probationary status.

(8) The Youth Services Agency shall be notified of the Board's decision by certified mail. If the Board terminates the designation of a Youth Services agency, the Youth Services Agency may request an individual proceeding on the denial by filing with the Secretary to the Board of Juvenile Affairs a request for hearing upon a form approved by the Board. The request for an individual proceeding shall be filed within thirty (30) days of the mailing of the Board's decision to terminate. The request for hearing shall state the grounds upon which the Youth Services Agency disagrees with the decision.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

SUBCHAPTER 7. INDIVIDUAL PROCEEDINGS: APPLICATION DENIALS, AND TERMINATION OF DESIGNATION AS A YOUTH SERVICES AGENCY

377:15-7-1. Definitions

All words which are defined in 75 O.S. 2001, § 250.3 are used in accordance with such meaning.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-2. Filing of Papers

All papers required by this subchapter are to be filed with the Secretary to the Board of Juvenile Affairs at the Office of Juvenile Affairs, 3812 North Santa Fe, Suite 400, Oklahoma City, Oklahoma 73118.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-3. Initiation of Individual Proceedings

An individual proceeding may be initiated by the filing of a request for hearing containing a brief statement setting forth the relief requested and the grounds therefor upon a form approved by the Board of Juvenile Affairs. The hearing shall be open to the public and shall be conducted in accordance with the *Administrative Procedures Act*.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-4. Notice of Hearing

- (a) The notice of hearing shall include:
- (1) a statement of the time, place, and nature of the hearing;
 - (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (3) a reference to the particular sections of the statutes and rules involved; and
 - (4) a short and plain statement of the matters asserted or issues involved.
- (b) Notice of the hearing shall be provided by the Secretary to the Board of Juvenile Affairs.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-5. Procedures for Hearing

- (a) The hearing shall be conducted in an orderly manner and shall be presided over by the Chairperson of the Board or Board Member Designee.
- (b) The rules of evidence used during the hearing shall be those specified by the *Administrative Procedures Act*.
- (c) Witnesses shall be sworn upon oath or shall affirm the truth of their testimony and are subject to cross-examination. The oath or affirmation shall be administered by the Chairperson of the Board or Board Member Designee.
- (d) The Chairperson of the Board or Board Member Designee shall rule upon the admissibility of evidence or objections thereto, or upon motions or objections arising during the hearing.
- (e) The rulings of the Chairperson of the Board or Board Member Designee shall be the rulings of the Board unless reversed or modified by a majority vote of the Board.
- (f) The Board may utilize the services and advice of its attorney (serving as legal advisor) regarding any matter of evidence, law, or procedure in the conduct of the hearing. All decisions concerning objections or procedures shall be made by the presiding Board member.
- (g) An attorney may be designated by the Board to present the position adverse to the Youth Services Agency applicant or Youth Services Agency whose designation is terminated, but any Board member may inquire of any witness concerning matters deemed relevant and competent and not

otherwise offered into evidence.

(h) All preliminary motions filed by any party prior to the commencement of the hearing shall be ruled upon at the beginning of the hearing.

(i) The Board shall admit and give probative value to all competent, relevant and probative evidence, both oral and documentary, which tends to prove or disprove the facts germane to the designation denial or termination.

(j) The Board may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. The Board is possessed of specialized knowledge and such knowledge will be used when officially noticed along with other evidence in arriving at a decision. Notice may also be taken of judicially cognizable facts.

(k) All parties shall be given an opportunity to respond and present evidence on all issues involved.

(l) In all individual proceedings, the Office of Juvenile Affairs shall bear the burden of proof that shall be by clear and convincing evidence.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-6. Recordings

Any hearing before the Board of Juvenile Affairs shall be electronically recorded. The portion of the hearing constituting deliberations in executive session need not be recorded. A copy of the electronic recording shall be made available to any person upon request and payment of appropriate reimbursement costs for reproduction.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-7. Informal Disposition

Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, or default upon approval by the Board.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-8. Representation

Any party shall have the right to counsel who must be duly licensed by the Supreme Court of Oklahoma.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-9. Final Agency Orders

(a) All findings of fact made by the Board in an individual proceeding shall be based exclusively on the evidence and on matters officially noticed, and a final decision shall be determined by a majority vote of the Board.

(b) The final agency order shall be in writing and may be stated on the record at the conclusion of the hearing and deliberations. All parties shall be notified, either by personal delivery or by certified mail, of any final order.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-10. Emergencies

If the Board of Juvenile Affairs finds that the public health, safety, or welfare imperatively requires emergency action with respect to a plan for service coverage in a recommended termination, and the finding is incorporated into the order, the Board may issue an *ex parte* order implementing the Division of Community-based Youth Services' plan for service coverage pending the final outcome of proceedings and issuance of a final order.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-11. Continuances and Request for Extensions of Time

Requests for continuances and for extensions of time shall be filed with the Secretary to the Board of Juvenile Affairs. Such requests may be granted by the Chairperson or the Board Member Designee upon good cause shown. The Secretary shall notify the parties of the decision.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-12. Rehearing

A Youth Services Agency aggrieved by a final agency order may request a rehearing, reopening, or reconsideration by filing a request with the Secretary to the Board within ten (10) days from the filing of the final agency order with the Secretary to the Board. The grounds for such action shall be as provided in the *Administrative Procedures Act* and shall be stated in the request. The Board may grant reconsideration, reopening, or rehearing of the matter at any time on the grounds of fraud practiced by the prevailing party or the procurement of the order by perjured testimony or fictitious evidence. Requests for rehearing, reopening, or reconsideration shall be placed on the Board's agenda for consideration at the next Board meeting following the filing of the request. The Youth Services Agency shall be notified by certified mail of the ruling of the Board on the request.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

377:15-7-13. Appeals

Appeals of a final agency order shall be in accordance with the *Administrative Procedures Act*.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

SUBCHAPTER 9. COMMUNITY-BASED YOUTH SERVICES PURCHASING PROCEDURES

377:15-9-1. Purchasing Procedures

Pursuant to 74 O.S. § 85.12 and 85.39, the Office of Juvenile Affairs shall develop internal purchasing procedures for contracts with designated Youth Services Agencies and 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. The procedures shall be submitted to the State Purchasing Director for approval.

[Source: Added at 24 Ok Reg 1409, eff 7-1-07]

SUBCHAPTER 11. CERTIFICATION OF CHILDREN'S SHELTERS OPERATED BY THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES

377:15-11-1. Origin and authority

(a) The legislature established the Office of Juvenile Affairs responsibilities for developing a certification program for the children's shelters managed and operated by the Oklahoma Department of Human Services in 10A O.S., § 2-7-202.

(b) The Office of Juvenile Affairs shall have the authority:

- (1) To establish a system of certification in accordance with the Oklahoma Child Care Facilities Licensing Act;
- (2) To issue certifications based upon compliance with minimum requirements;
- (3) To revoke certification based upon failure to meet minimum requirements.

[Source: Added at 30 Ok Reg 277, eff 12-5-12 (emergency); Added at 30 Ok Reg 709, eff 6-1-13]

377:15-11-2. Duties and responsibilities

The Office of Juvenile Affairs shall designate the Division of Community-based Youth Services staff to perform the following duties:

- (1) Provide continuing technical assistance and consultation to the shelters to obtain and maintain compliance with minimum requirements;
- (2) Take corrective action based upon non-compliance with minimum requirements;
- (3) Monitor shelter programs to maintain compliance with minimum requirements;
- (4) Issue certifications based upon compliance with minimum requirements;
- (5) Maintain official certification records.

[Source: Added at 30 Ok Reg 277, eff 12-5-12 (emergency); Added at 30 Ok Reg 709, eff 6-1-13]

377:15-11-3. Certification process

(a) **Definitions.**

- (1) "**Board**" means the Board of Juvenile Affairs.
- (2) "**Emergency**" means a situation that poses a direct and serious threat to the health, safety or welfare of any child cared for by the shelter.
- (3) "**Operator or facility operator**" means the representative of the Department of Human Services who has been given authority to act on behalf of the state-operated children's shelter.
- (4) "**State-operated children's shelter or facility**" means the Laura Dester Children's Shelter or the Pauline E. Mayer Children's Shelter or any other shelter that may be authorized by 10A O.S., § 1-9-111. If the Department of Human Services contracts with designated youth services agencies or designated child-placing agencies for the management and operation of such shelters, then OJA shall not provide for the certification of such shelters.

(b) Types of issuances.

- (1) **Temporary certification.** State-operated children's shelters may be granted up to a six-month temporary certification if documentation does not show compliance with all certification requirements.
- (2) **Certification.** State-operated children's shelters may be granted an operating certification that is valid for twelve months from the date of its issuance. OJA certification staff determines that the shelter is operating in compliance with current Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities and any additional Board requirements.

(c) Case Management.

(1) Periodic visits.

(A) The OJA certification staff shall annually conduct at a minimum one unannounced visit to each state-operated children's shelter to document compliance with all certification requirements and at a minimum two announced visits to monitor compliance with certification requirements.

(B) During each unannounced compliance visit, OJA certification staff shall:

- (i) Observe the entire facility, including outdoor play space and vehicles used for transportation, if available, and
- (ii) Check resident files and staff files, insurance verifications, and fire and health inspections within the preceding twelve months for compliance with certification requirements.

(C) During each announced monitoring visit, OJA certification staff shall:

- (i) Provide technical assistance to facility personnel to meet and maintain certification requirements;
- (ii) Consult with facility personnel to meet and maintain certification requirements and improve the quality of care at the facility.

(2) **Forms.** The OJA certification staff shall use standardized certification forms available for public inspection and copying at <http://www.ok.gov/oja/>.

(3) **Reports.** The OJA certification staff annually shall issue at a minimum two monitoring reports and at a minimum one compliance report to the operator within 30 days of a monitoring or compliance visit.

(4) **Oklahoma Department of Human Services, Office of Client Advocacy Reports (OCA).** The OJA certification staff shall review all referrals to OCA that concern the state-operated children's shelters and all investigation reports issued by the OCA to ensure compliance by the state-operated children's shelters with certification requirements.

(d) **Complaint procedure.** All complaints received by OJA concerning the state-operated children's shelters shall be referred to the OCCY Office of Juvenile System Oversight and DHS where appropriate.

(e) **Non-compliance with requirements.**

(1) **Documentation of non-compliance.** The OJA certification staff shall document on the monitoring reports and the compliance report areas of non-compliance and any discussion with the operator.

(A) The OJA certification staff shall request that the operator sign the monitoring reports and the compliance report, explaining that the operator's signature indicates acknowledgment of information recorded.

(B) If the person in charge refuses to sign, the refusal shall be documented on the report.

(C) The operator shall be given a copy of the completed report.

(D) The operator shall prepare a plan of correction addressing each area of non-compliance no later than 30 days from receipt of the monitoring or compliance report, unless an extension is authorized by OJA certification staff. The plan of correction shall be reviewed and approved by OJA certification staff.

(E) Immediate correction shall be required when the non-compliance has a direct impact on the health, safety, or well-being of a child or children in care. Failure to take immediate corrective action may result in a response to non-compliance as authorized by 10A O.S., § 2-7-202(D)(5) or any other provision of law.

(2) **Referrals to fire and health officials.** If non-compliance regarding fire or health requirements places children at risk of harm or remains uncorrected, OJA shall request an inspection by a fire, health, or Oklahoma Department of Environmental Quality (ODEQ) official.

(3) **Case management responses to non-compliant facilities.** When there is non-compliance with certification requirements, the OJA responses may include, but are not limited to:

(A) **Technical assistance.** Technical assistance is offered along with referrals to consultants or training resources, if

necessary, to assist the operator in meeting and maintaining certification requirements.

(B) **Follow-up phone call.** Phone calls are documented on OJA standardized forms.

(C) **Non-compliance letter.** A non-compliance letter may be written to the operator. The OJA certification staff shall send a copy of the report and the non-compliance letter to the operator's supervising authority.

(D) **Return monitoring visit.** A return monitoring visit may be made for non-compliance with certification requirements or when non-compliance places children at imminent risk of harm. If the non-compliance is associated with a specific time of day, such as understaffing after school or a lack of early morning supervision, the return visit may be made at that approximate time or any other time deemed appropriate by the OJA certification staff.

(E) **Additional persons.** The OJA certification staff may be accompanied by additional persons during monitoring visits if the facility has areas of non-compliance or if denial or revocation of the license is being considered.

(F) **Increased monitoring visits.** The OJA certification staff may increase the frequency of monitoring when there have been areas of non-compliance or when the need for additional technical assistance is indicated.

(G) **Notice to comply when plan of correction is not approved.** The OJA certification staff may issue a notice to comply specifically addressing those areas where the plan of correction is insufficient or otherwise fails to address the areas of non-compliance or is unacceptable and not approved. The notice to comply shall state the time frame within which compliance by the operator must be accomplished. If compliance is not obtained within the time frames set forth within the notice to comply, then OJA may initiate the denial or revocation process. The operator may be required to take immediate action if the area of non-compliance places the health, safety, or well-being of a child or children in care at risk.

(H) **Office conference.** The OJA certification staff may schedule an office conference with the operator of the facility. Areas of non-compliance and progress toward meeting the plan(s) of correction shall be reviewed and technical assistance shall be offered. The conference and any plan of correction shall be documented.

(I) **Consent agreement.** OJA and the facility operator may enter into a consent agreement whereby the facility agrees to specific conditions in lieu of certification denial or revocation.

(J) **Certification Denial or Revocation.** The OJA certification staff may recommend that the certification be denied or revoked when non-compliance with requirements has been observed and documented or the

facility has failed to adequately protect children.

(4) **Case management responses when children are at risk.** If the OJA certification staff documents a situation where children may be at imminent risk of harm, or if the Office of Juvenile System Oversight is investigating a complaint that children may be at imminent risk of harm, the OJA certification staff may consider the following options:

(A) The operator shall be asked to immediately correct the situation where children may be at risk of harm.

(B) The operator may agree to enter into a consent agreement whereby the facility shall agree to specific conditions.

(C) The OJA certification staff may recommend that the certification be denied or revoked when the operator fails to take necessary steps to eliminate the situation giving rise to the imminent risk of harm.

(f) **Revocation or denial of certification.** The Office of Juvenile Affairs may revoke or deny the certification of any state-operated children's shelter found to be in violation of any of the rules of the Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities, as set forth in 340:110-3-167, and any additional Board requirements.

(1) No certification shall be revoked or denied until such time as the facility operator or applicant shall have been given at least thirty (30) days notice in writing for the grounds of the proposed revocation or denial.

(2) Within one (1) business day of the facility's receipt of the notice of the proposed revocation or denial, the facility operator shall notify the parent, guardian, or legal custodian of any child residing in the facility. The notification to the parent, guardian, or legal custodian shall be given verbally, electronically, or in written form, as well as by the posting of an announcement in the facility.

(g) **Formal Protest.** When served with a notice of proposed revocation or denial, the facility operator may, within fifteen (15) days of receipt of notice, file a formal protest in writing addressed to the Executive Director of the Office of Juvenile Affairs. Upon the filing of the protest, the Executive Director shall set the matter for a hearing within thirty (30) days. Notice of the hearing shall be given to the facility operator by personal service or by delivery to the proper address by certified mail, return receipt requested, at least ten (10) days prior to the date of the hearing. If the facility operator does not file a protest, certification shall be revoked or denied effective upon the expiration of the thirty (30) day notice period set forth in (f)(1). The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The purpose of the hearing is to provide the Executive Director with information from which a determination may be made as to whether or not reasonable grounds exist to support the revocation or denial. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(h) **Emergency action.**

(1) Whenever the Office of Juvenile Affairs finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility, the Office of Juvenile Affairs may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken by the facility operator as OJA deems necessary to meet the emergency, including when necessary, removing children from the shelter and prohibiting the facility from providing services to children.

(2) The emergency order shall remain in effect until the Executive Director determines that it is no longer necessary. The operator shall be provided with a written Notice of Emergency Action, which will include notice of a hearing before the Executive Director within fifteen (15) days of service of the notice. The Executive Director will make a determination at that time as to whether the emergency situation has been resolved, and may extend, modify, or rescind the order. The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(i) **Review of decision by the Board of Juvenile Affairs.** Any operator aggrieved by a decision of the Executive Director may file a written request for review of the decision with the Board of Juvenile Affairs within fifteen (15) days of the Executive Director's decision. The Board shall have access to all documents submitted to the Executive Director, as well as an audio recording or transcript of the hearing, and the decision of the Director. The matter shall be placed on the next available Board meeting agenda after the filing date. Upon consideration, the Board shall enter a decision affirming, modifying, or reversing the decision of the Executive Director. The decision shall be in writing and copies of the decision shall be promptly mailed to all parties of record in the case. The decision of the Board shall be final and binding.

[Source: Added at 30 Ok Reg 277, eff 12-5-12 (emergency); Added at 30 Ok Reg 709, eff 6-1-13 ; Amended at 32 Ok Reg 2004, eff 9-11-15]

CHAPTER 25. JUVENILE SERVICES UNIT

[Authority: 10A O.S., §§ 2-7-101, 2-7-301, and 2-7-601]

[Source: Codified 6-2-97]

SUBCHAPTER 1. GENERAL PROVISIONS

377:25-1-1. Purpose

The purpose of this Chapter is to describe the rules pertaining to the Juvenile Services Unit.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99]

377:25-1-2. Legal basis, authority, and scope

(a) The Office of Juvenile Affairs (OJA) operates under the authority of the Oklahoma Juvenile Code, 10A O.S. § 2-1-101 et seq. Title 10A O.S., § 2-7-301(A)(2) gives the Office of Juvenile Affairs the statutory responsibility for providing intake, probation, and parole services. Within the Office of Juvenile Affairs, the Juvenile Services Unit (JSU) provides intake and probation services in all counties except those with duly constituted Juvenile Bureaus (10A O.S., §§ 2-4-101 and 2-4-103(B)). The Juvenile Services Unit shall provide parole services in all counties [10A O.S., § 2-7-601(A)(5)].

(b) The Office of Juvenile Affairs provides and contracts for services designed to address the individual needs of juveniles and families in the least restrictive environment, which affords protection to the public. OJA is committed to preventing delinquency by providing a wide variety of quality services.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 24 Ok Reg 1414, eff 7-1-07 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-1-3. Definitions

The following words and terms, when used in this Subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Juvenile" means all persons in OJA custody or under its supervision for whom OJA is required to provide services by law or court order.

[Source: Added at 15 Ok Reg 2695, eff 7-1-98]

377:25-1-38. Use of restraints [EXPIRED]

[Source: Added at 13 Ok Reg 1419, eff 11-4-95 through 7-14-96 (emergency)¹]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency*

action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), Section 377:25-1-38 was no longer effective. For the official text of the emergency rule that was in effect from 11-4-95 through 7-14-96, see 13 Ok Reg 1419.

SUBCHAPTER 3. PRE-COURT

PART 1. JUVENILE DETENTION

377:25-3-1. Legal base

Title 10A O.S., §§ 2-3-101 et seq. and § 2-7-504, provides for the detention of juveniles. Title 10A O.S., § 2-5-204(E) provides for the detention of youthful offenders. OJA derives its authority to establish plans for detention services from 10A O.S., § 2-3-103.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11 ; Amended at 32 Ok Reg 405, eff 11-17-14 (emergency); Amended at 32 Ok Reg 2007, eff 9-11-15]

377:25-3-2. Detention recommendations

In counties in which JSU, pursuant to judicial directive, is responsible for detention screening, the JSU worker shall recommend to the judge that one of the actions listed in (1)-(3) of this Section occurs when a juvenile is picked up for an alleged offense.

(1) **Release.** Release may be appropriate in the following circumstances:

- (A) The parent, guardian, or responsible person can be located and is willing and able to accept responsibility for the juvenile;
- (B) The juvenile is willing to go home and is likely to appear as requested for preliminary inquiry/court intake; and
- (C) There is reasonable belief that the juvenile is not a threat or a danger to the public.

(2) **Non-secure detention.** A juvenile is eligible for non-secure detention services based on the criteria in (A)-(C) of this subsection:

- (A) There is no record or history of seriously assaultive or destructive behavior by the juvenile to others; and
- (B) The use of non-secure detention services is not likely to place the juvenile or community at risk; or
- (C) The juvenile is being held as a runaway.

(3) **Secure detention services.** A juvenile is eligible for secure detention services based on the criteria found in 10A O.S., § 2-3-101 et seq. and § 2-7-504.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11 ; Amended at 32 Ok Reg 405, eff 11-

17-14 (emergency); Amended at 32 Ok Reg 2007, eff 9-11-15 ; Amended at 33 Ok Reg 1734, eff 9-11-16]

PART 3. INTAKE/PRELIMINARY INQUIRY

377:25-3-15. Legal basis for intake/preliminary inquiry

The Office of Juvenile Affairs is mandated to provide intake and probation services as required by 10A O.S., § 2-7-301.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 21 Ok Reg 2430, eff 7-1-04 ; Amended at 24 Ok Reg 1414, eff 7-1-07 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-3-16. Intake referral sources [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 through 7-14-98 (emergency)¹; Revoked at 21 Ok Reg 2430, eff 7-1-04]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon the expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-98 (after the 7-14-98 expiration of the emergency action), the text of 377:25-3-16 reverted back to the permanent text that became effective 6-2-97, as was last published in the 1997 OAC Supplement, and remained as such until revoked by permanent action on 7-1-04.*

377:25-3-17. Information and referral (I&R) [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Revoked at 15 Ok Reg 2695, eff 7-1-98]

377:25-3-18. Initiating an intake/preliminary inquiry [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-19. Intake procedures [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-20. Systems checks [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-21. The Uniform Child Custody Jurisdiction Act and the Indian Child Welfare Act [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-22. Dismiss without conference [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

377:25-3-23. Scheduling the intake conference/preliminary inquiry [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-24. Intake conference [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-25. Intake recommendations [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-26. Recommendation to district attorney [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 21 Ok Reg 2430, eff 7-1-04]

377:25-3-27. Notification of intake disposition [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

PART 5. RESTITUTION

377:25-3-40. Juvenile Offender Victim Restitution Work Program

(a) Title 10A O.S., § 2-7-801 authorizes the Office of Juvenile Affairs to develop and administer Juvenile Offender Victim Restitution Work Programs. The programs developed by the Office of Juvenile Affairs shall provide restitution to a victim by requiring the juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from the programs. Restitution shall be made through the employment of the juvenile in work programs coordinated by

the Office of Juvenile Affairs.

(b) The work programs shall not deprive the juvenile of schooling and shall not prohibit the juvenile from fulfilling restitution obligations through jobs the juvenile has found, by performing volunteer services for the community, or by doing work for the victim.

(c) A restitution agreement utilizing a Juvenile Offender Victim Restitution Work Program:

(1) shall not include restitution in excess of actual damages caused by the juvenile,

(2) shall be paid from the net earnings the juvenile receives through participation,

(3) shall consist of payment to the juvenile of no less than the federal minimum wage,

(4) shall take into account the age and physical and mental capacity of the juvenile,

(5) shall be designed to relate to the juvenile a sense of responsibility for the injuries caused to the person or property of another, and

(6) shall be approved by the district attorney or the court in accordance with 10A O.S., § 2-7-801(D).

(d) Where the Office of Juvenile Affairs has entered into contracts with private service providers for the implementation of the program, the Office of Juvenile Affairs may require that any service provider pay restitution directly to the victim or victims and pay any amounts due to the juvenile directly to the juvenile.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 through 7-14-98 (emergency)¹; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11 ; Amended at 30 Ok Reg 712, eff 6-1-13]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon the expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-98 (after the 7-14-98 expiration of the emergency action), the text of 377:25-3-40 reverted back to the permanent text that became effective 6-2-97, as was last published in the 1997 OAC Supplement, and remained as such until amended by permanent action on 7-1-01.*

377:25-3-41. Restitution

Title 10A O.S., § 2-2-503 authorizes the Office of Juvenile Affairs to be designated by the court to receive from the child, the parent or parents of the child, or legal guardian restitution payments for distribution to the victim. The Office of Juvenile Affairs shall file a written report with the court as to restitution not paid as ordered, and upon the juvenile's attaining eighteen (18) years of age, advise the court on whether the restitution order has been satisfied.

[Source: Added at 30 Ok Reg 712, eff 6-1-13]

SUBCHAPTER 5. COURT

377:25-5-1. Transfer considerations

The JSU worker shall notify the court whenever a juvenile's parent or guardian moves out of the county of court jurisdiction. The JSU worker shall recommend one of the following options to the court:

- (1) dismiss from wardship;
- (2) transfer of jurisdiction to the county of the new residence; or
- (3) retain wardship in the county of current jurisdiction with a request for courtesy supervision in the county of the juvenile's residence.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98]

377:25-5-2. Probation responsibilities

(a) **Deferred judgment/suspended sentence.** The court may conditionally defer a decision to formally adjudicate a juvenile or sentence a youthful offender. If requested by the court, the JSU worker shall provide supervision and probation services to the juvenile and family.

(b) **Court probation.** The JSU worker shall contact the juvenile and family within 24 hours after a juvenile is adjudicated delinquent and placed on formal court probation or a youthful offender is sentenced and placed under OJA supervision. The JSU worker shall be responsible for:

- (1) seeking probation fees pursuant to 10A O.S., §§ 2-2-503(A)(1) and 2-5-209(B)(5);
- (2) attending all subsequent court hearings;
- (3) submitting court reports; and
- (4) keeping the Court informed of the juvenile's progress.

(c) **Court supervision.** The JSU worker shall contact the juvenile and family within 24 hours after the juvenile is adjudicated In Need of Supervision and placed on court supervision. The JSU worker is responsible for:

- (1) seeking probation fees pursuant to 10A O.S., § 2-2-503(A)(1);
- (2) attending all subsequent court hearings;
- (3) submitting court reports; and
- (4) keeping the Court informed of the juvenile's progress.

(d) **Terms of probation/court supervision.** The establishment of conditions of probation rules is within the authority of the judge. The JSU worker may use the Juvenile Probation Rules and Statement of Understanding (JSU-3), which is given to the juvenile and family, to:

- (1) establish rules of probation/court supervision for a delinquent juvenile placed on probation, an INS juvenile placed under court supervision, or a youthful offender placed under supervision; and
- (2) obtain a signed statement of understanding of the rules from the juvenile and parent or guardian.

(e) **Additional probation/court supervision rules.** The JSU worker may request that additional rules be established to meet the individual

needs of a juvenile. The JSU worker, juvenile, and parent shall sign a copy of the Additional Probation/Court Supervision Rules (JSU-4) which is used to:

- (1) establish additional rules of probation /court supervision for a delinquent juvenile placed on probation or an INS juvenile placed on court supervision, or a youthful offender placed under supervision; and
- (2) obtain a statement of understanding of the rules from the juvenile and parent or guardian.

(f) Violation of probation.

(1) When the JSU worker and supervisor determine that a juvenile has violated the rules of probation or court supervision, the JSU worker shall:

(A) facilitate resolution of minor violations, such as status offenses by:

- (i) changing supervision levels;
- (ii) establishing goals; or
- (iii) adding supplemental rules or conditions; and

(B) if further disposition of the case is necessary, request that the matter be set for a court review hearing.

(2) The JSU worker shall submit a current court report with recommendations to the court. Violations, which constitute new delinquent offenses, must be referred for the intake/preliminary inquiry process.

(g) Sanction detention facility. A sanction detention facility is a secure facility in which a juvenile is placed for up to five days as a consequence for his or her non-compliance with court orders or rules of probation. No juvenile shall be placed in an OJA-designated sanction detention facility without a court order.

(h) Sanctions programs. Sanctions programs are community-based, intensive treatment intervention programs in which a juvenile may be placed for up to five days to hold him or her accountable for violation of probation, court supervision, or parole rules.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-5-3. Certification hearings [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 23 Ok Reg 2767, eff 7-1-06]

SUBCHAPTER 7. CUSTODY

PART 1. GENERAL PROVISIONS

377:25-7-1. Definitions [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 23 Ok Reg 2767, eff 7-1-06]

377:25-7-2. Grievance procedure

The JSU worker shall inform all juveniles under formal supervision, court probation, or custody of the Office of Juvenile Affairs and the juvenile's family of the Office of Juvenile Affairs Grievance System (377:3-1-27 through 377:3-1-30). The JSU worker shall provide a Notice of Grievance Procedure to the juvenile and request that the juvenile sign the notice.

(1) The JSU worker shall review the grievance process with the juvenile and have the juvenile sign appropriate forms upon any subsequent placement in:

- (A) the juvenile's own home;
- (B) relative's home;
- (C) foster care;
- (D) therapeutic foster care;
- (E) specialized community home care: or
- (F) other out of home placements.

(2) When the juvenile is placed in an institution or an OJA-operated or contracted group home, the facility shall be responsible for explaining the grievance procedures and obtaining the juvenile's signature on appropriate forms.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 24 Ok Reg 1414, eff 7-1-07 ; Amended at 32 Ok Reg 2008, eff 9-11-15]

377:25-7-3. Placement of OJA custody juveniles

(a) Juveniles in OJA custody are placed in accordance with rules set forth in 377:10-3.

(b) After a juvenile is placed out of the home, the juvenile may be transferred to a similar facility or to a less restrictive facility without a hearing. When this occurs, the JSU worker shall notify the parent, guardian, or legal custodian by telephone and send a follow-up letter advising them of the change of placement.

(c) When a transfer of a juvenile from his or her own home, a foster home, specialized community home, or to a higher level of community care is being considered by the JSU worker, JSU worker shall discuss the proposed transfer with the supervisor. If the supervisor agrees, a district review hearing shall be held in accordance with 377:25-7-29.

(d) When a transfer of a juvenile from a community residential placement to an institutional setting is being recommended by the JSU worker, the mechanism for the transfer shall be either:

(1) an administrative transfer hearing [377:5-5-4]; or

(2) a parole revocation hearing [377:5-5-3].

(e) The JSU worker shall notify the court, district attorney, and other appropriate parties upon change of placement.

[Source: Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 17 Ok Reg 3139, eff 7-27-00 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 23 Ok Reg 2767, eff 7-1-06]

377:25-7-4. Short term, up to thirty day intensive, highly structured placement [REVOKED]

[Source: Added at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 23 Ok Reg 2767, eff 7-1-06]

PART 3. SERVICES TO CUSTODY JUVENILES

377:25-7-17. Medical needs

The JSU worker shall assess the juvenile's medical needs as provided in 10A O.S., § 2-2-502(A)(2).

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

PART 5. RULES OF SUPERVISED COMMUNITY PLACEMENT

377:25-7-27. Rules of Supervised Community Placement (SCP)

(a) "Supervised community placement" means a status conferred on a juvenile who is:

(1) adjudicated INS or delinquent, or found to be a youthful offender;

- (2) committed to OJA by the court; and
- (3) placed in community-based setting.

(b) Any juvenile who remains in a community placement, following a custody disposition, shall sign a uniform set of Supervised Community Placement Rules (JSU-5). The Supervised Community Placement Rules include a statement that the juvenile understands that the JSU worker may add additional, more specific rules to assist with the juvenile's individual supervision/treatment needs. When additional rules are used:

- (1) the juvenile, if adjudicated delinquent or found to be a youthful offender, shall acknowledge, in writing, his or her understanding that violation of the rules may result in placement in an institution; or
- (2) the juvenile, if adjudicated in need of supervision, shall acknowledge, in writing, his or her understanding that rule violations may result in a change of placement.

(c) Also included in the Supervised Community Placement Rules is an agreement by the parent, guardian, or custodian that they shall enforce the rules and cooperate with the JSU worker during the supervision period.

(d) After reviewing the Supervised Community Placement Rules with the juvenile and family, the JSU worker shall have the juvenile and parent or guardian sign the rules. Additional rules may be added when necessary. After all participants have signed, the JSU worker shall give the juvenile and parent copies of the JSU-5, Supervised Community Placement Rules and the JSU-6, Additional Supervised Community Placement Rules.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 23 Ok Reg 2767, eff 7-1-06]

377:25-7-28. Noncompliance with Supervised Community Placement Rules

(a) When an INS or delinquent juvenile or a youthful offender fails to comply with SCP rules, the JSU worker shall have the options of:

- (1) altering the conditions to intensify or enhance service delivery;
- (2) placing the juvenile in a sanctions program using the district review process or through judicial proceedings;
- (3) changing the juvenile's placement; or
- (4) returning to court for further intervention, including:
 - (A) additional conditions of SCP;
 - (B) change of custody; or
 - (C) dismissal.

(b) If the juvenile is adjudicated delinquent or found to be a youthful offender and fails to comply with SCP rules, the juvenile may be placed in an institution through an administrative transfer hearing.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 23 Ok Reg 2767, eff 7-1-06]

377:25-7-29. District review hearing

(a) A district review hearing is an administrative process used to review a juvenile's behavior and alleged failure to respond to established individualized treatment and service plans or rules. Possible outcomes of the hearing are that the juvenile may be:

- (1) placed in a sanctions program;
- (2) placed in a short-term, up to thirty day intensive, highly structured program;
- (3) moved from his or her home to a higher level of community care;
- (4) transferred to a higher level of community care from his or her own home, a foster home, therapeutic foster home, specialized community home, or Level C facility; or
- (5) given the opportunity to remain in the current placement with other community sanctions.

(b) Notification of the date, time and place for the hearing, and the specific purpose of the hearing must be made either in person or by phone to the parent, guardian, or legal custodian by the JSU worker at least 24 hours prior to the hearing.

(c) The district supervisor or designee shall hold a district review hearing with the juvenile, JSU worker, the juvenile's parents, guardian, or custodian, and other authorized individuals. The county grievance coordinator may act as the juvenile's advocate in the absence of the juvenile's parent, guardian, or custodian.

(d) During the hearing, the specific, alleged violations of rules or failure to respond to the ITSP are discussed. The juvenile, the juvenile's parent, guardian, or custodian, or advocate shall be given the opportunity to make a statement during the hearing.

(e) A short-term, up to thirty day intensive, highly structured program is a temporary placement for the purpose of providing immediate intensive treatment which is designed to provide consequences for a juvenile's actions. The purpose of placing a juvenile in the program is to maintain the juvenile's current level of placement in his or her home or community-based residential facility. A juvenile is initially placed in a short-term, up to thirty day intensive, highly structured program for the maximum amount of days. However, if the juvenile completes the program goals prior to the projected release date, he or she may be released from the program early. If not released early, the juvenile's status shall be reviewed every 10 days following the initial placement. The JSU worker shall prepare a report to the district supervisor or designee which discusses the juvenile's progress in the placement and whether the juvenile has reached the program goals. The district supervisor shall determine, based upon the report, whether the juvenile should remain in the short-term, up to thirty day intensive, highly structured placement.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 17 Ok Reg 3139, eff 7-27-00 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 23 Ok Reg 2767, eff 7-1-06]

377:25-7-30. Administrative transfer hearing [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 22 Ok Reg 2078, eff 7-1-05]

PART 7. PAROLE [REVOKED]

377:25-7-40. Parole [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 21 Ok Reg 1410, eff 7-1-04 ; Revoked at 22 Ok Reg 2078, eff 7-1-05]

377:25-7-41. Parole rules [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 22 Ok Reg 2078, eff 7-1-05]

377:25-7-42. Parole revocation [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 22 Ok Reg 2078, eff 7-1-05]

377:25-7-43. The revocation process [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

PART 9. EXTENDED CUSTODY

377:25-7-50. Retention of custody guideline

- (a) The OJA may be authorized by the Court to retain custody of a juvenile or a youthful offender beyond the age of 18 in accordance with 10A O.S., § 2-7-504(B) or 10A O.S., § 2-5-209.
- (b) OJA shall continue to provide services to a juvenile during the period of extended jurisdiction.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 24 Ok Reg 1414, eff 7-1-07 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-7-51. Extended custody services [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 through 7-14-98 (emergency); Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

377:25-7-52. Crimes committed after age eighteen [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

SUBCHAPTER 9. CASEWORKER SERVICES

PART 1. SERVICES PROVIDED BY THE JSU WORKER

377:25-9-1. Financial support

(a) **Parental responsibilities.** OJA shall enforce the legal duty of parents to provide for their child even though that child has been adjudged a ward of the court pursuant to the Juvenile Code. Title 10A O.S., § 2-2-703 authorizes the OJA to obtain from a juvenile's parent reimbursement for costs and expenses for care and maintenance incurred by OJA in providing services for the juvenile. Information regarding parental financial accountability must be provided by the JSU worker to the court.

(b) **Benefits.** OJA shall seek to obtain all income and resources available to the juvenile to help reimburse OJA for the cost of the juvenile's care. Any amount received over the cost of care is deposited in the juvenile's trust fund account. Benefits include:

- (1) Social Security;
- (2) Veteran's benefits;
- (3) inheritance;
- (4) trust funds;
- (5) insurance benefits; and
- (6) Indian trusts or monies.

(c) **Federal funds.** The Office of Juvenile Affairs shall maximize the use of federal funds for services to juveniles in OJA custody. Rules regarding the use of federal funds are found in 377:3-17.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 24 Ok Reg 1414, eff 7-1-07 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-9-2. Case plan/Individual treatment and service plan (ITSP)

The assigned JSU worker shall begin the case planning assessment and treatment plan development with the juvenile and parent/guardian/legal custodian after a juvenile has been placed on Deferred Prosecution, Deferred Adjudication, is an Interstate Compact case supervised in Oklahoma, or has been adjudicated. The JSU worker shall conduct a comprehensive assessment of the juvenile and family and file it with the Court as per 10A O.S., § 2-2-502, as amended. Casework and other services provided to a juvenile are determined by the individual needs of the juvenile and family, and services shall be provided by either the JSU worker, contract service providers, or other service agencies.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 21 Ok Reg 2433, eff 7-1-04 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-9-2.1. Casework services [REVOKED]

[Source: Added at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2433, eff 7-1-04]

377:25-9-3. Absent without official leave (AWOL)

(a) When staff are advised that a juvenile is AWOL, they shall make every effort to locate the juvenile immediately. Staff shall try to locate the juvenile through relatives and community contacts.

(b) OJA shall notify the parents of a juvenile who is AWOL from an OJA out-of-home placement as soon as possible.

(c) Staff shall follow local law enforcement procedures in notifying authorities:

(1) in the juvenile's home community; and

(2) in the community from which the juvenile is AWOL.

(d) Within the constraints of 10A O.S., §§ 2-3-101(B)(1) and 2-7-605, the JSU worker and juvenile services supervisor shall determine whether a juvenile who has been picked up while on AWOL status shall return to the previous placement. In making the decision, staff shall consider whether the juvenile:

(1) has committed a new delinquent offense; and

(2) is considered a risk to the public or self.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

377:25-9-4. Coordinating case services with community agencies or resources [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

377:25-9-5. Referrals to Youth Service Emergency Shelters [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Revoked at 18 Ok Reg 2162, eff 7-1-01]

SUBCHAPTER 11. CASE RECORDS AND REPORTS

377:25-11-1. Case records

JSU staff shall comply with rules related to case records, confidentiality, safeguarding, and disclosure as set forth in OJA rules 377:10-1-7 through 377:10-1-11 and with appropriate American

Correctional Association standards (ACA).

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 25 Ok Reg 1373, eff 7-1-08]

377:25-11-2. Dispositional study [REVOKED]

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 21 Ok Reg 2434, eff 7-1-04]

377:25-11-3. Reports for court reviews

(a) The JSU worker shall submit a report to the court for judicial review hearings at least every six months. The report must meet the requirements set forth in 10A O.S., § 2-2-504. The JSU worker shall be present at the review hearing.

(b) The JSU worker may also request a judicial review in situations which may necessitate action such as:

- (1) change of placement;
- (2) additional treatment resources;
- (3) additional terms of probation or court supervision; or
- (4) recommendation to the court for early release.

[Source: Added at 14 Ok Reg 1882, eff 6-2-97 ; Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Amended at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 16 Ok Reg 2996, eff 7-12-99 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Amended at 28 Ok Reg 2011, eff 7-15-11 ; Amended at 32 Ok Reg 2008, eff 9-11-15]

377:25-11-4. Presentence investigations - youthful offenders

The JSU worker shall prepare a presentence investigation before the court imposes a sentence on a youthful offender who has been found guilty of or has pled guilty or entered a plea of nolo contendere to a youthful offender offense. The JSU worker shall not be required to prepare the presentence investigation if the youthful offender, with court approval, waives the investigation or if an investigation has previously been prepared.

[Source: Amended at 15 Ok Reg 966, eff 12-15-97 (emergency); Added at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01]

377:25-11-5. Juvenile sex offender registry

The Office of Juvenile Affairs shall establish and maintain the Juvenile Sex Offender Registry as provided in 10A O.S., § 2-8-103.

[Source: Added at 19 Ok Reg 2667, eff 7-11-02 ; Amended at 28 Ok Reg 2011, eff 7-15-11]

SUBCHAPTER 13. MILITARY MENTOR SCREENING AND TRAINING STANDARDS [REVOKED]

377:25-13-1. Mentor screening criteria [REVOKED]

[Source: Added at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 24 Ok Reg 1414, eff 7-1-07]

377:25-13-2. Mentor training standards [REVOKED]

[Source: Added at 15 Ok Reg 2695, eff 7-1-98 ; Amended at 18 Ok Reg 2162, eff 7-1-01 ; Revoked at 24 Ok Reg 1414, eff 7-1-07]

CHAPTER 30. RESIDENTIAL SERVICES

[Authority: 10A O.S., §§ 2-7-101 and 2-7-305]
[Source: Codified 6-2-97]

SUBCHAPTER 1. GENERAL PROVISIONS

377:30-1-1. Legal basis, scope, and purpose

- (a) Rules regarding community-based placements shall be issued in compliance with 10A O.S., §§ 2-2-804(A) and (B) and 2-7-305(B).
- (b) Residential facilities shall be operated either directly by OJA or by contractual agreement.
- (c) Residential programs may include:
- (1) regimented juvenile training programs;
 - (2) wilderness camps;
 - (3) therapeutic foster care;
 - (4) specialized community homes (SCH);
 - (5) OJA-operated group homes;
 - (6) contract-based residential care (CBC);
 - (7) independent living; and
 - (8) foster care.
- (d) Rules for contracted residential programs, therapeutic foster care, specialized community homes, independent living, and wilderness camps are set forth in OAC 377:10-7.
- (e) Rules for regimented juvenile training programs are set forth in OAC 377:10-13.
- (f) A purpose of this Chapter is to describe the Office of Juvenile Affairs' (OJA) operation of group homes for juveniles in the legal custody of the OJA. OJA-operated group homes shall be licensed by the Department of Human Services (DHS) in accordance with the Oklahoma Child Care Facilities Act, 10 O.S. §§ 401 through 408. The applicable licensing standards are found in DHS rules OAC 340:110-5-80 through 340:110-5-99 and are published by DHS in the pamphlet "Requirements for Residential Child Care Facilities." OJA-operated group homes shall be accredited by the American Correctional Association (ACA).
- (g) Rules regarding the parole process are also set forth in this chapter.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Amended at 23 Ok Reg 2769, eff 7-1-06 ; Amended at 24 Ok Reg 1416, eff 7-1-07 ; Amended at 28 Ok Reg 2014, eff 7-15-11]

SUBCHAPTER 3. OJA-OPERATED GROUP HOMES

377:30-3-1. Administration [REVOKED]

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 23 Ok Reg 2769, eff 7-1-06]

377:30-3-2. Organization

In order to promote efficiency and provide a clear chain of command from entry-level positions to the group home supervisor, the group home supervisor shall develop a written description and organizational chart which reflects the current structure of authority and accountability within the facility and the agency. Group home staff shall review these documents at least annually and revise as needed.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

377:30-3-3. Policies and procedures

In addition to OJA rules, each group home shall develop an operations manual which includes facility goals and specific information to assist staff to effectively perform their duties.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

377:30-3-4. Monitoring reports

To ensure the efficiency, safety, sanitation, and condition of the group home program, regular and routine reports, audits, and inspections shall occur and be reviewed by the group home supervisor or designee.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98]

377:30-3-5. Fiscal management

(a) Fiscal policies for OJA shall be developed by the OJA Office of Finance, in accordance with state laws and regulations. The group home supervisor shall ensure that the fiscal policies relate to the goals and objectives of the group home program. Fiscal policies are used as guidelines to improve program efficiency and measure goal achievement.

(b) Group home fiscal operations shall be audited annually by an independent auditor.

(c) Juvenile fund accounts shall be established to discourage theft and the inappropriate use of cash that could present control problems. Staff shall set up accounts to teach juveniles about earnings and savings.

(d) The group home supervisor shall develop procedures for internal control and monitoring of accounting procedures to ensure the safekeeping of all facility funds and require continual monitoring of fiscal activities. Fiscal policies require internal control of:

(1) petty cash;

(2) staff bonding;

(3) signature control for checks and vouchers; and

(4) annual reporting to OJA regarding the group home's fiscal activities.

(e) Staff shall be covered by insurance at all times while in performance of their duties.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-6. Human resources management

The group home supervisor shall comply with OJA Office of Human Resource Management rules set forth in OAC 377:3-5 and the Oklahoma Merit System rules in selecting, retaining, and promoting staff. Volunteers, consultants, and contract personnel shall abide by all group home rules, policies, and procedures, especially those rules, policies, and procedures on confidentiality of information.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Amended at 17 Ok Reg 3141, eff 7-27-00]

377:30-3-7. Employee grievances

The group home supervisor shall strongly encourage that relationships between supervisors and staff are mutually respectful. When differences occur, resolutions shall be as informal as possible. If differences cannot be resolved informally, the employee shall have access to the employee grievance system.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

377:30-3-8. Training and staff development

OJA training policies are set forth in group home policy P-30-03-08.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-9. Information and research

The Juvenile On-Line Tracking System (JOLTS) is OJA's system of information collection, storage, retrieval, reporting, and review. Procedures governing access to and use of JOLTS are found in the JOLTS manual.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 17 Ok Reg 3141, eff 7-27-00]

377:30-3-10. Juvenile records

The group home supervisor or designee shall establish for each juvenile an accurate record that is available to authorized personnel, as defined in OAC 377:10-1-7 through 377:10-1-11. The records are maintained and stored in a secure location and contain the following information:

- (1) initial intake form;
- (2) individual service plan including social history, medical records, treatment plan, and any other case information from the referral source;
- (3) signed release of information forms, court orders, signed program rules and disciplinary policy, and signed grievance forms;
- (4) evaluations and current progress reports; and
- (5) any referrals to other agencies and final discharge reports.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-11. Physical plant

To create a safe, healthy, and humane environment, the group home supervisor or designee shall ensure the facility's conformance to the latest requirements of applicable fire, building, health, and zoning codes or ordinances in the design, construction, and operation of the facility. The facility shall meet ACA and applicable licensing requirements for minimum space and living conditions.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-12. Preventative maintenance and housekeeping programs

To provide for emergency repairs, replacement of equipment, and general upkeep, the group home supervisor or designee shall develop a written plan for preventive and ongoing maintenance of the facility.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

377:30-3-13. Safety and emergency procedures

(a) **Caustic materials.** The group home supervisor shall maintain strict control of procurement, storage, and inventory of all flammable, toxic, and caustic materials.

(b) **Facility emergency plans.** The group home supervisor or designee shall develop written plans for emergency situations, including fire, medical, weather, and work stoppage. The group home supervisor shall make the emergency procedures available to staff. Staff shall review and update the emergency plans at least annually and submit them to the local authorities. All staff shall be trained in emergency procedures. The emergency plans, showing the location of exits, fire extinguishers, and first aid equipment must be conspicuously posted in the facility. Staff shall conduct and document monthly emergency drills under varied conditions and during hours when the majority of juveniles are in the facility.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98]

377:30-3-14. Security and control

(a) Under no circumstances shall a staff member allow a juvenile or juveniles to control other juveniles. Staff shall be responsible for the control of juveniles.

(b) To prevent the possibility of serious injury to staff and juveniles, only the minimal amount of force necessary shall be used at any time. Rules regarding the use of force are set forth in OAC 377:10-1-4.

(c) Staff shall conduct searches no more frequently than necessary to control contraband or to recover lost or stolen property.

(d) To maintain the security of the facility and the safety and privacy of staff and juveniles and their property, the group home supervisor shall develop and implement a key inventory and control system.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-15. Food service

(a) Food served in the group home shall be of sufficient quantity and type to meet the nutritional requirements of the residents. Special diets required by residents, as prescribed by medical or dental personnel, are followed.

(b) Should a juvenile's religious beliefs require adherence to religious dietary laws, meals shall be prepared accordingly, if reasonably possible, and shall be prepared and stored in a manner consistent with applicable ACA, health, and licensing standards.

(c) The food service program shall provide a single menu for both staff and juveniles.

(d) The group home staff shall provide food service which ensures the highest possible level of safety and sanitary practices. The group home shall comply with the required state health codes.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-16. Sanitation and hygiene

(a) The group home supervisor shall provide a method for the regular monitoring of environmental health programs, especially housekeeping practices, water supply, and sanitary practices. The facility shall comply with all applicable federal, state, and local sanitation and health codes.

(b) Waste disposal and pest control programs that conform to appropriate jurisdictional requirements shall provide:

(1) a licensed or trained pest control professional readily available to provide vermin and pest control services; and

(2) liquid and solid waste collection, storage, and disposal in a manner that protects the health and safety of juveniles, staff, and visitors.

(c) Group home staff shall provide each juvenile with adequate bathroom and hair care articles necessary to maintain acceptable standards of personal hygiene and bedding cleanliness.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

377:30-3-17. Health care services

(a) The health care program at each group home must be designed to protect and promote the physical and mental well being of residents. Each facility shall secure a written agreement or contract with a health authority (physician, health administrator or health agency) for the purpose of providing health care of residents.

(b) Each facility shall have a plan for 24-hour emergency medical, dental, and mental health care availability that includes arrangements for the following:

(1) on-site emergency first aid and crisis intervention;

(2) emergency evacuation of the juvenile from the facility;

- (3) use of an emergency medical vehicle;
- (4) use of one or more designated hospital emergency rooms or other appropriate health facilities;
- (5) emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community; and
- (6) security procedures providing for the immediate transfer of juveniles, when appropriate.

(c) Group home staff shall be capable of responding to health-related situations within a four-minute response time. A training program established by the health authority in cooperation with the group home supervisor shall provide the following:

- (1) recognition of signs and symptoms and knowledge of action required in potential emergency situations;
- (2) administration of first aid and cardiopulmonary resuscitation (CPR) and current CPR certification;
- (3) methods of obtaining assistance;
- (4) recognition of signs and symptoms of mental illness, retardation, and chemical dependency;
- (5) procedures for patient transfers to appropriate medical facilities or health care providers; and
- (6) recognition of the signs and symptoms of communicable diseases and information on care for staff and juveniles.

(d) All medical information is confidential pursuant to OAC 377:10-1-4 through 377:10-1-7.

(e) In cases of serious illness, surgery, death or injury, the residents' next-of-kin must be notified immediately, either directly by a group home staff member or through the local worker.

(f) Medication shall be distributed or administered by staff members trained in medication administration in accordance with the physician's orders. Facility staff shall keep records of all medications distributed by facility staff. The group home supervisor or designee shall maintain and audit records monthly.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-18. Juvenile rights

(a) Rules of conduct, juvenile rights, and penalties for infractions of rules shall be in writing. At the time of admission, staff shall review the information with the juvenile and give him or her a written copy. The juvenile shall acknowledge in writing the receipt of the information and the staff member shall verify in writing the receipt and review. Staff shall post the rules of conduct, juvenile rights, and penalties for infractions of rules conspicuously in the facility.

(b) At the time of the juvenile's admission, staff shall advise the juvenile of the grievance procedures set forth in OAC 377:3-1.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-19. Rules and discipline

Rules regarding discipline and use of force are set forth in OAC 377:10-1-3 and 377:10-1-4.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-20. Mail, visits, and telephone

(a) **Mail.** Staff shall provide each resident with access to writing materials and postage for each resident to mail at least two letters per week and additional postage for legal correspondence. Staff shall not open a juvenile's mail. However, staff can require the juvenile to open the letter or package in the presence of staff and staff shall remove any contraband.

(b) **Visits.** Juveniles shall receive approved visitors during normal pre-established visiting hours. However, if staff have substantial evidence that a visit may pose a threat to the safety of the juvenile or the security of the facility, staff shall curtail the visit.

(c) **Phone.** A juvenile shall have access to make and receive phone calls in accordance with group home policy and procedure.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-21. Group home programs

(a) Group home staff shall provide a program designed to enhance the growth and development of each juvenile and meet the juvenile's individual needs. Programs offered at each group home shall include:

- (1) community supervision;
- (2) shelter;
- (3) food services;
- (4) emergency financial assistance, in accordance with the Office of Juvenile Affairs and Department of Human Services financial policies;
- (5) assistance with transportation;
- (6) access to medical and mental health services;
- (7) access to vocational evaluation and training;
- (8) employment counseling and placement, if possible;
- (9) educational training and placement, if possible; and
- (10) independent living assessment and skills.

(b) The group home staff may use community resources, through contract or referral, to develop programs for the juveniles placed in the facility and maintain a current resource manual of evaluated and recommended community agencies to serve juveniles. Since the ultimate objective of the group home staff shall be the reintegration of the juvenile into the community or independent living, staff shall provide the juvenile with opportunities to participate in community and family activities.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 17 Ok Reg 3141, eff 7-27-00]

377:30-3-22. Juvenile admission and release procedures

(a) Group home staff shall conduct an admission and orientation process immediately following the juvenile's arrival at the facility.

(b) Pursuant to rules regarding the individual service plan and admission procedures set forth in OAC 377:10-1-9 and 377:10-9-2, the group home staff and JSU juvenile justice specialist shall initiate the development of the juvenile's discharge plan upon admission.

(c) The grand staffing process set forth in OAC 377:10-9-10 through 377:10-9-19 may be utilized for release of juveniles.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97 ; Amended at 16 Ok Reg 3004, eff 7-12-99]

377:30-3-23. Volunteers

Rules regarding volunteers are set forth in OAC 377:3-1.

[Source: Added at 14 Ok Reg 1891, eff 6-2-97]

SUBCHAPTER 5. DIVISION OF THE PAROLE BOARD [REVOKED]

377:30-5-1. Purpose [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-2. Mission [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-3. Legal base [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-4. Setting of the tentative release date [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-5. Parole hearing [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-6. Parole revocation hearings [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

377:30-5-7. Administrative transfer hearings [REVOKED]

[Source: Added at 15 Ok Reg 2706, eff 7-1-98 ; Amended at 16 Ok Reg 3004, eff 7-12-99 ; Revoked at 22 Ok Reg 2080, eff 7-1-05]

CHAPTER 35. INSTITUTIONAL SERVICES [REVOKED]

[**Authority:** 10A O.S., §§ 2-7-101(H)(3) and (I)(1); and 72-5-212; 75 O.S., § 302(A)(1)]
[**Source:** Codified 6-2-97]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

377:35-1-1. Legal Basis [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-1-2. Definitions [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 26 Ok Reg 2252, eff 7-1-09 ; Revoked at 27 Ok Reg 2198, eff 7-15-10]

377:35-1-3. Purpose [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-1-4. Sexual activity [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-1-5. Fiscal management [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 3. SECURITY AND CONTROL [REVOKED]

377:35-3-1. Security and control [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-2. Transportation of juveniles [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-3. Injuries, fires, and assaults [REVOKED]

[**Source:** Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-4. Discipline and control of juveniles [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-5. Guidelines for use of physical force [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-6. Use of restraints [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-7. Contraband and facility prohibited items [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 26 Ok Reg 2252, eff 7-1-09 ; Revoked at 27 Ok Reg 2198, eff 7-15-10]

377:35-3-8. Searches and control of contraband/evidence [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 19 Ok Reg 2956, eff 7-13-01 through 7-14-02 (emergency)¹; Amended at 21 Ok Reg 2435, eff 7-1-04 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Amended at 26 Ok Reg 2252, eff 7-1-09 ; Revoked at 27 Ok Reg 2198, eff 7-15-10]

Editor's Note: ¹*This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of 377:35-3-8 reverted back to the permanent text that became effective 7-12-01, as last published in the 2001 Edition of the OAC, and remained as such until amended again by permanent action on 7-1-04.*

377:35-3-9. Closure of Unit/Facility [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-3-10. Escape policies and procedures [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 26 Ok Reg 2252, eff 7-1-09 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 5. FOOD SERVICES, SANITATION, SAFETY AND HYGIENE [REVOKED]

377:35-5-1. Food service and sanitation [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-5-2. Sanitation and hygiene [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-5-3. Cleanliness, linen supply and exchange [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 22 Ok Reg 2083, eff 7-1-05]

377:35-5-4. Building, fire, and safety codes [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-5-5. Clothing [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-5-6. Toiletries [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-5-7. Grooming standards [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 7. MEDICAL AND HEALTH CARE [REVOKED]

377:35-7-1. Medical and health care [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-2. Surgery [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Amended at 25 Ok Reg 1374, eff 7-1-08 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-3. Records [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-4. Sanctions/discipline [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 25 Ok Reg 1374, eff 7-1-08 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-5. Juvenile's refusal of medical services [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 25 Ok Reg 1374, eff 7-1-08 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-6. Response to refusal of necessary medical services [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 25 Ok Reg 1374, eff 7-1-08]

377:35-7-7. Emergency medical services [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-8. Medical isolation [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 25 Ok Reg 1374, eff 7-1-08 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-9. Administration of medications [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-7-10. Second medical opinions [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 25 Ok Reg 1374, eff 7-1-08]

SUBCHAPTER 9. JUVENILE RIGHTS [REVOKED]

377:35-9-1. Juvenile rights [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-2. Grievance policy [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-3. Child (Juvenile) abuse [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-4. Access to courts/counsel [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-5. Juvenile personal property [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-6. Liability [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-7. Juvenile work [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-8. Use of tobacco products [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 30 Ok Reg 139, eff 11-8-12 (emergency); Amended at 30 Ok Reg 713, eff 6-1-13 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-9-9. Property control and inventory [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 11. JUVENILE RULES/DISCIPLINE [REVOKED]

377:35-11-1. Juvenile rules and discipline [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-11-2. Waiver of Intensive Treatment Program Transfer Hearing [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 23 Ok Reg 2770, eff 7-1-06]

377:35-11-3. Intensive Treatment Program Transfer Process [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 16 Ok Reg 3012, eff 7-12-99 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 23 Ok Reg 2770, eff 7-1-06 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-11-4. Solitary confinement [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-11-5. Juvenile correspondences [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-11-6. Visitation on campus [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-11-7. Access to telephone [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 22 Ok Reg 2083, eff 7-1-05 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 13. RECEPTION, CLASSIFICATION, AND TRANSFER [REVOKED]

377:35-13-1. Admissions [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 15. SERVICES [REVOKED]

377:35-15-1. Social services [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 17. ANCILLARY PROGRAMS [REVOKED]

377:35-17-1. Education [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Amended at 17 Ok Reg 3217, eff 7-17-00 (emergency); Amended at 18 Ok Reg 3070, eff 7-12-01 ; Amended at 24 Ok Reg 1417, eff 7-1-07 ; Amended at 28 Ok Reg 2015, eff 7-15-11 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-17-2. Recreation/exercise [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-17-3. Religious services and counseling [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

377:35-17-4. Crisis management [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 32 Ok Reg 2009, eff 9-11-15]

SUBCHAPTER 19. RELEASE AND REVOCATION (DELINQUENT PROGRAMS) [REVOKED]

377:35-19-1. Parole release planning [REVOKED]

[Source: Added at 14 Ok Reg 1895, eff 6-2-97 ; Revoked at 22 Ok Reg 2083, eff 7-1-05]

