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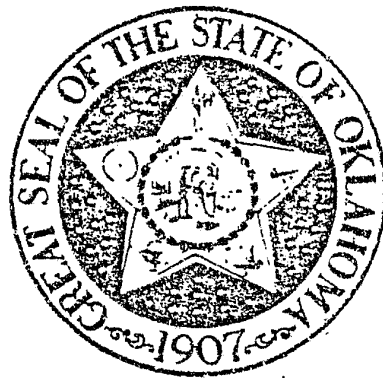
APR 24 1978

ACQUISITIONS

Division of

Court Related and  
Community Services

46679



Oklahoma Department of Institutions, Social and Rehabilitative Services

STATE OF OKLAHOMA

DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

DIVISION OF COURT RELATED AND COMMUNITY SERVICES

WORKING AND DEVELOPMENT DRAFT

GUIDELINES FOR INTAKE, PROBATION, AND PAROLE

DIVISION OF COURT RELATED AND COMMUNITY SERVICES  
GUIDELINES FOR INTAKE, PROBATION, AND PAROLE

ORDER OF THE SUPREME COURT - RULE 18  
CERTIFICATION OF POLICY AND PROCEDURES GUIDELINES

I N D E X

Agreement for the Provision of Intake Services, Probation Services, and Parole Services and Maintenance of a Uniform Juvenile Statewide Court Reporting System, and Establishment of Uniform Standards, Policies, Practices, and Procedures.....	i
Appendix A - Enrolled Senate Joint Resolution No. 13.....	x
Appendix B - Organizational Chart.....	xv
Appendix C - Agreement for the Development and Maintenance of the Oklahoma Uniform Juvenile Information System.....	xvi
FOREWARD - BACKGROUND AND HISTORY	
COMMUNITY-BASED PREVENTION AND DIVERSION CONCEPTS AND STRATEGIES....	1
Prevention.....	1
Prevention Strategies.....	2
Provide More Socially Acceptable and Meaningful Roles for Youth.....	2
Divert Youth Away from the Juvenile Justice System into Alternative Programs.....	3
Reduce Negative Labeling.....	3
Reduce Youth-Adult Alienation.....	4
Community-Based Youth Services.....	4
Links Youth to Services.....	4
Develops New Resources.....	4
Modifies Systems.....	5
Goals of Community-Based Youth Services.....	6
Function.....	6
Services.....	7
FLOW CHARTS	
Intake Process-Referral Receiving-Jurisdictional Evaluation....	7-A
Intake Delinquent Referral.....	7-B
In Need of Supervision Referral.....	7-C
Intake, Dependent and Neglected Referral.....	7-D
INTAKE GUIDELINES AND PROCEDURES - INTRODUCTION	
Legal Basis.....	8
Definition.....	8
Initial Procedures.....	8
Receiving Referrals.....	8
Setting Intake Conferences.....	9
Intake Data Gathering.....	9
The Oklahoma Uniform Juvenile Information System.....	9
Coordination With Prosecutor.....	9
Medical, Psychiatric or Psychological Information.....	9

Due Process.....	9
Notice of Acknowledgement of Constitutional and Legal Rights.....	9
Right to Hearing.....	10
Determination of Jurisdiction.....	10
Juvenile's Age.....	10
Alleged Involvement in an Act or Situation Described by the State Juvenile Court Act.....	10
Geographical Jurisdiction.....	10

#### INTAKE GUIDELINES AND PROCEDURES - REFERRAL POLICY

Information and Referral.....	11
Release/No Action.....	11
Informal Adjustments.....	11
Dismiss/No Action.....	12
Defer Decision to File (No Supervision).....	12
Defer Decision to File (Supervision by Consent).....	12
Deferred Prosecution Agreement.....	12
Diversion.....	13
Guidelines for Diversion.....	13
Basis of Determination.....	13
Detention.....	14
Detention Guidelines.....	14
Detention Hearing.....	15
Filing Guidelines.....	15
Delinquent Offenses.....	15
Status Offenses.....	15
Dependent/Neglect.....	16
Petition Filing Procedure.....	16
Disposition Notification.....	16
Disposition Notification.....	16
Post-filing.....	16
Hearings.....	16
Adjudicatory Hearing.....	16
Dispositional Hearing.....	16
Confidentiality of Records.....	16
Social History.....	17
Runaway Children - Interstate Compact.....	17
Compact Guidelines for Out-of-State Placement of Juveniles.....	17
Abuse and Neglect.....	17
Dismissal.....	18
Certification Guidelines.....	19
Arraignment.....	19
Prosecutive Merit Hearing.....	19
Certification Disposition.....	20
Intake Procedures for Institutionalized Juveniles.....	21

APPENDIX A - INTAKE GUIDELINES.....	22
Filing Guidelines.....	22
Felony (First Offense, Part I, Serious Delinquent Acts).....	22
Felony (First Offense, Less Serious Delinquent Acts).....	23
First Offense (Uniform Controlled Dangerous Substances Act, Schedule I & II).....	23
Second Offense (Uniform Controlled Dangerous Substances Act, Schedule III, IV, and V).....	23
Felony (Second Offense).....	23
Appropriate Cases for Diversion.....	23
First Offense (Status Offenders).....	23
First and Second Offense (Misdemeanor).....	24
Third Offense (Misdemeanor).....	24
Dependent/Neglect.....	24
 JUVENILE PROBATION/PAROLE PROCEDURAL GUIDELINES - INTRODUCTION	
Probation/Parole Service Personnel.....	25
Definition and Scope of Services.....	25
Division Responsibility.....	25
Probation/Parole Service Objectives.....	26
Case Service Plans.....	27
Records Maintenance System and Case Recording Requirements.....	27
 FLOW CHART	
Probation Flow Chart.....	27-A
 PROBATION GUIDELINES - REFERRAL SOURCES	
Intake.....	28
Deferred Filing (Supervised by Consent).....	28
Deferred Prosecution Agreement.....	28
Court.....	28
Deferred Adjudication.....	28
Formal Adjudication.....	29
Formal Probation.....	29
Terms of Probation (Rules).....	29
Casework Supervision.....	29
Investigation.....	29
Supervision.....	29
Intensive Supervision.....	29
Normal Supervision.....	29
Minimum Supervision.....	30
Open Supervision.....	30
Counseling.....	30
Placements.....	30
Staffing.....	30

Probation Review and Revocation.....	31
Judicial Review of Probation.....	31
Formal Review of Probation.....	31
Court Appearances.....	31
Reports.....	31
Social History.....	31
Report to the Court.....	31
Certification.....	32
Dismissal.....	32
Transfer of Jurisdiction.....	32
Community and Resource Development.....	33

FLOW CHART

Juvenile Parole Flow Chart.....	33-A
---------------------------------	------

PAROLE GUIDELINES - REFERRAL SOURCES

Referral Sources.....	34
Casework Supervision.....	34
Supervision.....	34
Types of Supervision.....	34
Intensive Supervision.....	34
Normal Supervision.....	34
Minimum Supervision.....	35
Parole Rules and Regulations.....	35
Optional Parole Rules and Regulations.....	35
Movement of Children.....	36
Changes in Placement (Relationship to Parole).....	36
Court Action.....	37
The Revocation Process.....	37
Revocation Procedures for Delinquent Acts.....	37
Factors Leading to the Decision for Revocation.....	38
Supervisory Conference.....	38
Revocation Proceedings.....	39
Questioning of Juveniles.....	39
Revocation Conference and Disposition.....	39
Obtaining Witnesses.....	39-A
Detention Decision.....	39-A
Detention Hearing.....	39-A
Right to Counsel.....	39-A
Revocation Hearing.....	39-A
Departmental Liaison.....	39-A
Release Procedure.....	40
Policy.....	40
Release of Delinquent Juveniles.....	40
Release of Juveniles in Need of Supervision.....	40
Other Specific Release.....	40

APPENDIX A-RECORDS MAINTENANCE SYSTEM AND CASE RECORDING REQUIREMENTS

PROBATION/PAROLE DIVISION

Case Records.....	42
Title XX Requirements.....	42
Case Recording Requirements.....	42
Contact Log.....	42
Probation.....	43
Parole.....	43
Past Due Recordings.....	45

FORMS

Intake Face Sheet.....	F-1
Release of Medical, Psychiatric, Psychological, or Other Information.....	F-2
Notice of and Acknowledgement of Constitutional and Legal Rights Concerning Statements.....	F-3
Information and Referral Service Report (CRCS-S-2).....	F-4
Instructions-Information and Referral Service Report.....	F-4a
Detention Order.....	F-5
Juvenile Proceedings Intake Sheet.....	F-6
Disposition Notification.....	F-7
Responsibilities in the Interstate Compact on Juveniles and Interstate Compact on Placement of Children-Issued 10-74..	F-8
Motion for Certification.....	F-9
Certification Study.....	F-10
Illustrated Order-Certification.....	F-11
Juvenile Probation Conditions.....	F-12
Appearance and Waiver of Summons.....	F-13
Social History.....	F-14
Report to the Court.....	F-15
Motion to Dismiss/Order.....	F-16
Statement of Parole Conditions.....	F-17
Additional Parole Conditions.....	F-17a
Voluntary Request to Return to Institutions.....	F-18
(Obsolete).....	F-19
Waiver of Parole Revocation Proceedings.....	F-20
Application for Revocation of Parole.....	F-21
Application for Order of Detention and Order Appointing Counsel.....	F-22
Order of Detention and Order Appointing Counsel.....	F-23
Release From DISRS Custody of a Child Adjudicated Delinquent (ADM-S-6).....	F-24
Motion/Order (SHS-S-33).....	F-25
Service Contacts (SHS-S-16).....	F-26

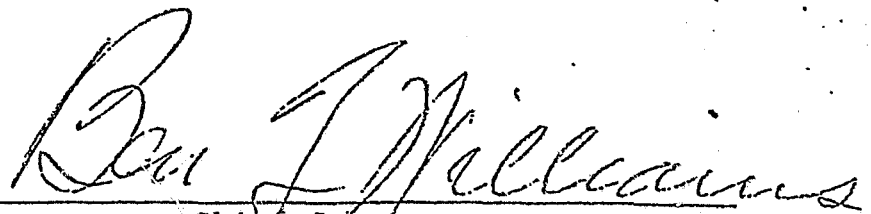
GLOSSARY OF TERMS.....	G-1
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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

ORDER APPROVING STATEWIDE USE OF GUIDELINES FOR  
HANDLING INTAKE, PROBATION AND PAROLE FUNCTIONS  
IN JUVENILE PROCESS

On recommendation of the Chief Justice's Special Committee for Implementation of SJR 13, the attached guidelines developed by that committee in cooperation with the Oklahoma Association of District Attorneys for use in handling intake, probation and parole functions in juvenile process; which guidelines stand adopted by DISRS, are hereby approved by the Court for statewide use, subject to standards laid down or to be laid down by the Supreme Court of the United States, the Supreme Court of Oklahoma and the Court of Criminal Appeals of Oklahoma.

Done in Conference this 3rd day of June, 1976.

  
\_\_\_\_\_  
Chief Justice



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

ORDER

Rule 18, Rules for District Courts, whose text is attached hereto, is hereby adopted by the Court to become effective August 1, 1976.

DONE BY THIS COURT IN CONFERENCE THIS 14<sup>th</sup> DAY OF June, 1976.

Ben J. Williams  
CHIEF JUSTICE

RULE 18, RULES FOR THE DISTRICT COURT

In parole revocation proceedings involving juveniles, the juvenile division of the district court may aid the administrative process of the Department of Institutions, Social and Rehabilitative Services. In so acting, the court shall:

1) advise the juvenile, his parents, custodians or guardians, of their rights in the premises; 2) determine eligibility for and amount of bail; 3) decide any intermediate custody issue; and 4) establish eligibility for appointment of counsel and fix the amount of his compensation to be paid by the court fund. The court shall also timely issue such other orders as may be necessary to assure due process and fair treatment, including but not limited to issuance of compulsory process for the attendance of witnesses..

This rule shall not preclude the district court from acting concurrently with parole revocation proceedings in the exercise of its own jurisdiction nor shall it prevent a new petition from being brought on allegations identical to those on which parole is sought to be revoked.

STATE  
OF  
OKLAHOMA  
THE ATTORNEY GENERAL  
LARRY DERRYBERRY

STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 435/521-3921



July 30, 1976.

The Honorable Ben T. Williams  
Chief Justice  
Supreme Court  
State Capitol Building  
Oklahoma City, Oklahoma 73105

Dear Chief Justice:

This letter is to inform you that the Agreement between the Supreme Court System of Oklahoma and the Department of Institutions, Social and Rehabilitative Services of the State of Oklahoma, established pursuant to the Interlocal Cooperation Act of the State of Oklahoma (74 O.S. 1971, § 1101, et seq.) has been approved by this office. The Agreement is in proper form and compatible with the laws of the State of Oklahoma. Attached hereto as the last page of the Agreement sent to this office is the formal certification.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Harold B. McMILLAN, JR.", written over a horizontal line.

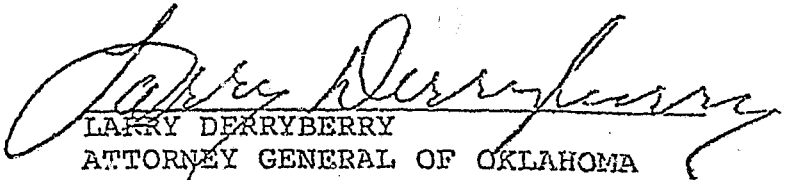
HAROLD B. McMILLAN, JR.  
ASSISTANT ATTORNEY GENERAL

HBMc:cp  
Enclosure

C E R T I F I C A T I O N

STATE OF OKLAHOMA     )  
                                  )    SS.  
COUNTY OF OKLAHOMA    )

I, the undersigned, the duly elected and acting Attorney General of the State of Oklahoma, have determined that the foregoing Agreement entered into under the Interlocal Cooperation Act of the State of Oklahoma (74 O.S. 1971, §§ 1101, et seq.), consisting of an agreement between the Supreme Court System of Oklahoma and the Department of Institutions, Social and Rehabilitative Services of the State of Oklahoma, together with the resolutions authorizing the entering into of said agreement by the public agencies constituting said Agreement, are in proper form and compatible with the laws of the State of Oklahoma. I, therefore, approve such Agreement under and pursuant to 74 O.S. 1971, § 1004(f).

  
LARRY DERRYBERRY  
ATTORNEY GENERAL OF OKLAHOMA

AGREEMENT  
for the  
PROVISION OF  
MISTAKE SERVICES, PROBATION SERVICES, AND PAROLE SERVICES  
and  
MAINTENANCE OF A  
UNIFORM JUVENILE STATEWIDE COURT REPORTING SYSTEM,  
and  
ESTABLISHMENT OF  
UNIFORM STANDARDS, POLICIES, PRACTICES, AND PROCEDURES

THIS AGREEMENT made and entered into this 1st day of October, 1975, under the provisions of the Interlocal Cooperation Act, Title 74 Oklahoma Statutes, 1971, Sections 1001 to 1008, inclusive, by and between the Supreme Court System, party of the first part, hereinafter referred to as JUDICIARY, and the Department of Institutions, Social and Rehabilitative Services of the State of Oklahoma, party of the second part, hereinafter referred to as DISRS:

W I T N E S S E T H:

WHEREAS, JUDICIARY recognizes the impropriety of JUDICIARY'S providing non-judicial services but acknowledges the need for certain minimum services to juveniles separate and apart from the judicial branch of government; and

WHEREAS, DISRS has been directed to enter into an agreement with the JUDICIARY to provide certain services by Senate Joint Resolution Number Thirteen, hereinafter referred to as SJR 13, passed by the First Session of the Thirty-Fifth Legislature of the State of Oklahoma and signed by the Honorable David L. Boren, Governor of the State of Oklahoma on June 2, 1975, a copy of which is attached hereto as Appendix "A" and made a part hereof by reference.

NOW THEREFORE, it is hereby mutually understood, stipulated, and agreed by and between the parties hereto as follows:

ONE: PURPOSE. The purpose of this Agreement is:

(1) To provide intake services, probation services and parole services for the district courts in every county except those counties with duly constituted juvenile bureaus;

(2) To maintain a Uniform Juvenile Statewide Court Reporting System;

(3) To establish such standards and procedures as may be required by state or federal law;

(4) To employ and/or assign necessary staff sufficient to carry out provisions of this Agreement; and

(5) To contract with private nonprofit or public agencies now in existence or hereafter created.

TWO: DEFINITIONS. For purposes of this Agreement:

(1) The term "Intake Services" means the process of (a) receiving, examining, investigating, and evaluating every complaint concerning a child referred to court when the complaint alleges that the child is a delinquent child, a child in need of supervision, and/or a dependent and neglected child and making a preliminary determination whether said child should be detained in an emergency shelter for children or a secured juvenile detention facility or a jail; and (b) determining whether the allegations are substantiated, and if substantiated whether an informal adjustment is practicable or whether the matter should be referred to the District Attorney; and (c) making an informal adjustment or referring to the District Attorney and assisting in the prosecuting of a petition if filed.

(2) The term "Probation Services" means appropriate planning for and supervision of a child under an informal adjustment made by a person providing Intake Services, or after an order adjudicating a child delinquent or in need of supervision, or after an order of disposition placing a child adjudicated delinquent or in need of supervision on probation or supervision, or after an order of disposition placing a child adjudicated delinquent or in need of supervision in the custody of DISRS when said child is not placed in an institution.

(3) The term "Parole Services" means appropriate planning for and supervision of a child adjudicated delinquent or in need of supervision after a court order of disposition placing said child in the custody of DISRS after said child is returned to the community following placement in an institution, or court-ordered supervision of a child returning to the community after placement in a private institution.

(4) The term "Services" means Intake Services, Probation Services, and Parole Services.

(5) The term "Supervisory Services" means appropriate supervision of persons engaged in providing Intake Services, Probation Services, and/or Parole Services.

THREE: PROVISION OF SERVICES. In those counties which do not have a duly constituted juvenile bureau, DISRS shall provide Intake Services, Probation Services, and Parole Services. Said services shall be handled completely by DISRS as more specifically detailed herein and shall be separate and apart from the judicial branch of government in that the management and control shall not be handled by persons engaged in judicial functions. DISRS shall assign personnel to serve as liaison with JUDICIARY in the development, implementation, expansion and continued maintenance of the Services.

FOUR: ADMINISTRATOR. The Director of DISRS shall be responsible for administering the Services.

FIVE: ADMINISTRATIVE STRUCTURE. DISRS shall establish an administrative structure which shall follow the geographical boundaries of the Administrative Judicial Districts. Said structure and how it relates to the administrative structure of the State Court System shall be as described and outlined in the ORGANIZATIONAL CHART attached hereto as Appendix "B" and made a part hereof by reference.

SIX: QUALIFICATIONS OF PERSONNEL. Every person providing the Services and Supervisory Services shall meet or exceed the specifications for classification under the Oklahoma State Merit System for personnel administration for the position to which he/she is assigned.

SEVEN: TRAINING OF PERSONNEL. DISRS, in cooperation with JUDICIARY, shall be responsible for the training of all personnel providing the Services, Supervisory Services, and clerical support.

EIGHT: ASSIGNMENT OF PERSONNEL. Personnel providing the Services shall be assigned as follows: (a) Every county with a population under 20,000 persons according to the latest decennial census shall have a minimum of one (1) person assigned to provide the Services in the county; and (b) Every county with a population between 20,000 and 100,000 persons according to the latest decennial census shall have a minimum of two (2) persons assigned to provide the Services in the county. DISRS shall have the authority to employ and/or assign DISRS personnel to provide the Services. In addition to those persons assigned to a county DISRS shall employ and/or assign a minimum of nine (9) District Supervisors to provide Supervisory Services in every one of the nine (9) Administrative Judicial Districts. DISRS shall have authority to employ and/or assign DISRS personnel needed to administer the Services at the state level as DISRS deems necessary.

NINE: OFFICE SPACE, EQUIPMENT, SUPPLIES, AND CLERICAL SUPPORT. JUDICIARY and DISRS shall be jointly responsible for furnishing all office space, equipment, supplies, and clerical support to be used by the persons assigned to provide the Services and Supervisory Services. Office space shall be private in order to protect the confidential nature of the business transacted therein and should be located either in the local courthouse or in a facility that is as accessible to the local courthouse as is practicable. JUDICIARY and DISRS may seek the assistance of the local District Attorney and/or the County Commissioners in acquiring office space, equipment, supplies, and clerical support. Should the court, the county or community resources be unable to provide space within or accessible to the courthouse, said office space will be located within the county offices of DISRS.



TEN: UNIFORM STANDARDS, POLICIES, PRACTICES, AND PROCEDURES:

DISRS, in cooperation with the Oklahoma District Attorneys Association, shall develop and maintain written, uniform standards, policies, practices, and procedures relating to the provision of the Services and Supervisory Services and administration thereof. Said standards, policies, practices, and procedures shall be reviewed and mutually agreed upon periodically by JUDICIARY and DISRS.

ELEVEN: FILING GUIDELINES. DISRS shall develop and maintain written, uniform filing guidelines to be used in providing information to the office of the District Attorney for his use in determining whether a petition shall be filed. Said filing guidelines shall be reviewed and mutually agreed upon periodically by JUDICIARY and DISRS.

TWELVE: REVIEW BOARD. DISRS shall establish and maintain a Review Board which shall function as a reviewer of all standards, policies, practices, and procedures used in providing the Services and Supervisory Services and shall serve as an administrative hearing body to review revocation of parole or a child adjudicated delinquent or in need of supervision when said child is in the custody of DISRS. DISRS shall develop and maintain written, uniform procedures to be followed by said Review Board when acting as the administrative hearing body reviewing parole revocations.

THIRTEEN: IMPLEMENTATION PRIORITIES. DISRS shall implement the provision of the Services according to the following criteria: (a) Counties in which there are no Intake Services, Probation Services, or Parole Services currently available shall have the highest priority and within this category, population and juvenile filing figures shall be used to determine priorities; and (b) Counties in which there are some Intake Services, Probation Services, and/or Parole Services currently available shall have the second highest priority and within this category,

population and juvenile filing figures along with an evaluation of the extent to which these services are being provided shall be used to determine priorities. DISRS shall furnish to JUDICIARY a list of counties by priority assignment utilizing the above criteria along with a target date for implementation. DISRS shall report monthly to JUDICIARY on the status of the implementation of the Services and any changes in priority assignment and target date for implementation. Nothing herein shall prohibit DISRS from implementing the Services in a county with a lower priority than another county where implementation has not occurred when personnel are available and to delay implementation in said county could cause personnel to become unavailable. Nothing herein shall be interpreted to require implementation according to the target dates inasmuch as target dates are to be used as an implementation planning tool.

FOURTEEN: UNIFORM JUVENILE STATEWIDE COURT REPORTING SYSTEM.

JUDICIARY and DISRS hereby ratify the AGREEMENT for the DEVELOPMENT AND MAINTENANCE of the OKLAHOMA UNIFORM JUVENILE INFORMATION SYSTEM COURT DIVISION, entered into on the 15th day of July, 1974, and approved by the Honorable Larry Darryberry, Attorney General of the State of Oklahoma on the 13th day of August, 1974, a copy of which is attached hereto as Appendix "C" and made a part hereof by reference. JUDICIARY and DISRS shall proceed to develop and maintain the Standard Operating Procedure for the Dissemination of Information alluded to in Number Paragraph Nine on Page III of said Agreement and the Standard Operating Procedure on the Processing of Data alluded to in Numbered Paragraph Ten on Page III of said Agreement. Further, DISRS shall promptly furnish on a regular basis to judges assigned to hear juvenile cases in every county participating in the Court Division of the System monthly summaries of court activity which summaries shall be produced utilizing DISRS'S computer hardware and software, and DISRS shall promptly furnish on a regular basis to JUDICIARY annual summaries of court activity by county and state which summaries shall be produced utilizing DISRS'S computer hardware and

software. Further, DISRS shall have authority to delete from, add to, or amend the form used to record data entered in the System in order to meet reporting requirements necessary to acquire federal monies used to fund the Services. Further, DISRS shall implement the Court Division of the System in every county in the state at the same time implementation of the Services occurs.

FIFTEEN: POLICY ON YOUTH SERVICES. JUDICIARY and DISRS shall encourage and assist in the establishment, development, and maintenance of community-based prevention and diversionary youth services programs which may include, but not be limited to: emergency shelter, diagnosis, crisis intervention, counseling, group work, case supervision, job placement, recruitment and training of volunteers, consultation, and agency coordination with emphasis on keeping youth with a high potential for delinquency out of the traditional juvenile justice process.

SIXTEEN: METROPOLITAN AFTERCARE. DISRS shall continue to provide Parole Services in those counties with duly constituted juvenile bureaus.

SEVENTEEN: EVALUATION AND PLANNING. DISRS, in the role as the State Planning and Coordinating Agency for statewide juvenile justice and delinquency prevention services as designated in SJR 13, shall assess and evaluate the needs and problems in the area of juvenile delinquency prevention and control and plan accordingly on a local, county, regional, and state level. JUDICIARY shall assist DISRS in said assessment, evaluation, and planning.

EIGHTEEN: PROPERTY. JUDICIARY shall be responsible for acquiring, holding, maintaining and disposing of any real or personal property necessary to carry out the terms and conditions of JUDICIARY'S responsibility herein. DISRS shall be responsible for acquiring, holding, maintaining and disposing of any real or personal property necessary to

carry out the terms and conditions of DISRS'S responsibility herein.

NINETEEN: FINANCING AND BUDGET. JUDICIARY shall be responsible for financing according to its responsibility herein and for establishing and maintaining a budget therefor. DISRS shall be responsible for financing according to its responsibility herein and for establishing and maintaining a budget therefor.

TWENTY: IMPROVEMENT OF SERVICES. JUDICIARY and DISRS shall jointly provide consultative and technical assistance for the purpose of development, implementation, expansion, maintenance and continuing quality and improvement of the Services.

TWENTY-ONE: SEPARATE ENTITY. No separate legal or administrative entity is hereby created.

TWENTY-TWO: DURATION AND TERMINATION. This Agreement shall have an initial term of one (1) year from and after the date above and thereafter shall be renewed automatically for additional terms of one (1) year, unless on or before thirty (30) days prior to the expiration of a term, either party to this Agreement notifies the other party in writing that said Agreement shall terminate at the end of the current term.

TWENTY-THREE: AMENDMENTS. The terms and conditions herein are the full and complete terms of this Agreement and no alterations, amendments, or modifications of said terms shall be binding on either party unless first reduced to writing and signed by the parties hereto.

TWENTY-FOUR: BINDING EFFECT. This Agreement shall be binding upon any successors to the parties hereto.

TWENTY-FIVE: CONSTRUCTION AND INTERPRETATION. The descriptive headings contained herein are for convenience only and are not intended to define the subject matter of the provisions of this Agreement and shall

not be resorted to for interpretation hereof. If any part of this Agreement shall be held to be void or unenforceable, the balance hereof shall nevertheless be carried into effect.

SUPREME COURT

DEPARTMENT OF INSTITUTIONS,  
SOCIAL AND REHABILITATIVE  
SERVICES

*Ben T. Williams* *L. E. Rader*

BEN T. WILLIAMS,  
CHIEF JUSTICE OF  
THE SUPREME COURT

L. E. RADER,  
DIRECTOR OF THE DEPARTMENT  
OF INSTITUTIONS, SOCIAL AND  
REHABILITATIVE SERVICES

First Party

Second Party

# Resolution

APPENDIX - A

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 13

BY: GRANTHAM, MURPHY, PORTER,  
HOWELL, WATKINS, BIRDSONG,  
GARRETT, LUTON and TERRILL of  
the SENATE

and

RIGGS, KENNEDY, HOLT,  
CONAGHAN, SPARKMAN, ERVIN,  
CRAIGHEAD and DENMAN of the  
HOUSE

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Correctly Enrolled: *J. R. McC...*

A JOINT RESOLUTION RELATING TO JUVENILE  
DELINQUENCY; DEFINING LEGISLATIVE FINDINGS AND  
PURPOSE; DESIGNATING THE DEPARTMENT OF  
INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
AS THE STATE PLANNING AGENCY FOR JUVENILE  
DELINQUENCY; PROVIDING FOR IMPLEMENTATION OF THE  
ACT UNDER THE INTERLOCAL COOPERATION ACT UPON  
AGREEMENT BETWEEN THE DEPARTMENT AND THE STATE  
SUPREME COURT; DEFINING TERMS; LIMITING PROGRAM TO  
FEDERAL FINANCIAL PARTICIPATION; MAKING PROVISIONS  
OF THIS ACT CUMULATIVE; AND ESTABLISHING EFFECTIVE  
DATE.

x

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS  
A. R. M. Lewis  
Correctly Enrolled

WHEREAS, the Legislature finds and declares that:

(1) Juveniles account for almost half the arrests for serious crimes in Oklahoma today;

(2) Present court-centered services to juveniles, particularly intake, probation, parole and shelter facilities, are not available statewide on an equitable basis;

(3) The high incidence of delinquency in Oklahoma today results in enormous annual cost and immeasurable loss of human life, personal security and human resources;

(4) There is a measure of duplication in juvenile delinquency planning and statewide program development; and

WHEREAS, it shall therefore be the purpose of this resolution:

(1) To reduce the incidence of delinquency by the development of community-based prevention and diversionary youth services programs, with a view to keeping children with a high potential for delinquency out of the traditional juvenile justice process;

(2) To provide needed intake, probation and parole services to the court in handling juvenile cases;

(3) To improve the effectiveness of rehabilitative programs as they affect adjudicated delinquents, with a view to reducing cost, protecting lives and preserving human resources;

(4) To place statutory responsibility for statewide planning and program development to reduce duplication; and

(5) To provide the necessary resources, leadership and coordination to implement effective methods of prevention and reduction of juvenile delinquency, to improve the quality of juvenile justice in Oklahoma, and to increase the capacity of state and local governments, public and private agencies, and the total community to conduct appropriate prevention, juvenile justice and rehabilitation programs, with adequate provision for research, evaluation and staff training in the juvenile delinquency field.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 35TH OKLAHOMA LEGISLATURE:

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

SECTION 1. The Department of Institutions, Social and Rehabilitative Services, hereinafter referred to as the Department, is hereby designated as the State Planning and Coordinating Agency for statewide juvenile justice and delinquency prevention services.

SECTION 2. The Department shall enter with the State Supreme Court under the Interlocal Cooperation Act into an agreement acceptable to that Court in its capacity as the constitutional manager of the State Court System:

(1) To provide intake services, probation services and parole services for the district courts in every county in Oklahoma except those counties with duly constituted juvenile bureaus;

(2) To maintain a Uniform Juvenile Statewide Court Reporting System;

(3) To establish such standards and procedures as may be required by state or federal law;

(4) To employ and/or assign necessary staff sufficient to carry out provisions of this resolution; and

(5) To contract with private nonprofit or public agencies now in existence or hereafter created.

SECTION 3. The Department, in its role as planner and coordinator for juvenile justice and delinquency prevention services, is hereby authorized to enter into agreements for the establishment of community-based prevention and diversionary youth services programs which may include, but not be limited to: emergency shelter, diagnosis, crisis intervention, counseling, group work, case supervision, job placement, recruitment and training of volunteers, consultation, brokerage of services and agency coordination with emphasis on keeping youth with a high potential for delinquency out of the traditional juvenile justice process.

SECTION 4. The Department, in its role as planner and coordinator for juvenile justice and delinquency prevention services, is hereby authorized to enter into financial agreements with federal, state and local agencies or entities of government, or with any



Correctly Enrolled: J. R. McCune, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

private, nonprofit agency, which will earn the maximum federal funds available to the state for juvenile delinquency prevention and juvenile treatment programs. Provided, the Department shall not enter into any agreement under the provisions of this subsection unless federal financial participation is obtainable. Nothing in this measure shall be construed as requiring compliance with rules or regulations promulgated by this agency by independently functioning entities.

SECTION 5. The provisions of this resolution shall be deemed cumulative to present law and not construed to abridge the existing authority of any agency under the present law.

SECTION 6. The provisions of this resolution shall not become operative until October 1, 1975; provided, that after the passage and approval of this resolution and before October 1, 1975, staff appointments may be made by the Department, and the Department may organize and perform preliminary planning services incident to entering into the required agreements provided in this resolution.

Passed the Senate the 26th day of May, 1975.

A. J. S. Church  
President of the Senate

Passed the House of Representatives the 15th day of May, 1975.

Wm. P. Willis  
Speaker of the House of Representatives

Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

*J. R. McC...*

Correctly Enrolled:

OFFICE OF THE GOVERNOR

Received by the Governor this 28<sup>th</sup>  
day of May, 1975,  
at 9:45, o'clock A. M.

By: *[Signature]*

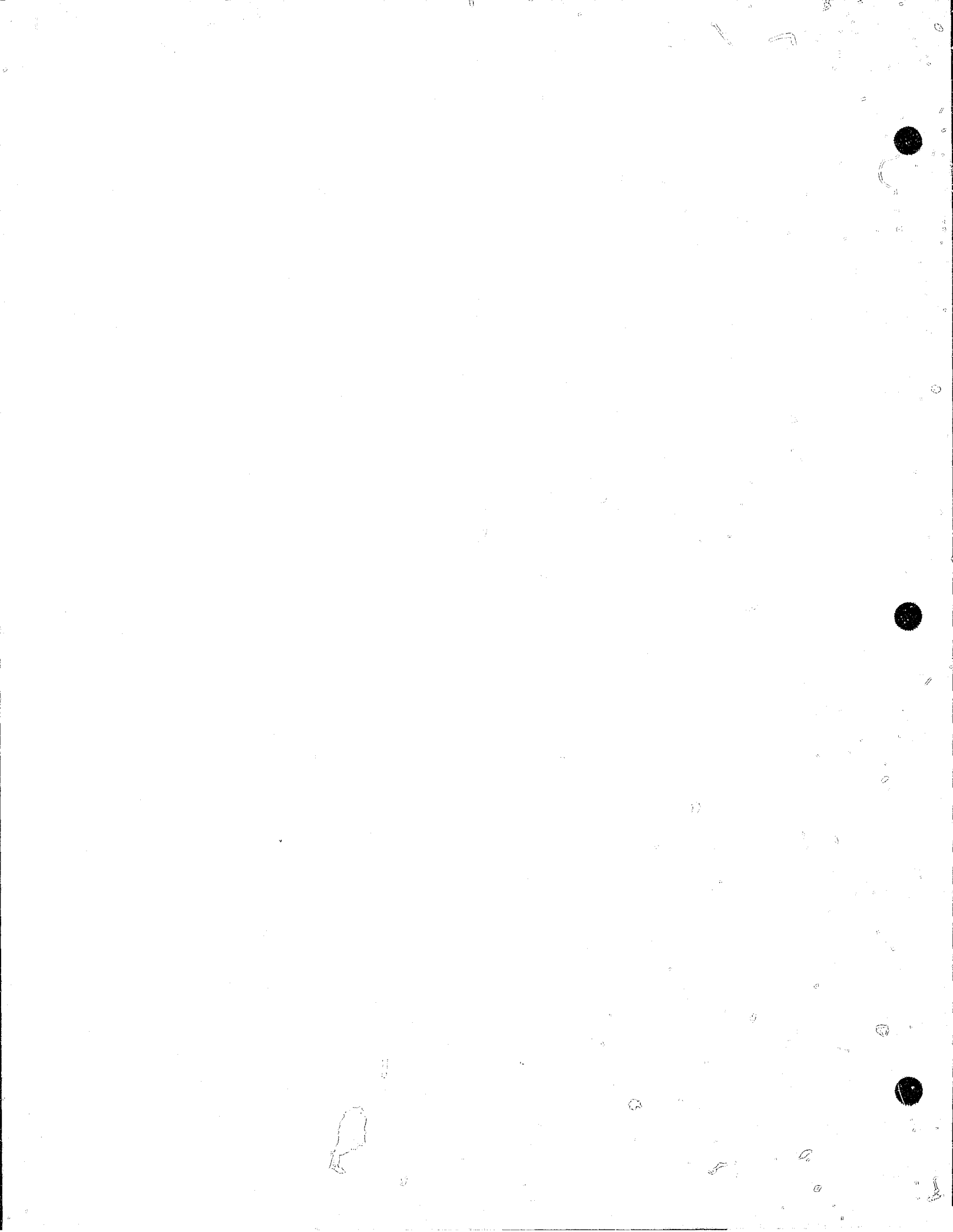
Approved by the Governor of the State of Oklahoma the 2<sup>nd</sup> day of  
June, 1975, at 2:00 o'clock P. M.

*[Signature]*  
Governor of the State of Oklahoma

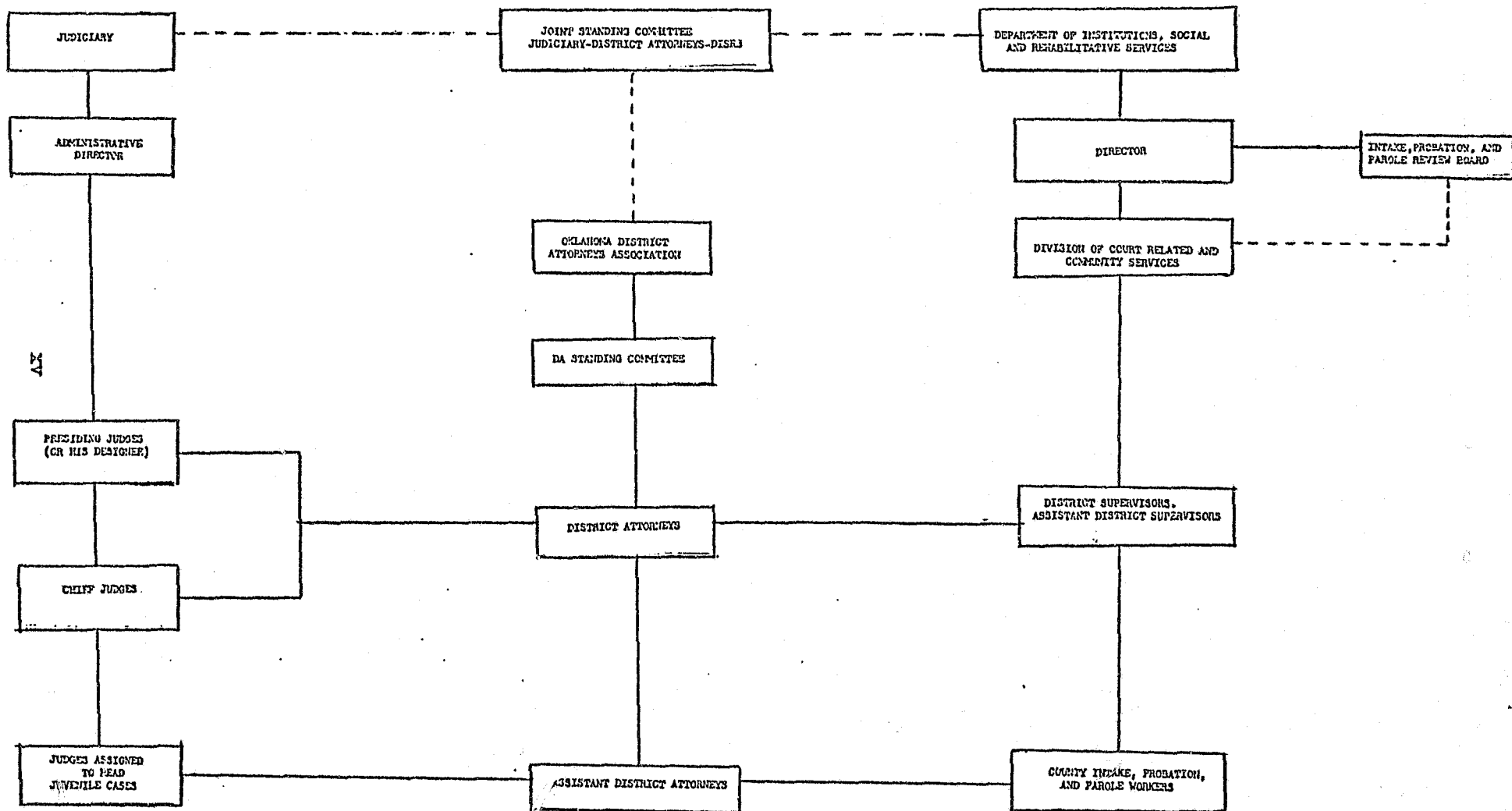
OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_  
3<sup>rd</sup> day of June, 1975,  
at 9:45 o'clock A. M.

By: *[Signature]*



APPENDIX "B" - ORGANIZATIONAL CHART



STATE  
OF  
OKLAHOMA

APPENDIX C

THE ATTORNEY GENERAL  
LARRY DERRYBERRY

STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 405/521-3921



August 13, 1974

Mr. L. E. Rader  
Director of Institutions, Social  
and Rehabilitative Services  
P. O. Box 25352  
Sequoyah Memorial Office Building  
Oklahoma City, Oklahoma 73125

Dear Mr. Rader:

This letter is to inform you that the Agreement for the Development and Maintenance of the Oklahoma Uniform Juvenile Information System, established pursuant to the Interlocal Cooperation Act of the State of Oklahoma (74 O.S. Supp. 1970, §1001, et seq.), has been approved by this office. The Agreement is in proper form and compatible with the laws of the State of Oklahoma. Attached hereto as the last page of the Agreement herein enclosed is the formal certification by this office.

Very truly yours,

A handwritten signature in cursive script that reads "Donald B. Nevard".

DONALD B. NEVARD  
ASSISTANT ATTORNEY GENERAL

DBN/jr

Enclosure

AGREEMENT  
for the  
DEVELOPMENT AND MAINTENANCE  
of the  
OKLAHOMA UNIFORM JUVENILE INFORMATION SYSTEM  
COURT DIVISION

THIS AGREEMENT made and entered into this 15 day of July, 1974, under the provisions of the Interlocal Cooperation Act, Title 74 Oklahoma Statutes 1971, Sections 1001 to 1008, inclusive, by and between the Supreme Court of the State of Oklahoma in its constitutional capacity as the chief administrative agency for the Judiciary, party of the first part, hereinafter referred to as JUDICIARY, and the Department of Institutions, Social and Rehabilitative Services of the State of Oklahoma, party of the second part, hereinafter referred to as DISRS:

WITNESSETH:

WHEREAS, JUDICIARY is involved in the development of a statewide court reporting system on juveniles known as the OKLAHOMA UNIFORM JUVENILE INFORMATION SYSTEM - COURT DIVISION, hereinafter referred to as the SYSTEM, and

WHEREAS, DISRS has heretofore verbally agreed to act as custodian of the SYSTEM for JUDICIARY.

NOW THEREFORE, it is hereby mutually understood, stipulated, and agreed by and between the parties hereto as follows:

ONE: PURPOSE. The purpose of this Agreement is to establish, develop, and maintain a uniform reporting system on children who are referred to the District Court of the State of Oklahoma.

TWO: TERMS AND CONDITIONS - JUDICIARY. JUDICIARY shall provide a central point for the reception of data input documents transmitted from the users of the SYSTEM, a procedure for transmitting said documents to DISRS, a master list of all persons authorized to request and receive personal information contained in the SYSTEM, and any materials required for transmitting data input and output documents to the users of the SYSTEM.

THREE: PROPERTY - JUDICIARY. JUDICIARY shall be responsible for acquiring, holding, and disposing of any real or personal property necessary to carry out the terms and conditions of Paragraph Two herein.

FOUR: FINANCING - JUDICIARY. JUDICIARY shall be responsible for financing according to its responsibility herein and for establishing and maintaining a budget therefor.

FIVE: TERMS AND CONDITIONS - DISRS. DISRS shall provide all equipment, materials, and personnel necessary for the development, expansion, and maintenance of the SYSTEM on the state level.

which equipment, materials, and personnel shall include, but not be limited to, electronic data processing hardware and software, data input and output documents, and a liaison person with JUDICIARY.

SIX: PROPERTY - DISRS. DISRS shall be responsible for acquiring, holding, and disposing of any real or personal property necessary to carry out the terms and conditions of Paragraph Five herein.

SEVEN: FINANCING - DISRS. DISRS shall be responsible for financing according to its responsibility herein and for establishing and maintaining a budget therefor.

EIGHT: CONFIDENTIALITY. JUDICIARY and DISRS shall jointly establish and maintain a locked and secured system in order to protect the confidentiality and privacy of all data processed in the SYSTEM.

NINE: DISSEMINATION OF INFORMATION. JUDICIARY and DISRS shall jointly develop and maintain a Standard Operating Procedure for the dissemination of any information contained in the SYSTEM, especially personal information on a child.

TEN: PROCESSING OF DATA. JUDICIARY and DISRS shall jointly develop and maintain a Standard Operating Procedure for the processing of all data in the SYSTEM.

ELEVEN: IMPROVEMENT OF SYSTEM. JUDICIARY and DISRS shall jointly provide consultative and technical assistance for



the purposes of development, implementation, expansion, maintenance, and continuing quality and improvement of the SYSTEM.

TWELVE: ADMINISTRATOR. The Director of DISRS shall be responsible for administering the SYSTEM.

THIRTEEN: SEPARATE ENTITY. No separate legal or administrative entity is hereby created.

FOURTEEN: DURATION AND TERMINATION. This Agreement shall have an initial term of one (1) year from and after the date above and thereafter shall be renewed automatically for additional terms of one (1) year, unless on or before thirty (30) days prior to the expiration of a term, either party to this Agreement notifies the other party in writing that said Agreement shall terminate at the end of the current term.

FIFTEEN: AMENDMENTS. The terms and conditions contained herein are the full and complete terms of this Agreement, and no alterations, amendments, or modifications of said terms shall be binding on either party unless first reduced to writing and signed by the parties hereto.

SIXTEEN: BINDING EFFECT. This Agreement shall be binding upon any successors to the parties hereto.

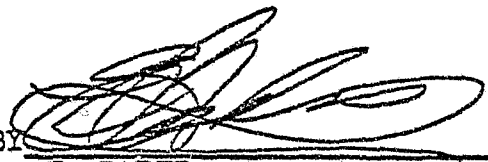
SEVENTEEN: CONSTRUCTION AND INTERPRETATION. The descriptive headings contained herein are for convenience only and are not intended to define the subject matter of the provisions

of this Agreement and shall not be resorted to for interpretation hereof. If any part of this Agreement shall be held to be void or unenforceable, the balance hereof shall nevertheless be carried into effect.

SUPREME COURT

DEPARTMENT OF INSTITUTIONS,  
SOCIAL AND REHABILITATIVE  
SERVICES

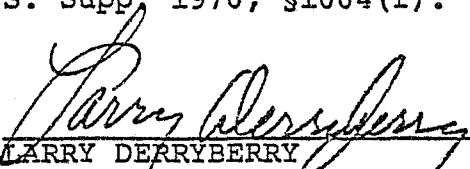
BY Denver N. Davison  
DENVER N. DAVISON,  
CHIEF JUSTICE OF  
THE SUPREME COURT  
First Party

BY   
L. E. RADER,  
DIRECTOR OF THE DEPARTMENT  
OF INSTITUTIONS, SOCIAL AND  
REHABILITATIVE SERVICES  
Second Party

CERTIFICATION

STATE OF OKLAHOMA     )  
                                  )     ss.  
COUNTY OF OKLAHOMA    )

I, the undersigned, the duly elected and acting Attorney General of the State of Oklahoma, have determined that the foregoing Agreement entered into under the Interlocal Cooperation Act of the State of Oklahoma (74 O.S. Supp. 1970, §1001, et seq.), consisting of an Agreement for the Development and Maintenance of the Oklahoma Uniform Juvenile Information System, together with the resolutions authorizing the entering into of said agreement by the public agencies executing said agreement, are in proper form and compatible with the laws of the State of Oklahoma. I, therefore, approve such agreement under and pursuant to the terms of 74 O.S. Supp. 1970, §1004(f).

  
\_\_\_\_\_  
LARRY DERRYBERRY  
ATTORNEY GENERAL OF OKLAHOMA

Dated this 13 day of August, 1974.

# F O R E W A R D

## BACKGROUND AND HISTORY

### COMMUNITY-BASED PREVENTION AND DIVERSION CONCEPTS AND STRATEGIES

Senate Joint Resolution 13, which was passed during the first session of the Thirty-fifth Oklahoma Legislature, represents the culmination of a statewide planning effort which began formally in 1969 when the Department of Institutions, Social and Rehabilitative Services received a planning grant from the Youth Development and Delinquency Prevention Administration.

The plan, published in 1971 under the title of Youth in Trouble--A Shared Concern, contained upwards of ninety specific recommendations toward improving Oklahoma's capacity to control and prevent juvenile delinquency. Among the more far-reaching recommendations, two have been of significant impact in shaping the direction and thrust of juvenile delinquency prevention activities within the state.

1. Services to youths with a high potential for delinquency be provided outside of the traditional juvenile justice system.
2. A uniform base of services for juveniles be made available to every county of the state.

SJR 13 encompasses both recommendations and mandates a definite direction and scope to the court related and community services now being implemented by DISRS. The primary purpose of SJR 13 is to reduce the incidence of delinquency by the development of community-based prevention and diversionary youth services programs, with a view to keeping children with a high potential for delinquency out of the traditional juvenile justice process, and to provide a uniform base of intake, probation, and parole services to all counties of the state except those with statutory Juvenile Bureaus. The emphasis of SJR 13 is the development of prevention and diversion programs and strategies statewide.

### PREVENTION

Prevention means "to make an act or thing impossible by prior action." Many mistakenly equate prevention with services to a youth after he has come to the attention of the community for having committed a socially or legally unacceptable act. Services which are brought to bear upon a situation after an act has occurred are remedial rather than preventive. Prevention services and activities occur in order to preclude the commission of an act. As articulated by the President's Commission on Law Enforcement and Administration of Justice in 1967, and reaffirmed in the intent of SJR 13, **THE PREVENTION OF DELINQUENCY AND YOUTH CRIME BEGINS WITH THE KIND OF ENVIRONMENT WE PROVIDE FOR OUR YOUTH IN HOME, SCHOOL, COMMUNITY, NATION AND WORLD.**

The causes of delinquency are broader than the individual and the immediate circumstances of the delinquent act. Delinquency prevention activities must be geared to the total community environment and specifically targets those processes in communities that propel children and youths into the juvenile justice system.

#### PREVENTION STRATEGIES

In 1970 the Youth Development and Delinquency Prevention Administration (YDDPA) formulated the National Strategy for Delinquency Prevention, which articulates certain concepts that continue to be viable in developing delinquency prevention programs and activities. The National Strategy is based upon three broad answers to the question, "Why do most youths not become delinquent?" It is generally held that most youths do not become delinquent because:

1. They have been provided with ready access to socially acceptable, responsible, and personally gratifying social roles in the areas of family life, education, recreation, religion, and work.
2. Access to such roles seems simultaneously to furnish a degree of social protection from the consequences of their occasional illegal behavior, thus they avoid the entrapment of being "labeled" as out-of-step and as troublemakers by the schools, police, courts, and others in the community.
3. The avoidance of such labels by diversion from the traditional juvenile justice system reduces the likelihood of the mutual alienation and rejection between the youth and the adults in his community.

If access to desirable social roles, avoidance of labeling, and the reduction of mutual alienation are factors that keep most youths from falling into a pattern of delinquent activity, it follows that the thrust of a good delinquency prevention strategy would be toward changing those processes in a community which block access to socially desirable roles, which do label negatively, and which foster mutual alienation. As previously stated, the focus of the National Strategy is to give specific attention to those aspects of the institutions, customs, and common experiences that are identified as generators of alienation in the youth population.

The National Strategy encompasses four objectives which are designed to serve as guides in shaping and developing delinquency prevention programs at the community level.

1. Provide More Socially Acceptable and Meaningful Roles for Youth. Socially acceptable roles tend to be cumulative. The satisfactory fulfillment of one's role tends to facilitate the satisfactory fulfillment of additional or progressive roles. For example, for a person to be gainfully employed, he or she generally must

be successful in the previous role of student. And to successfully fulfill the student role, it is to one's advantage to participate in socially acceptable activities which help to define one's role, e.g. participation in school activities; satisfactory academic performance; member of a church or social group, etc. The interruption or unsatisfactory fulfillment of one role tends to lessen the person's chances of successfully moving into other socially acceptable roles. In addition, many youths are blocked or prevented from participating in socially acceptable activities which lead to acceptable role fulfillment because of racial prejudice, economic deprivation, isolation, etc.

The provisions of socially acceptable role opportunities for youths who are denied access to those roles can be facilitated through such diverse programs as alternative education programs for youths experiencing difficulty in the traditional classroom setting; tutoring programs; after-school recreational programs for socially isolated youths; part-time employment opportunities for youths in need of success experiences; employment opportunities for the parents of youths and families experiencing economic difficulties, as well as for those youths who have dropped out of school. All of the activities listed require cooperation and active support from the community and the significant individuals in the community who have the knowledge and influence to mobilize the resources which every community has available to address the needs of its citizens.

2. Divert Youth Away from the Juvenile Justice System into Alternative Programs. The development of services outside the juvenile justice system creates a means whereby youths who come into conflict with the law and who experience difficulty in areas of social interaction can receive the needed services and help while remaining in their own community. It has been demonstrated that a youth can be maintained in his own community and receive services at far less expense to the public than being maintained in a youth correctional facility. It has been found that the vast majority of youths who end up in institutions could have been helped in their own community had the resources been available. The number of youths committed to juvenile correctional facilities is a reflection of the lack of alternatives at the community level rather than a reflection of the seriousness of youth crime. In most instances the resources are there and with coordination and cooperation can be brought to bear upon the needs of the youth.
3. Reduce Negative Labeling. Attaching a label to a youth tends to cause others to react toward the youth in a manner appropriate to the label. The labeled person tends to react in kind. This phenomenon has been called the "self-fulfilling prophecy," e.g. if enough significant others regard the youth as a delinquent, the youth will ultimately come to regard himself as a delinquent

and conduct himself accordingly. Once a juvenile is identified or labeled as a delinquent, differential handling allows him few opportunities for positive participation in the normal or more acceptable institutions within his community. There are many examples of how the stigma resulting from a label of "delinquent" can produce multiple handicaps for the youth so labeled, e.g. increased police surveillance, neighborhood isolation, lowered receptivity and tolerance by school officials, and rejection by prospective employers are but a few.

The reduction in negative labeling of youths can be accomplished through prevention services which result in fewer youths referred to court and effective diversion services for those who do run afoul of the law to prevent their further penetration into the juvenile justice system.

4. Reduce Youth-Adult Alienation. The objective of reducing youth-adult alienation is rooted in the assumption that less mutual alienation will result in increased opportunities for youth to participate in community activities which contribute to a positive role identification in the community.

#### COMMUNITY-BASED YOUTH SERVICES

In order to implement the National Strategy, YDDPA and the President's Commission on Law Enforcement and Administration of Justice recommended the establishment of youth serving agencies which would "act as central coordinators for all community services for young people and would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent juveniles."

The Youth Services Center model that has emerged in response to the recommendation for such a youth serving agency has been organized around three basic inter-related functions as follows:

1. Links Youth to Services. The Youth Services Center bridges the gap between available services, and youth in need of them, by referral and follow through; acts as an advocate of the child to see that he gets needed services; assists agencies with hard-to-reach youth; is non-coercive; accepts referrals from authoritative agencies (police, schools, court); informs the referring agency of progress but does not refer back. Provides a convening place for parents, youth workers and youngsters to come for assistance on youth problems.
2. Develops New Resources. The Youth Service Center advocates for urgently needed services. When appropriate services cannot be obtained, agencies are encouraged to expand programs or develop specialized services for youth. The Center strengthens existing agencies by performing an enabling function, rather than itself

attempting to fill gaps in services. It avoids becoming bureaucratic by involving community residents, including its youth, in decision making.

3. Modifies Systems. The Center seeks to modify, in established institutions, those attitudes and practices which discriminate against troublesome children and youth and thereby contribute directly or indirectly to their antisocial behavior. It constructively challenges procedures in public schools and agencies which affect youth adversely; it guides citizens and groups in fact-finding and dissemination; it is the Center's job to educate, consult, demonstrate and, advocate to see that resources are responsive to needs. The Center obtains data on gaps in youth services and passes it on to a state or local resource and encourages planning efforts to fill the existing gaps.

Oklahoma's youth services concept also grew out of recommendations of YDDPA and the President's Commission. The general concept of community-based youth services programs was endorsed by the Oklahoma Council on Juvenile Delinquency in their report, Youth in Trouble--A Shared Concern, published in 1971. The concept further has been adopted by the Oklahoma Crime Commission and incorporated in their Annual State Plan since 1970. Both the Council and the Commission have demonstrated a strong advocacy for youth development and delinquency prevention.

Oklahoma's juvenile courts have had a minimum of alternative community-based services through the years, despite repeated recommendations that such services be provided as a substitute for institutionalization of children. As a result, youths have been unnecessarily labeled adversely, all too often have been stigmatized by over institutionalization, all too often have been denied their legal rights, and their problems made worse instead of better. So, in accordance with recommendations made by the Oklahoma Council on Juvenile Delinquency and with the cooperation of the Oklahoma Crime Commission and other state agencies, youth services programs have been initiated by concerned citizens in numerous communities throughout the state. They represent a fresh approach to dealing with the state's delinquency problem, with emphasis on prevention and a view to diverting youth away from the traditional juvenile justice system.

There are thirty-one Youth Services Centers functioning in Oklahoma at this time. All are multi-funded, the principle resources being the Oklahoma Crime Commission, the Department of Institutions, Social and Rehabilitative Services, and the local communities. They are independent agencies operated under the egis of local, corporate boards made up of citizens from various disciplines and backgrounds. The Boards make policy, receive and dispense funds, and assume overall responsibility for the total program of their center.

Each Board employs a director, who is responsible to the Board for day-to-day administration--i.e., program development, staff supervision, fiscal accounting, etc. Service workers are directly involved in the delivery of



services such as: resource identification, crisis intervention, diagnosis and planning, counseling, group work, recreation, alternative schooling, volunteer training and supervision, community resource coordination, referral and follow up, etc.

Many Youth Services Programs provide emergency shelter care (in lieu of jail) for those who need to be detained or for those youths for whom no suitable alternative placement can be immediately arranged. Shelter care is on a short term basis. Staff becomes involved in problem assessment and planning, houseparents offer adjustment counseling, physical care and safety to residents.

#### GOALS OF COMMUNITY-BASED YOUTH SERVICES.

Develop a community system of youth services by linkage with agencies having statutory responsibility for the delivery of various services, as well as private youth-serving agencies.

Increase options of youths to improve their access to more socially acceptable roles.

Eliminate unnecessary and inappropriate labeling of youths.

Reduce alienation and its effects on youth by the community, family, church, school, etc.

Deliver services to children, youths and families where appropriate resources are not available.

#### FUNCTION

In order to implement these goals, the functions of youth services centers are:

Assess the problems and needs of the community as they relate to juvenile delinquents and/or children and youths who have indicated a high potential for delinquency.

Coordinate community resources to focus on the identified needs of children and youths who trouble others.

Provide a referral service for police, schools, the court, and other agencies, public or private, who deal directly with youths.

Advocate for the rights of youths, especially those in conflict with society.

Develop resources in the community relevant to the needs of delinquency-prone youths.

Accept referrals for specialized youth services not otherwise available in the community.

### SERVICES

Following is a brief outline of the essential service components of a Youth Services Program:

Provide emergency shelter care (in lieu of jail) for those youths who need to be detained or those youths for whom no suitable alternative placement can be arranged.

Receive referrals from courts, police, schools, churches, agencies, and individuals for youths experiencing difficulties.

Make appropriate referrals to existing community service agencies and provide follow-up services.

Recruit, train and utilize volunteers.

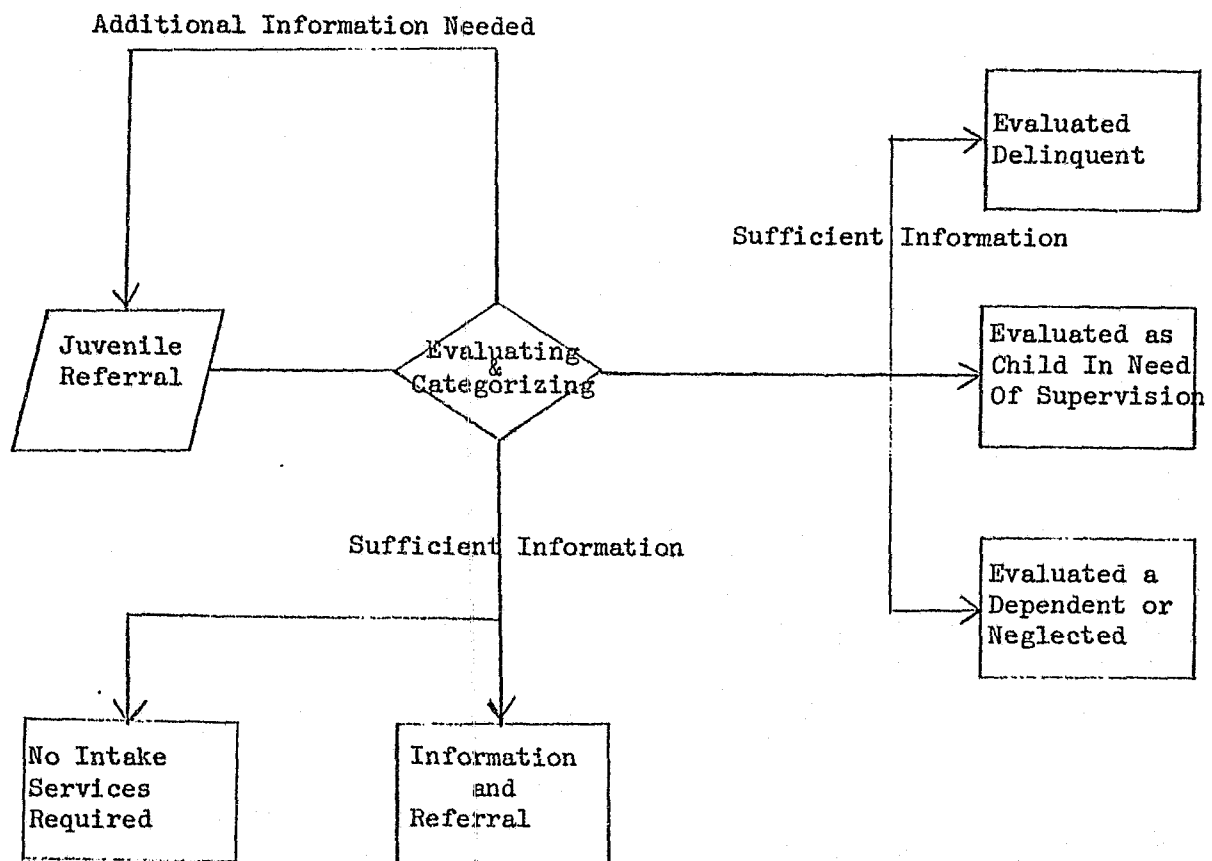
Identify gaps in existing community services and work with other community agencies toward filling these gaps and coordinating services to reduce duplication.

Work closely with law enforcement agencies to develop a systematic method of referral.

Work closely with schools to develop methods and alternatives for addressing problems of truancy, racial conflict, etc.

Deliver other direct services through crisis intervention, referral, counseling and group work in the areas of education, employment, drug abuse, recreation, behavior modification, interpersonal relationships, emergency placement, etc.

INTAKE PROCESS  
REFERRAL RECEIVING - JURISDICTIONAL EVALUATION

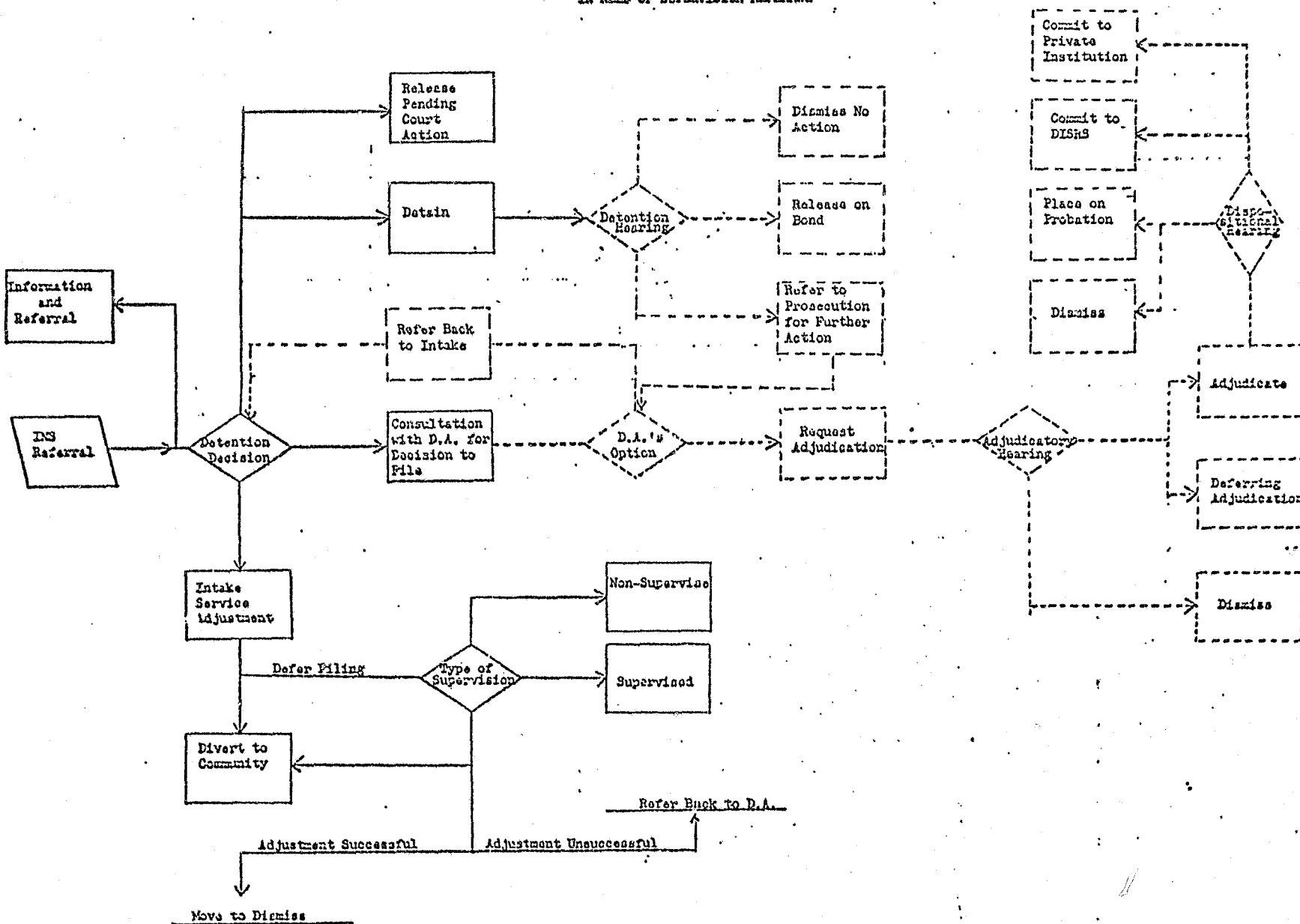


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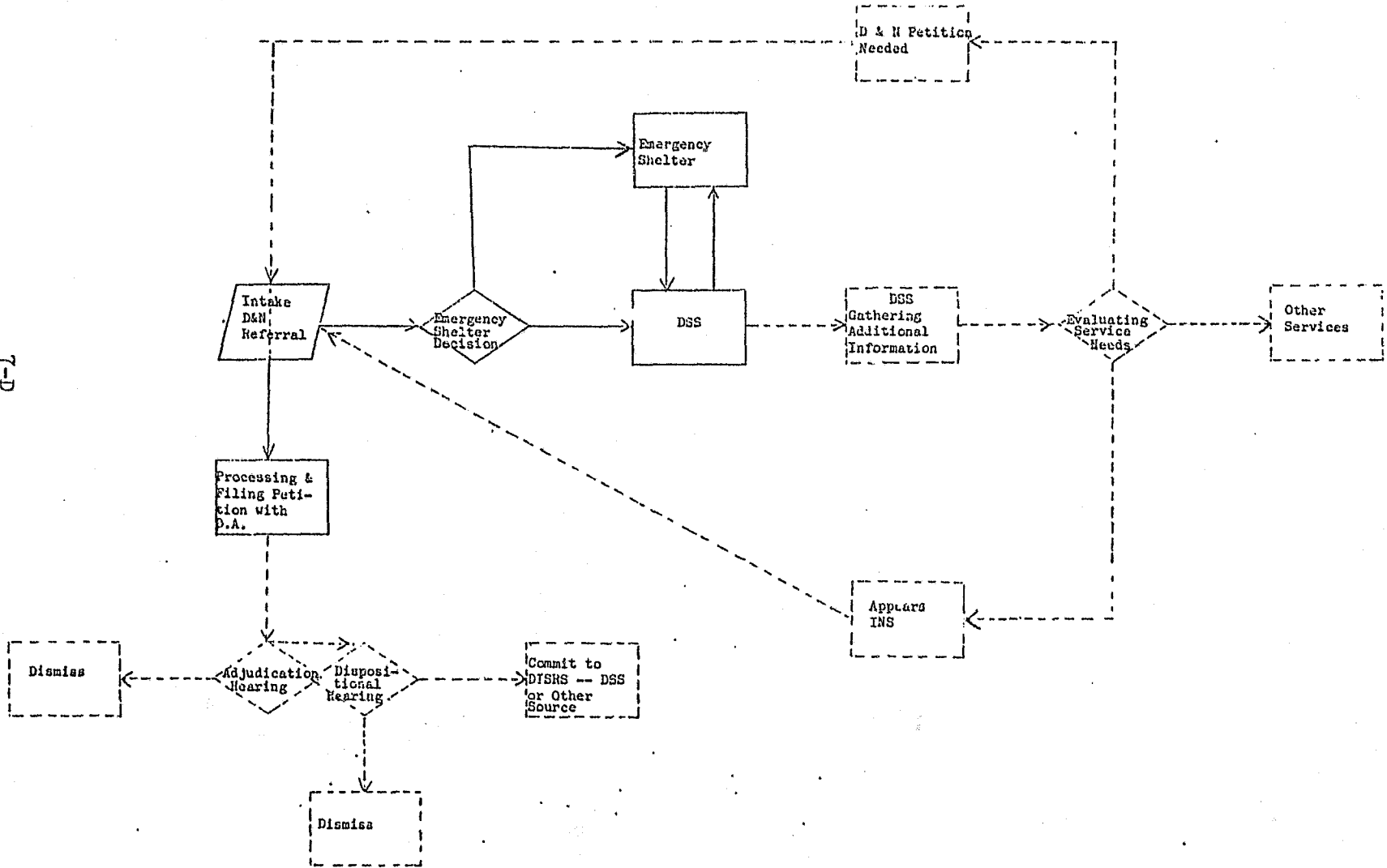
IN NEED OF SUPERVISION REFERRAL

7-C



INTAKE, DEPENDENT AND NEGLECTED REFERRAL

7-D



## INTAKE GUIDELINES AND PROCEDURES

### I N T R O D U C T I O N

#### LEGAL BASIS

Senate Joint Resolution 13 directs that Intake, Probation and Parole Services to juveniles are to be provided for the District Courts in every county in Oklahoma, except those counties with duly constituted juvenile bureaus.

#### DEFINITION

The term "Intake Services" means the process of (a) receiving, examining, investigating, and evaluating every complaint concerning a child referred to Court when the complaint alleges that the child is a delinquent child, a child in need of supervision, and/or a dependent and neglected child and making a preliminary determination whether said child should be detained in an emergency shelter for children or a secured juvenile detention facility or a jail; and (b) determining whether the allegations are substantiated, and, if substantiated, whether an informal adjustment is practicable or whether the matter should be referred to the District Attorney; and (c) making an informal adjustment or referring to the District Attorney and assisting in the prosecuting of a petition if filed.

Intake should have a beginning and an end.

#### INITIAL PROCEDURES

Receiving Referrals. Sources of referrals may be police, schools, parents, public and private agencies, victims or witnesses. An intake conference may appropriately proceed as follows:

- (1) Police referrals - when a written police report containing pertinent statistical data, allegations, and appropriate evidentiary data gathered during an investigation has been presented to the Intake Counselor.
- (2) Schools and/or public and private agencies - proper referral is a signed and dated statement or letter outlining allegations to be evaluated by Intake Counselor.
- (3) Parents or guardians, in person, may be considered for intake services to determine factors related to being beyond control, runaway, etc., without a written statement. However, if a petition alleging beyond control or runaway is filed, they will be required to sign the petition.

- (4) Any allegation being brought to the attention of the Intake Counselor must be substantiated by a proper investigation by the appropriate investigative agency or person relating to that allegation, e.g., child abuse (Division of Social Services), delinquent acts (Police Department). If this has not been done, the Intake Counselor is responsible for referral of complainant to appropriate agency or person for the investigation.

Setting Intake Conferences. When juvenile offenders are apprehended at night or on weekends, local enforcement officers will be advised that those juveniles released to parents will be contacted for Intake. Release is subject to parents and juvenile signing a "promise to appear" when notified. Should the parents and juvenile fail to appear, an attempt should be made to contact them by person or phone. All instances of this nature must be handled in consultation with the prosecutor.

Intake Data Gathering. The Intake Counselor will, at the initial conference, gather all information called for on the Intake Face Sheet (see Forms section).

The Oklahoma Uniform Juvenile Information System. On every referral, the Intake Counselor, at intake, is to complete at least the Intake and Title YX requirements portions of Form CRCS-S-26. A self-explanatory users' manual is provided to Intake Counselors for assistance. This step is very important and must be done. A carbon copy of this report is to be made during Intake. The original is to be transmitted as provided in the users' manual.

Coordination With Prosecutor. Consultation with the District Attorney is a duty of the Intake Counselor. Decisions on legal merit require the District Attorney's involvement as outlined in the Filing Policy. The Intake Counselor will assist the District Attorney by providing statistical, legal and social data necessary for filing a petition.

Medical, Psychiatric or Psychological Information. In cases where medical, psychological or psychiatric information may be needed at Intake, the Release of Information form must be utilized (see Forms section). This is confidential information and must be treated accordingly.

#### DUE PROCESS

Notice of Acknowledgement of Constitutional and Legal Rights. Prior to any interview, the Intake Counselor must read and explain clearly to the juvenile and the parents (guardian or legal custodian) the juvenile's constitutional and legal rights concerning statements. All statistical data must be completed and the juvenile, parents, and Intake Counselor must sign as provided in the Notice of and Acknowledgement of Constitutional and Legal Rights Concerning Statements form (see Forms section). A copy of the form is given the juvenile and parents.



Right to Hearing. The Intake Counselor must advise the juvenile and parents of rights to a formal hearing on the allegations. In some instances informal adjustment such as referral to guidance and counseling or informal supervision may be recommended. The juvenile or parents may demand their day in Court to either prove or disprove the allegations. In this instance, a case must be referred to the District Attorney. When certain offenses as detailed in Filing Guidelines are under consideration, Intake action will proceed to the point of referral to the District Attorney. The juvenile and parent/guardian should be advised that at any point they may terminate the conference.

#### DETERMINATION OF JURISDICTION

When referrals are received, a determination of jurisdiction must first be made. The following are jurisdictional guidelines:

(1) Juvenile's Age. Juvenile must be in the age jurisdiction of the Court. Title 10, Section 1101, Oklahoma Statutes Annotated - The term child means any person under the age of eighteen years, or the act complained of has been committed prior to the person's eighteenth birthday.

(2) Alleged Involvement in an Act or Situation Described by the State Juvenile Court Act. Title 10, Section 1101(b), (c) and (d), Oklahoma Statutes Annotated.

- (A) "DELINQUENT CHILD" - (1) A child who has violated any federal or state law or state traffic law, except a municipal traffic ordinance or a municipal ordinance for a child of the age of sixteen years or older where there is no corresponding state statute; (2) a child who has habitually violated traffic laws or ordinances.
- (B) "CHILD IN NEED OF SUPERVISION" - A child who is habitually truant from school, or who is beyond the control of his parents, guardian or other custodian, or who habitually deports himself so as to injure or endanger the health or morals of himself or others. (These are referred to as status offenders.)
- (C) "DEPENDENT, NEGLECTED, OR DEPRIVED CHILD" - Title 10, Section 1101(d), Oklahoma Statutes Annotated.

#### GEOGRAPHICAL JURISDICTION

The District Court shall have jurisdiction of any delinquent child, child in need of supervision, or dependent and neglected child, who is found within the county. Title 10, Section 1102, Oklahoma Statutes Annotated

## INTAKE GUIDELINES AND PROCEDURES

### REFERRAL POLICY

#### INFORMATION AND REFERRAL

The Intake Counselor will provide Information and Referral for requests by telephone, letter, walk-in, and guidance in obtaining needed services. This will involve:

- (1) Maintenance of a current listing of available resources.
- (2) Maintenance of a contact log for initial contacts which will include basic statistical data and service to which client is referred. The Information and Referral Reporting form (CRCS-S-2) is to be completed and a copy forwarded to the District Supervisor at the end of each month (see Forms section).

#### RELEASE/NO ACTION

In the event examination of data fails to meet standards outlined in the "Determination of Jurisdiction" as related to offenses normally requiring filing, the matter is to be referred to the District Attorney for a decision on jurisdiction or sufficiency of evidence. Should the referral be lacking in prosecutive merit, as determined by the District Attorney, the juvenile is to be released with no action. A memorandum stating the course of action and basis of this action is to be attached to the referral. These documents are to be maintained for review by supervisors, or in some instances the Intake, Probation and Parole Review Board.

#### INFORMAL ADJUSTMENTS

Requirements for Informal Adjustment are:

- (1) Juvenile and parents must be advised of rights to counsel and rights to formal hearing.
- (2) Major facts of case must be undisputed.
- (3) Informal Adjustment period shall not extend beyond thirty days except in cases of deferred prosecution being in effect.
- (4) Structured or close supervision is inappropriate.
- (5) Parents and juvenile are to be advised that they may terminate these arrangements at any point and request a formal hearing.

Where misdemeanors have prosecutorial merit as determined by the District Attorney but where Court action may be of questionable benefit, the Intake Counselor will follow these guidelines:

Dismiss/No Action. This is typified by instances such as: (a) arrest has served as deterrent or (b) age of juvenile would deem Court action inappropriate or ineffective. A referral of this type may be adjusted with or without an office conference or the approval of the District Attorney.

Defer Decision to File (No Supervision). Where arrest has not served as a deterrent or the age of the juvenile would deem Court action appropriate or effective, the Juvenile Court may still postpone a decision on further action for thirty days. This procedure will be used only when the Juvenile Court has insufficient information upon which to make a decision.

Defer Decision to File (Supervision by Consent). This denotes temporary supervision by a Probation Counselor while reserving judgment on the need to file a petition until after an opportunity to determine appropriate treatment. This action is applicable in cases such as a Child in Need of Supervision and is known as Informal Supervision. This allows for alleviation of the problem without requiring the full impact of the Court process. Referrals which may require the parents or juvenile to "feel the presence of the Court" shall be referred to the District Attorney.

Of prime importance is that information gained during this period of supervision regarding the offense for which the filing has been deferred, cannot be used against the juvenile at the adjudication hearing if a petition is filed on said offense. This period is an evaluative period to determine if the manifested behavior will change without having to use the weight of the Court and may not exceed thirty days.

Deferred Prosecution Agreement. This is a formalized agreement for case-work supervision and is neither a judicial determination of fact nor a judicial disposition. This action is not to be confused with a consent decree and does not constitute an adjudication. Characteristics of this are the same as those in an informal adjustment with additional consideration as follows:

- (1) Compliance with the agreement should bar further proceedings based on events out of which the agreement arose.
- (2) Consummation of the agreement should not result in subsequent removal of the juvenile from his home.
- (3) Deferred Prosecution Agreement shall not be in effect for more than eighteen months.
- (4) It is important to stress that in the event either of the parties elects to initiate Court action prior to the consummation of the agreement, any evidence regarding the offense which is the subject of the agreement, such as evidence having been obtained while the agreement was in effect, will not be used at any subsequent court hearing on the allegation of said offense.

## DIVERSION

The primary objective of diversion is to provide a positive program or plan with emphasis on assisting the juvenile and/or his family in adjusting problematic behavior. Development and utilization of alternative service resources such as crisis-intervention, alternative education, counseling, and/or placement changes are part of the services expected of the Intake Counselor in discharging the responsibilities of diversion practices. Factors generally favorable to diversion are:

- (1) The relative youth of the offender.
- (2) Willingness of the victim not to pursue prosecution.
- (3) Probability that the juvenile suffers from a mental illness or psychological abnormality which was related to the offense and for which treatment is available.
- (4) Probability that the offense was significantly related to any other condition or situation such as family problems.

## GUIDELINES FOR DIVERSION

The Intake Counselor shall observe the following requirements and guidelines:

- (1) Maintain a current and complete listing of the various resources available for diversion.
- (2) Diversion will be utilized in the following categories of referred juveniles: (a) status offenders and (b) less serious criminal offenses.
- (3) Services and/or programs utilized as alternative resources are to be congruent with filing policies.
- (4) The Intake Counselor is to keep the District Attorney informed of alternative resources being utilized.

## BASIS OF DETERMINATION

General guidelines in determining whether a juvenile, following the intake conference, but prior to adjudication, should be selected for diversion are listed as follows and should be noted on the Intake Face Sheet:

- (1) Prosecution may cause undue harm to the juvenile or compound the social problems that led to his delinquent acts.
- (2) Services to meet the offender's needs and problems are unavailable within the juvenile justice system or may be provided more effectively elsewhere.
- (3) The interests of the victim and society are served better by diversion than by official filing.

## DETENTION

Detention Guidelines. A number of factors are to be considered in the intake decision-making process. Certain circumstances permit less extensive screening before recommending the filing of a petition:

- (1) Evidence that a juvenile has committed a crime of violence.
- (2) A history of serious offenses.
- (3) Failure to appear at previously scheduled hearings.

In such cases, the Intake Counselor should immediately refer the matter to the District Attorney and seek placement of the juvenile in detention pending a hearing. The petition should be filed and the detention hearing held no later than twenty-four hours following commencement of detention or the next judicial day.

When a juvenile is being considered for possible detention, the following criteria should be considered by the Intake Counselor:

- (1) A history of serious offenses which indicate the safety of the community may be threatened if the juvenile is released.
- (2) A probability that the juvenile will run away from home during the time the Court is studying the case.
- (3) Juvenile's behavior indicates a need for protection.
- (4) The problem is so serious or the family relationships are so strained that the juvenile will most likely become involved in further difficulty.
- (5) There is no responsible adult person to whom the juvenile may be released.

Detention may be in a regional shelter or approved juvenile section of a jail facility, dependent upon (a) willingness of shelter staff to detain certain types of offenders, (b) the seriousness of the offense which may deem shelter inappropriate.

Any juvenile who is under the influence of drugs or alcohol and has no responsible adult to whom he may be released is not to be placed in a detention facility without first having been examined by a doctor. This requirement is for the safety of the juvenile.

Detention Hearing. At this hearing, the Court considers the situation. Parents' presence is not a necessity but is recommended. The District Attorney should be present to request a detention order (see Forms section) and in some instances, the judge may set a bond. A juvenile should not be detained longer than ten days without a further hearing.

#### FILING GUIDELINES

Delinquent Offenses. The term "offense" denotes any violation of federal and state laws or municipal ordinances. A Juvenile Proceedings Intake Report form (see Forms section) shall be referred to the District Attorney on all juveniles in this category. Any question as to merit of jurisdiction is to be clarified by consultation with the District Attorney and should have his written approval and basis if the case is not filed; the approval and basis statement is to be notated on the Intake Face Sheet in the appropriate section and is to be retained in the case file for review purposes. Appendix A outlines adopted filing policy by offense as a guideline for intake use.

Exceptions to this guide will be exercised only after consultation with and approval of the District Attorney and shall be noted on the Intake Face Sheet. This information shall include:

- (1) Basis of no-file determination.
- (2) Diverted to what service or resource.
- (3) Plans for a positive program related to changing the causal behavior.
- (4) Plans for follow-up and disposition of case at a specified time.

For certification procedures, refer to Certification Guidelines.

Status Offenses. General policy in this category is to refer to the District Attorney when making a recommendation to file a petition. Status offenses are most appropriate for diversion, court action being the last resort. Status offenses include:

- (1) Truancy (absent 20% in nine week period, without official permission). In the event of adjudication, these juveniles are placed in the In Need of Supervision category.
- (2) Beyond parental control.
- (3) Runaway.
- (4) Family disputations of a severe nature.

Dependent/Neglect. Refer to Abuse and Neglect section. Established DISRS policy on these matters is clearly outlined.

Petition Filing Procedure. The District Attorney will prepare all the pleadings, including petition, subpoena, notice and summons, and all other necessary legal documents, from the data provided by the Intake Counselor. The Intake Counselor may verify petitions.

#### DISPOSITION NOTIFICATION

Disposition Notification. Having determined disposition, the Intake Counselor is responsible for advising the referral source of the action taken.

Form Disposition Notification (see Forms section) provides necessary data. Confidentiality must be considered; therefore, extreme caution is warranted.

Post-filing. The Intake Counselor is responsible for assisting in coordination of activities related to the prosecution of a petition. The Intake Counselor must be present at hearings.

#### HEARINGS

There are two types of hearings used in juvenile court cases, distinguished by the purpose of and evidence admissible at each:

- (1) Adjudicatory Hearing. The adjudicatory hearing is a fact-finding proceeding to determine whether the allegations contained in the petition are true and correct. Only evidence addressed to the allegations is admissible.
- (2) Dispositional Hearing. At disposition, evidence is presented to the Court in order for a decision to be made which would best serve the interest of the juvenile and the public.

The Court may allow a pre-dispositional period in order for a pre-dispositional study to be made. A time lapse of no more than thirty days is suggested.

#### CONFIDENTIALITY OF RECORDS

The Court and Intake Counselor shall make and keep records of all cases brought before it. Such Court records shall be open to public inspection only by order of the Court.

The statutes provide for destruction of all records under certain conditions. Juveniles should be informed of this.

## SOCIAL HISTORY

The counselors will be required to provide a complete social history on every adjudicated juvenile. A pre-adjudicatory social history may be required but cannot be used in the adjudicatory hearing.

## RUNAWAY CHILDREN - INTERSTATE COMPACT

In certain instances, the Intake Counselor will be involved with expediting the return of juveniles who have run away. The Interstate Compact may request assistance in cases involving juveniles from another state.

The counselor is expected to become familiar with the provisions and services of the Interstate Compact as outlined in DISRS Manual Section 1782. DISRS Issued 10-74 also provides the counselor with a summary of services (see Forms section for DISRS Issued 10-74).

Compact Guidelines for Out-of-State Placement of Juveniles. All out-of-state placements shall be negotiated through the State Interstate Compact Administrator.

There is a standard detention order on Interstate runaways which may be made available to all counties:

- (1) A juvenile is advised of his rights prior to the required detention hearing.
- (2) A juvenile may be detained in any of the state institutions, foster home, shelter or other appropriate facility.

## ABUSE AND NEGLECT

As provided by statute (Senate Bill 304, First Session of the 35th Legislature) and DISRS Policy 529, 529.1 and 529.2, specific and mandatory requirements are outlined. It shall be the Intake Counselor's responsibility to read and understand these statutes and policies. Upon receipt of information of any kind, the Intake Counselor shall:

- (1) Immediately notify the respective county office of any information received. In the event no person can be reached, the Child Abuse Hotline is to be notified.
- (2) Obtain an Emergency Temporary Custody Order from the Court.
- (3) Act as liaison between the county service worker(s), District Attorney, and the Court.



DISMISSAL.

A motion for dismissal may be in order at various points subsequent to the filing of a petition. Consultation with and approval by the District Attorney is required in each motion to dismiss. Reasons for dismissal can include:

- (1) Investigation reveals conflict in sufficiency of evidence.
- (2) Attainment of majority status.
- (3) Court intervention no longer necessary to insure compliance with state and federal laws and city ordinances.

Following Court action on motions to dismiss, the counselor closes the case.

## CERTIFICATION GUIDELINES

Certain procedures are essential in order to protect the Statutory and Constitutional rights of the juvenile. Breed v. Jones, 441 ED 2d346, 95 S.Ct. 1779 (1975), Kent v. United States, U.S. 566 (1966), Sherfield v. State, 511 F2d 598 (1973), Bruner v. Meyers, 532 P2d 458, 460BJ (Feb. 20, 1975).

Having followed the Intake Guidelines and after having the District Attorney review the case as to legal sufficiency, and a decision made to file, the District Attorney may decide to move to certify. After making a determination that a motion to certify should be filed, the District Attorney should prepare a petition alleging the offense committed and file a Motion For Certification (see Forms section). Once the petition has been prepared and filed, a copy will be given to the juvenile, parents, and attorney.

### ARRAIGNMENT

When the juvenile is arraigned, in addition to the formal charging, he will have the opportunity to request a hearing on the issue of prosecutive merit. If a hearing is requested, the court will set a date at which the matter will be heard affording counsel for the respective parties opportunity to prepare. If prosecutive merit is waived, then the Court will make arrangement for a current psychological examination for a juvenile who is a ward of the Court if one does not currently exist. A person qualified to perform such testing will obtain data for the Court's consideration under Section 6 of 10 O.S. 1112. The Court will additionally set a date at which a disposition will be made of the Motion for Certification.

### PROSECUTIVE MERIT HEARING

The prosecutive merit hearing will be conducted as would a normal preliminary hearing in order for the Court to determine whether probable cause exists to hold the juvenile as charged. Though the probable cause standard is not mandatory, its use is important as a matter of sound judicial administration in order to screen out all cases in which probable cause does not exist. The juvenile will be entitled to a preliminary hearing at which the probable cause standard will be applied, thus voiding any certification and involving the Court with several wasted procedural steps.

At the prosecutive merit hearing the Court may:

- (1) Find probable cause exists.
- (2) Find probable cause after the pleadings have been modified to conform to the proof.
- (3) Find evidence that a misdemeanor has been committed.
- (4) Dismiss the petition for failure to show probable cause.

Upon determining that prosecutive merit exists, the Court will make arrangements for a current psychological evaluation, 10 O.S. 1120a, if one does not currently exist, by a person qualified to perform such testing. The Court will additionally set a date in the future for the Certification Disposition and assign a Probation Counselor to prepare a Certification Study for the Court (see Forms section). If the Court finds that evidence has been presented that a misdemeanor has been committed, then it must dismiss the Motion to Certify and determine whether the parties are prepared to continue with the trial of the misdemeanor. If either of the parties is unable to proceed, the Court will continue the hearing to a future date in order to allow a reasonable time for preparation and trial in the Juvenile Division.

#### CERTIFICATION DISPOSITION

Between the Prosecutive Merit Hearing and Certification Disposition, or where prosecutive merit has been waived but prior to Certification Disposition, the Probation Counselor shall prepare the following for the Court's consideration:

- (1) Whether the juvenile may be conjointly charged with adult co-defendant if certified to stand trial as an adult, or whether the juvenile may be charged with juvenile co-defendants.
- (2) After a current psychological evaluation by a qualified person, the juvenile waives his privilege to confidentiality and consents to the consideration of the evaluation.
- (3) All previous stipulations, adjudications from all jurisdictions, prior periods of formal probation and parole, and prior judicial commitments to public or private institutions.

The Probation Counselor will deliver a copy of the Certification Study (see Forms section) to the Assistant District Attorney and the attorney for the juvenile within a reasonable time prior to the Certification Disposition. The Court will permit the parties to contest or add to any facts contained in the Certification Study and to introduce testimony directed to the issues enumerated in 10 O.S. 1112 to include the testimony of expert witnesses. Testimony will also afford the parties an opportunity to propose reasonable rehabilitative alternatives and propose what measures may be necessary for the protection of the public.

The Court will make findings of facts and conclusions of law upon the specific criteria as found in 10 O.S. 1112 (see Forms section for a sample of Illustrated Order - Certification).

If the Motion to Certify is overruled, the Court will re-arraign the juvenile and determine a plea in accordance with juvenile procedure.

INTAKE PROCEDURES FOR INSTITUTIONALIZED JUVENILES

When a ward of the Court is in the custody of DISRS and commits a delinquent offense in a county other than the county of original jurisdiction, the matter should be referred to the intake staff in the county where the most recent offense has occurred in order to determine the following:

- (1) Whether or not a valid charge can be made for a delinquent offense.
- (2) Whether the District Attorney wishes to prosecute, and if so, whether he wishes to consider certification. (If he wishes to prosecute, follow normal Court Intake procedures.)

If the decision is made not to initiate Court proceedings, then the juvenile is to be returned to the institution.

## A P P E N D I X A

The main screening agent for a juvenile court should be the Intake staff. The prosecutor is utilized when an Intake Counselor requests that a petition be filed. Once a request for a petition is accepted by the prosecutor, it should be prepared and signed by him before it is filed with the court. Further, the decision of the prosecutor on whether to file a petition should be final.

The prosecutor is also utilized as a review source. The complainant in such situations should be notified by the Intake office of his right to a review of his complaint by the prosecutor. The prosecutor, upon request of the complainant, should review the facts presented by the complainant, and after consultation with the Intake office, authorize and file the petition with the court, when he believes such action is necessary to protect the community or in the interest of the child.

This defines the intake function and in so doing, does strongly suggest and emphasize diversion of juveniles out of the juvenile justice system by referring juveniles to locally administered programs of delinquency prevention and treatment. The emphasis on diversion is carried to such a point to suggest that the legal definition of the crime itself should not always serve as a bar of diversion even in some kinds of felony cases. However, such other factors as the juvenile's age, behavior pattern, amenability toward redirection, family support, cooperation and victim's crime could be considered before arriving at the final disposition.

### FILING GUIDELINES

The following material is presented as a guideline for the appropriate exercise of prosecutorial discretion:

#### Felony (First Offense, Part I, Serious Delinquent Acts).

- Aggravated assaults (felonious).
- Burglary in the first degree.
- Burglary in the second degree.
- Grand larceny (see Section I regarding petit larceny).
- Manslaughter in the first degree (this charge may normally be filed specifically in those instances where circumstances are questionable, or in an effort to clear the child of responsibility).
- Manslaughter in the second degree.
- Maiming.
- Murder.
- Negligent homicide (see manslaughter above).
- Rape.
- Robbery (all classifications).
- Unauthorized use of a motor vehicle (to normally include riding in a stolen vehicle, and having knowledge of such, or having participated in the act of taking).
- Any attempts of the above offenses.

In some felony cases, the concomitant decision to certify the juvenile as an adult may be inherent. Certification procedures are treated in the Intake Guidelines.

Felony (First Offense, Less Serious Delinquent Acts). This section connotes crimes against the state, e.g., property or victimless crimes. Greater latitude should be given here to mitigating circumstances.

First Offense (Uniform Controlled Dangerous Substances Act, Schedule I & II.

Drug.

First offenses relating to Schedule I and II, Uniform Controlled Substances Act will require referral to the prosecutor as these acts normally require filing of a petition. Any exceptions to this general policy should be authorized in writing by the prosecutor.

Each court worker will be responsible for becoming familiar with the Uniform Controlled Dangerous Substance Act.

Second Offense (Uniform Controlled Dangerous Substances Act, Schedule III, IV, and V). Second offenses relating to Uniform Controlled Dangerous Substances Act, Schedule III, IV, and V normally require filing of a petition. Any exceptions to this general policy should be authorized in writing by the prosecutor. Accessories to the above offenses may, in some instances, be handled by intake adjustment upon the first referral, and handled informally, with the approval of the prosecutor. Prosecution will be requested to appear before the court on all the above cases.

Felony (Second Offense). Any felonious act must, on the second referral, be referred to the prosecutor as these acts normally require filing of a petition. Exceptions will be only by consultation and approval of the prosecutor.

#### APPROPRIATE CASES FOR DIVERSION

First Offense (Status Offenders). General policy in this category is to refer to the District Attorney when recommending filing a petition. Referrals to the District Attorney for filing are made only when necessary to protect the child and/or community after all alternatives have been exhausted.

First and Second Offense (Misdemeanor). In some instances, e.g., unlawful possession of marijuana is a felony on the second offense (when convicted on first offense); therefore, discretion and consultation with the prosecutor is required. Other first and second offense misdemeanors are appropriate for diversion with approval of the District Attorney.

Third Offense (Misdemeanor). All third offenders must be referred to the District Attorney's office and normally requires filing of a petition. This denotes having been diverted twice within diversion guidelines.

Dependent/Neglect. Refer to the Abuse and Neglect section where established DISRS policy on these matters is clearly outlined.

# JUVENILE PROBATION/PAROLE PROCEDURAL GUIDELINES

## I N T R O D U C T I O N

### PROBATION/PAROLE SERVICE PERSONNEL

The Division of Court Related and Community Services (CRCS) assigns personnel in seventy-four counties whose function is to provide probation and parole services as directed by SJR 13. Exceptions are Comanche, Oklahoma, and Tulsa Counties where legally constituted juvenile bureaus provide probation services. In those counties the Division has assigned units for provision of parole services. For supervisory and administrative purposes the counties are grouped in accordance with the nine Administrative Judicial Districts, and a district supervisor is assigned to each.

### DEFINITION     SCOPE OF SERVICES

Probation is a form of disposition that the juvenile courts use where the disposition does not involve confinement. The Court retains authority and imposes conditions or rules of probation, and retains authority to take further action should the probationer violate the conditions. The disposition of probation will be treated as a final judgment for the purposes of appeal and similar procedural purposes.

The term "Parole Services" means appropriate planning for and supervision of a juvenile who has been adjudicated delinquent or in need of supervision and placed in the custody of DISRS and the juvenile is returned to the community upon commitment to DISRS or following placement in an institution. Parole is always an administrative decision. The granting of probation is a Court function.

### DIVISION RESPONSIBILITY

Juveniles assigned to the Division of Court Related and Community Services are determined by the following categories:

- (1) Deferred prosecution.
- (2) Deferred filing agreement has been reached.
- (3) Adjudicated In Need of Supervision or Delinquent and placed on official probation by the Court.
- (4) Adjudicated In Need of Supervision or Delinquent who are placed in the Department's custody.

Beyond the specified functions of the Intake Counselor, services to juveniles who are alleged or determined to be dependent and neglected are provided by the Division of Social Services. Once the Division of Court Related and Community Services counselor is assigned to a juvenile who is on probation or parole, he is responsible for court-related services to the juvenile so long as the juvenile remains on probation or remains in the Department's



custody. The assigned counselor is responsible for preparing necessary social summaries, evaluative reports, and special reports (home evaluations, reports for court case review, certification studies in accordance with the Court's orders). The scope of services includes ongoing court-related services to the juvenile and family, providing measures to retain the juvenile in the community, help prepare the family for the juvenile's return to the home, and parole services upon his return. He is further responsible for ongoing services to the juvenile and family in relation to the juvenile's adjustment in the home, school, and community.

#### PROBATION/PAROLE SERVICE OBJECTIVES

The goal of probation and parole is adjustment of the juvenile in the community with support provided by the counselor. These programs should provide a wide range of services from all available resources.

Direct probation and parole services should be defined clearly and differentiated from services that should be met by other social institutions. Generally the kinds of services to be provided to probationers and parolees should:

- (1) Relate to the reasons the offender was brought into the probation and parole system.
- (2) Help him adjust to this status as a probationer or parolee.
- (3) Provide information and facilitate referrals to needed community resources.
- (4) Help create conditions permitting readjustment into the community through full utilization of resources.

Services should be goal oriented with identification of needs of probationers and parolees. Services should be directed toward removing or reducing individual and social barriers that result in recidivism, to promote aids which will deter subsequent delinquent acts, and to help them move from supervised care in their communities to independent living. The counselor must engage in a needs assessment of the individual probationers or parolees. Needs assessment requires:

- (1) Knowledge of such factors as age, race, education, employment, family status, and availability of transportation.
- (2) Identification of services the offender needs to remove individual and social barriers.
- (3) Identification of resources available.
- (4) Promotion of the development or accessibility of needed community services.

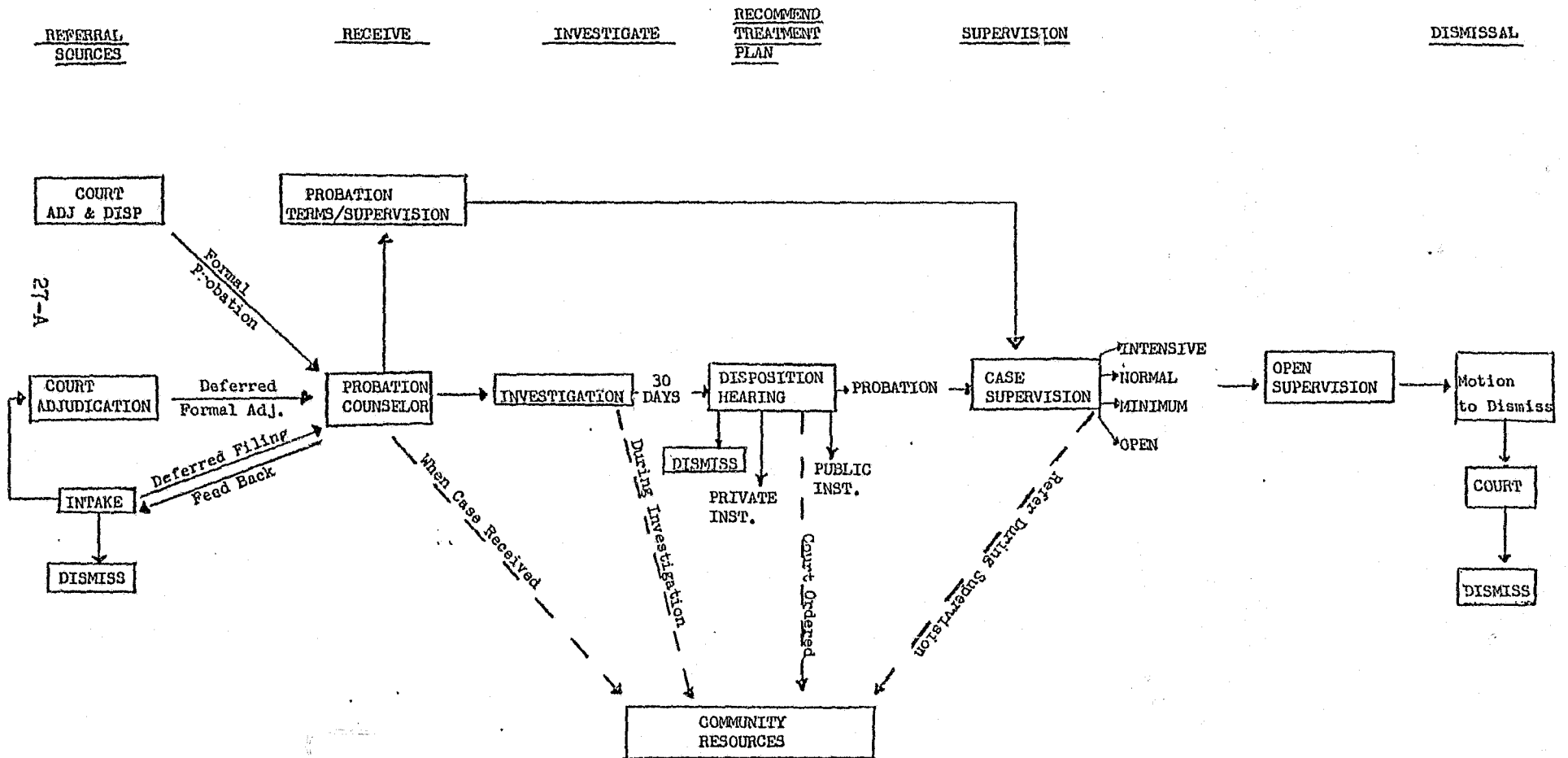
### CASE SERVICE PLANS

In accordance with requirements of Title XX, each case record of a juvenile receiving probation or parole services must contain a case plan directed toward the general goal of Protective Services. The Oklahoma Uniform Juvenile Information System, Probation/Parole Division provides definition of the service plan components.

### RECORDS MAINTENANCE SYSTEM AND CASE RECORDING REQUIREMENTS

The records maintenance system and case recording requirements for probation and parole cases is outlined in Appendix "A" of these guidelines.

PROBATION FLOW CHART



## PROBATION GUIDELINES

### REFERRAL SOURCES

#### INTAKE

Probation Counselors will receive case referrals from the Intake Counselor. Probation Counselors receive: (1) deferred filings, (2) deferred prosecution agreement.

- (1) Deferred Filing (Supervised by Consent). An Intake Counselor may wish to reserve judgment on the need for filing a petition until an opportunity to determine whether informal treatment is sufficient to meet the needs of the case. In this instance, the Intake Counselor will assign the case to probation for a period not to exceed thirty days. During this time, the Probation Counselor will meet the juvenile and his family to determine the needs of the juvenile and progress which is being made. Following this thirty day period, the Probation Counselor will submit a written report to the Intake Counselor as to his findings. Of prime importance is that information gained during this period of supervision regarding the offense for which the filing has been deferred, cannot be used against the juvenile at the adjudication hearing if a petition is filed on said offense. However, should the juvenile be involved in a different offense the Probation Counselor will report this information to the Intake Counselor and determination will be made as to filing a petition or continuing the juvenile on informal status.
- (2) Deferred Prosecution Agreement. See Intake Guidelines.

#### COURT

The Probation Counselor may also receive case referrals directly from the Court. This would comprise: (1) deferred adjudication, (2) formal adjudication, and (3) formal probation.

- (1) Deferred Adjudication. Probation Counselors will receive cases from the Intake Counselor after the Intake Counselor, juvenile, and family have appeared before the Court in a formal hearing. However, the judge has determined to withhold formal adjudication until more information is presented to the Court. Deferred adjudication provides a diversionary measure that may, as a result of services, allow the Court to dismiss the case at the disposition hearing. The Probation Counselor will be responsible for the investigative social history and any other directives which the Court may wish the juvenile to pursue. The Probation Counselor will appear in Court with the family at the disposition hearing.

- (2) Formal Adjudication. The Probation Counselor will receive cases after court action in which formal adjudication has been made. The role of probation is the same as that in deferred adjudication. The Probation Counselor will be responsible for submitting a report to the Court outlining his recommendations and a treatment plan at the predetermined disposition, as well as to enact any further orders of the Court. The Probation Counselor will appear before the Court with the juvenile and his family at the disposition.
- (3) Formal Probation. A Probation Counselor will receive a case in which the juvenile has been formally adjudicated and waived disposition, or at disposition is placed on formal probation. He will immediately enact casework supervision and formally define the rules of probation with the juvenile and family.
- (4) Terms of Probation (Rules). The conditions of probation are within the purview of the Court. The judge may order certain terms of probation. When the conditions of probation are delegated to the Probation Counselor from the judge, the Probation Counselor will execute a copy of the Juvenile Probation Conditions Form (see Forms section), establishing uniform rules of probation.

#### CASEWORK SUPERVISION

Casework supervision involves the counselor in directing services to the varying needs of juveniles and marshalling a variety of resources to meet these needs.

Investigation. A major role of a Probation Counselor is the assessment of the probationer. The Probation Counselor should get to know the juvenile, his family, his teachers, and his school counselor, in order that he will be aware which influences in the juvenile's life have contributed to his deviant behavior.

From an assessment of needs, problem areas relevant to the context of probation are identified and specific treatment goals are established. Furthermore, it can be determined whether meeting these needs can best be provided directly by the Probation Counselor or through other social institutions.

Supervision. Probation demands reasonable contact and accountability when a juvenile gets into trouble, and a high level of visibility exists with the public. After assessing the needs of the juvenile, the counselor will provide one of four types of supervision:

- (1) INTENSIVE SUPERVISION - Denotes contact with the probationer more than once a week.
- (2) NORMAL SUPERVISION - Denotes contact with the probationer weekly.

- (3) MINIMUM SUPERVISION - Denotes contact with the probationer once or twice a month.
- (4) OPEN SUPERVISION - Denotes no direct contact with the juvenile; however, the Court still maintains jurisdiction of the case. The only contact which occurs is at the request of the probationer. Once the Probation Counselor has determined that a juvenile has progressed to the point of no longer needing supervised probation, he will place the child on open supervision for three months. This serves as granting the juvenile a trial period before being dismissed from the jurisdiction of the Court. If a subsequent problem arises after a juvenile is placed on open supervision, the Probation Counselor re-evaluates the case.

Counseling. The Probation Counselor should view each youngster as an individual case with individual problems and thus let the needs of that juvenile determine the specific counseling. The Probation Counselor will be called upon to provide guidance and counseling in many areas. The most frequent are:

- (1) One-to-one counseling with the juvenile.
- (2) Family counseling.
- (3) Crisis Intervention counseling.
- (4) Vocational guidance.
- (5) Group counseling

Placements. The resulting disposition of some probation cases will be placement outside the home. The Probation Counselor must acquaint himself with the various resources available for placement (local and state). All other resource possibilities should be exhausted before institutionalizing a juvenile. A Probation Counselor should attempt to secure placements in the following order:

- (1) Relative placement.
- (2) Alternative placement.
- (3) Private institutions (ranches, treatment centers, etc.)
- (4) Public institutions.

Staffing. A Probation Counselor is responsible for periodically staffing his caseload with his supervisor. The Probation Counselor should also be involved in consultation with other individuals and agencies.

## PROBATION REVIEW AND REVOCATION

Judicial Review of Probation. It is recommended that probation be judicially reviewed every six months. The Probation Counselor would be responsible for submitting a written report to the Court which will clearly depict the juvenile's progress. The Probation Counselor is to be present at this review, as well as being certain that the family understands the review process and appears at the designated time.

Formal Review of Probation. A formal review of probation denotes that a juvenile on probation has violated the terms and must appear before the Court for a review of his status. If a new petition is required (serious violations), an application for a petition is filed in coordination with intake. Lesser offenses require an application to the judge for review of probation.

Court Appearances. A Probation Counselor will appear in Court each time one of his probationers appears before the Court. Any time a formal review is to take place, a written notice of the hearing shall be served to the parties at least forty-eight hours prior to the scheduled hearing. When a counselor feels confident his clients will appear in Court, he may serve a Waiver of Summons and Notice (see Forms section). The notice shall contain a copy of the new petition or motion for review, as well as a statement of the time, place, and date of the hearing. In those instances where the Probation Counselor feels the parents will not sign or honor the Waiver of Summons and Notice, he shall have the District Attorney's office initiate a Summons to the parties.

Reports. A well-written report is one of the judge's most valuable guides in making his disposition of the case. A good report contains pertinent information regarding those problems and influences which are affecting the juvenile's behavior. The report shall recommend a treatment plan which will best meet the needs of the juvenile. The reports which the Probation Counselor is most often responsible for presenting are: (1) social history, and (2) report to the Court.

- (1) SOCIAL HISTORY - Following adjudication and prior to disposition, the Probation Counselor prepares a social history. The social history is submitted to the Court at the disposition hearing only at the request of the judge. The juvenile judge is not limited to certain dispositions on what he judges to be the treatment needs of the particular juvenile, consistent with community protection. The Court's most frequent dispositions are: (a) dismissal of case, (b) probation in own home or relative's home, (c) placement in a private institution, or (d) placement in a state or public institution. It is important to remember that the Probation Counselor recommends treatment but final disposition is left with the judge (see Social History in Forms section).
- (2) REPORT TO THE COURT - A report to the Court is submitted by the Probation Counselor prior to the dispositional hearing as well as any review (see Report to the Court in Forms section).

### CERTIFICATION

Refer to certification guidelines regarding these matters. The Probation Counselor is to assist intake in providing necessary and appropriate information pertaining to the requirements of certification procedures. After the prosecution has filed a motion to certify and prosecutive merit has been determined, the case is assigned to the Probation Counselor who will prepare and submit a Certification Study at the Certification Disposition. Certification Study information is limited to "hard-fact" and contested material. (An example of a Certification Study may be found in the Forms section.)

### DISMISSAL

When a Probation Counselor desires to dismiss a case from probation, he is to file a Motion to Dismiss (see Forms section) which is to be submitted to the Court for approval. A juvenile is not officially dismissed until the Court approves the motion.

### TRANSFER OF JURISDICTION

A change of residence from one county to another of a juvenile on probation requires approval of the court having jurisdiction. The Probation Counselor is to carefully assess each situation and make recommendations to the judge. Options include:

- (1) Denial of permission to move from the county.
- (2) Dismissal from probation.
- (3) Retain jurisdiction and request courtesy supervision.
- (4) Transfer jurisdiction and supervision to the receiving county.

When the sending court desires to retain jurisdiction and request courtesy supervision, the Probation Counselor in the sending county contacts the Intake Counselor in the receiving county to ascertain if supervision will be accepted. When accepted, the judge in the county having jurisdiction enters an order for courtesy supervision in the receiving county. The legal file is retained in the sending county and the social file is sent to the receiving county. If subsequent offenses require court action, the allegations must be heard in the receiving county; however, the juvenile is returned to the county having jurisdiction for disposition. (An example for the use of such a procedure might be when a juvenile moves to a relative's home in another county, but his parents remain in the county of jurisdiction.)

When the sending court desires to transfer jurisdiction, the Probation Counselor in the sending county contacts the Intake Counselor in the receiving county to ascertain if jurisdiction will be accepted. When accepted, the judge in the county having jurisdiction enters an order

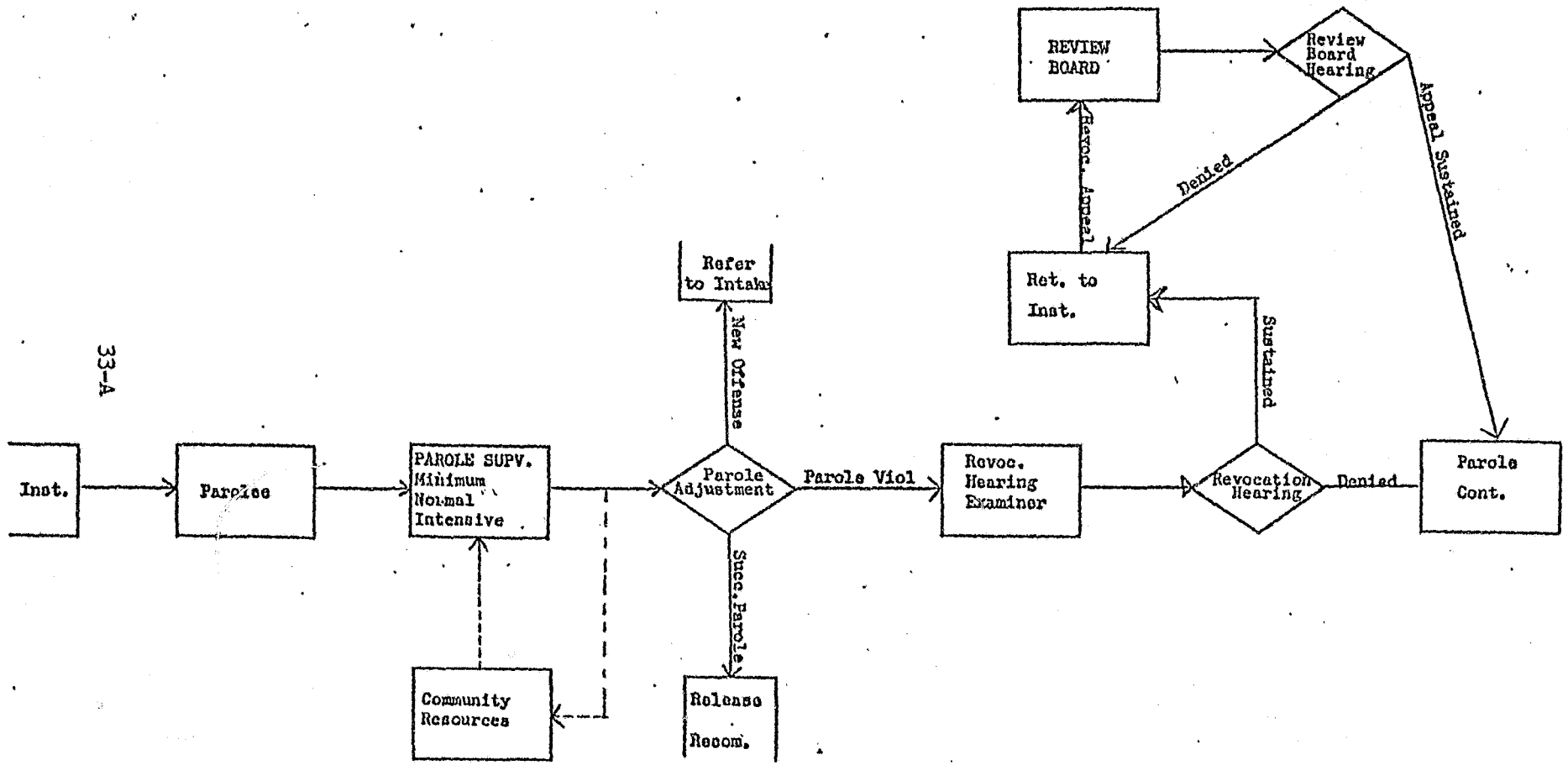


transferring jurisdiction to the receiving county. Subsequent allegations and dispositional matters are heard in the receiving county. (An example for the use of such a procedure might be when a juvenile and his parents move to another county of residence.)

#### COMMUNITY AND RESOURCE DEVELOPMENT

Probation services involve the Probation Counselor in working with employers, schools, families, police, and others in the juvenile's life. In so doing, the counselor must assist in the development of community resources.

JUVENILE PAROLE FLOW CHART



33-A

## PAROLE GUIDELINES

### REFERRAL SOURCES

Official referral of a case to the Parole Counselor involves administrative processes of the Placement Unit and Division of Court Related and Community Services. When a juvenile adjudicated In Need of Supervision or Delinquent is committed to DISRS custody, the Placement Unit notifies the Division of Court Related and Community Services who in turn establishes the State Office record maintenance system and makes a referral to the District Supervisor and Parole Counselor. (In practice the Parole Counselor may receive notice of such a commitment prior to receipt of the State Office referral and should accept the case for services upon being presented a court order of commitment.) In instances where counselor's responsibilities are divided into providing probation services and parole services, the Parole Counselor will provide services to juveniles who are in the Department's custody.

### CASEWORK SUPERVISION

Parole supervision should reflect those services which will help the juvenile function responsibly as a member of society. Specific services are to be established with each juvenile which reflect the needs of the individual juvenile, the needs of his family, and the protection of the community. Services should be competent, specific, and objective. The relationship of the counselor to the juvenile and his family should be functionally specific; i.e., the professional focus is limited to consideration of those factors which bear on the juvenile's problems and about which the counselor can exercise his technical skills.

Supervision. If the juvenile's adjustment is sufficiently satisfactory and he does not require intensive, normal, or minimal supervision as defined herein, strong consideration should be given to the feasibility of his release.

The type of supervision required will be determined by the needs of the juvenile (with particular emphasis being given to the juvenile's capacity for responsible behavior), the family, the protection of the community, and the established service goals. As the juvenile's needs and circumstances change, the type of supervision may be changed accordingly.

### Types of Supervision.

- (1) INTENSIVE SUPERVISION - Denotes contact with the juvenile and, as needed, his family more than once a week.
- (2) NORMAL SUPERVISION - Denotes contact with the juvenile and, as needed, his family on a weekly basis.

Intensive and normal supervision will be provided to juveniles for whom behavior modification is required to make a satisfactory adjustment. Secondary goals may include vocational training, supportive and motivational contacts, etc. Trained volunteers, under supervision, may be utilized by the counselor to provide this type of supervision.

- (3) MINIMUM SUPERVISION - Minimum supervision will be provided to those juveniles who do not require behavior modification but who do require supportive and motivational contacts.

Minimum supervision shall involve one or two personal contacts each month with the counselor, the juvenile, and, as needed, his family. Volunteers, with a minimum of direct supervision, may provide such supportive services, an example of which would be a big brother relationship.

Parole Rules and Regulations. Each juvenile on parole status will be required to abide by a uniform set of rules administratively established by the Department. Rules must be appropriately used in the casework supervision context to allow the juvenile to clearly know expectations and limitations regarding his behavior. Rules can be a valuable aid in assisting the juvenile to develop self control. The uniform rules of parole are provided on the Statement of Parole Conditions form (See Forms section), which the juvenile and parent or guardian are required to sign prior to the juvenile leaving the institution on parole status. Where a juvenile is placed directly to a community placement as a result of commitment to DISRS it is the Parole Counselor's responsibility to get parole rules signed.

Beyond the use of parole rules in their social context, adherence to the rules affords documentation upon which to recommend a juvenile's release from parole, and likewise, violations of parole rules provide documentation and a legal basis upon which to recommend a revocation of parole.

Optional Parole Rules and Regulations. As needed on an individual basis, optional rules and regulations may be developed which incorporate more specific factors than the general uniform rules of parole. When optional rules are developed they should be put in writing and signed by the juvenile, his parent or guardian, and the counselor. The juvenile, parent or guardian is given a copy, and a copy is retained in the counselor's record. Optional rules may be developed to cover individualized specific limitations on behavior and expectations of the youth's involvement in the "rehabilitative process." Optional rules of parole should not be arbitrarily imposed. They should be held to a necessary minimum and should carefully reflect the needs of the juvenile (particularly in regard to his current capacity for independent and responsible functioning), the needs of the family, the protection of the community, and the established service goals. Examples might include setting curfew, non-association with specified individuals, adherence to specified living arrangements, participation in specialized educational, vocational or therapeutic programs, etc.

## MOVEMENT OF CHILDREN

Any juvenile adjudicated In Need of Supervision or Delinquent who is placed in any community setting as a result of commitment to DISRS or who is returned to any community setting from a DISRS institution including Helena, Boley, Girls Town, Whitaker, Oklahoma Children's Center - North, Oklahoma Children's Center - South, and the L. E. Rader Diagnostic and Evaluation Center is on parole status. All such juveniles are subject to the procedure established for revocation of parole when placed in a state home or school or the L. E. Rader Diagnostic and Evaluation Center.

Movement of children from one setting to another or from one type of care to another may occur as a result of several processes including administrative changes in placement, court actions, and the revocation of parole. Such changes are subsequently reviewed by the Review Board as to the practices of the Division of Court Related and Community Services.

Changes in Placement (Relationship to Parole). A juvenile may be moved from any setting or type of care to the home of a parent or other relative without official action of the State Office Placement Unit. Such decisions will be based upon the recommendation of the juvenile's counselor.

Juveniles on parole who are placed in or returned to an institution by their own request and who have not violated conditions of parole are administratively processed by a change of placement through the State Office Placement Unit. The juvenile, parent and/or guardian are asked to sign a Voluntary Request for Institutional Placement form (See Forms Section). Requests for voluntary placement must be determined on a case by case basis and are reviewed by State Office CRCS administrative personnel for determination and approval of the appropriate procedure.

Instances where it is necessary to place or return a juvenile to an institution by reason of placement failure and through no fault of his own adjustment, are handled by the administrative process of change of placement, and are not processed within the context of revocation of parole. Such changes of placement must be determined on a case by case basis and are reviewed by CRCS State Office administrative personnel for determination and approval of the appropriate procedure. Generally, a change of placement will not be approved when there have been significant violations of parole rules as policy directs these situations be handled by the revocation process. In evaluating the applicability of specific violations of parole rules consideration is given whether or not revocation should have been initiated had the juvenile not become homeless. Further consideration is given to the relevance of the parole rule violations in the juvenile's total adjustment. (See "Factors Leading to the Decision for Revocation.")

Juveniles placed from parole to the L. E. Rader Diagnostic and Evaluation Center are subject to consideration of revocation of their parole status. The D & E Center is not used as a placement resulting from parole revocation, but is utilized as a result of accompanying psycho-social needs requiring diagnosis and evaluation. In evaluating the applicability of specific violations of parole rules, consideration is given whether or not

revocation should have been initiated apart from the juvenile's current psycho-social situation. Each situation must be evaluated on a case to case basis and is reviewed by CRCS State Office administrative personnel for determination and approval of the appropriate procedure. (See "Factors Leading to the Decision for Revocation.")

Juveniles who have been placed out of state under parole supervision of the Interstate Compact on Juveniles, who are returned to Oklahoma and who require institutionalization, shall be processed administratively by the change of placement process. However, prior to such action the District Supervisor shall conduct a social review conference among himself, the immediate supervisor, the counselor, the juvenile, the juvenile's parents, guardian or custodian if available, of which the Hearing Examiner shall be a participant. Upon consideration of the information at hand, the Hearing Examiner will make a report to the Review Board as to the equity of the administrative disposition. Such arrangements may require a detention hearing for temporary detention of the juvenile.

Court Action. When a juvenile on parole is remanded to DISRS, without a court finding of fact, revocation proceedings may be commenced if there have been violations of parole rules.

When a juvenile on parole commits new acts the court may make a finding of fact and (1) remand the juvenile to DISRS or (2) enter a new order again committing the juvenile to DISRS. In both instances placement of the juvenile requires action through the State Office Placement Unit, but is not subject to the revocation process.

#### THE REVOCATION PROCESS

Revocation Procedures for Delinquent Acts. If a juvenile on parole commits a delinquent act the offense may be filed on in the court of the county where the offense occurs and a judicial decision made as to the validity of the petition.

If the district attorney finds there is prosecutive merit to a subsequent delinquent offense, but declines to prosecute, the Parole Counselor may commence revocation proceedings. However, if the district attorney finds there is no prosecutive merit to an alleged delinquent offense, it should not be considered in revocation proceedings.

If the Parole Counselor needs legal assistance in preparing a delinquent offense for a parole revocation review hearing he may contact the parole unit of the Division of Court Related and Community Services of DISRS at the State Office for assistance. Contact with the State Office should be made in every instance where there is difficulty in determining the sufficiency of evidence for the revocation review hearing. A final determination will be made by the Legal Unit at the State Office concerning these matters. Additional assistance may be obtained from the local district attorney in gathering further evidence and obtaining witnesses.

Factors Leading to the Decision for Revocation. Revocation proceedings dealing with status offenses are of a more evaluative character than are delinquent offenses. The decision to revoke the parole of the status offender must be derived from a thoughtful analysis of the juvenile's overall pattern of behavior and community circumstances. Seldom is it appropriate to revoke parole of a status offender upon a technical violation of parole rules or in most instances upon the basis of a single offense. Factors to be considered are that the juvenile, even with support, can no longer function in an independent and responsible manner, that his behavior constitutes a threat to himself or others and that the juvenile's family and community situation has become so strained or inappropriate that reasonable rehabilitative efforts cannot be pursued without a period of intervention. Similar considerations are applied to petty delinquent acts.

A. Violations of parole rules should not be considered as a basis for revocation more than three months after they become known to the Parole Counselor, except in the case of runaways or absconders exceeding such a period, unless there is a written contractual agreement indicating "deferred action" in which additional parole rules are stated governing the violation. Form CRCS-17-A may be used for this purpose.

B. Within the limitations specified in paragraph (A) above, violation of parole rules should not be later considered as a basis for revocation once a decision has been made that no action will be taken and the juvenile so informed.

C. Petty violations of parole rules which are status offenses such as occasional truancy, occasional curfew violations, minor behavior problems, or an instance of being absent from home overnight, should not be considered as a basis for revocation action.

D. Petty violations of parole rules which are delinquent acts such as minor traffic violations, thefts of under \$2.00 in value, should not be considered as a basis for revocation action unless there is a pattern of such acts, or the acts also constitute part of a pattern of behavior including more serious delinquent and/or status offenses.

E. Certain acts such as "assault" or "runaway" should be evaluated to determine if the behavior was basically self-preserving or self-protective in nature. If the juvenile was minimally responding to unprovoked abuse, his behavior should not be considered as a basis for revocation action.

F. Some acts, such as drug related offenses, or a juvenile who is beyond control without parental complaint, may be unprovable, yet may require institutional placement. It may be necessary in these cases to initiate revocation proceedings to protect the juvenile's right to due process. Such situations must be evaluated on a case to case basis with State Office CRCS administrative personnel for determination and approval of the appropriate procedure to use.

Supervisory Conference. Prior to a decision to initiate revocation proceedings, the counselor will discuss and evaluate the case with his supervisor to establish that alternatives to revocation have been exhausted and that the existing situation and conditions of the juvenile require intervention.

## REVOCATION PROCEEDINGS

Questioning of Juveniles. Notice of and Acknowledgement of Constitutional and Legal Rights. Title X, Chapter 51, Section 1109(a), O.S.A. provides: "No information gained by questioning a child shall be admissible into evidence against the child unless the questioning about any alleged offense by any law enforcement officer or investigative agency, or employee of the court, or the Department is done in the presence of said child's parents, guardian, attorney, or the legal custodian of the child, and not until the child, and his parents, or other legal custodians shall be fully advised of their constitutional and legal rights, including the right to be represented by counsel at every stage of the proceeding..."

Ordinarily, information which is used as a basis to revoke parole is either independently substantiated from other sources or from admissions of the juvenile. Independently substantiated parole violations may be used as a basis to revoke parole without violating the juvenile's constitutional and legal rights. Information regarding alleged offenses obtained from the juvenile without his/her parents, or guardian, or attorney, or the legal custodian being present and without all having been advised of their constitutional and statutory rights may not be used against the juvenile as a part of the basis to revoke his/her parole.

Revocation Conference and Dispositions. Subject to review and approval by State Office CROS administrative personnel, the decision to revoke parole rests with the District Supervisor. If the decision is made to revoke parole a conference will be held by the counselor, (and if at all practical his supervisor,) the juvenile, his parents, guardian, or custodian where they are advised of the possible revocation. The parties are advised of their statutory and constitutional rights and a written waiver of rights is obtained if they choose to discuss the allegations and make a statement. The form Notice of Acknowledgement of Constitutional and Legal Rights (See Forms Section), is provided for this purpose. The counselor will then discuss with the parent or custodian and the juvenile the evidence to be brought against the juvenile. If as a result of the revocation conference, other alternatives to revocation are not reached, the counselor informs the juvenile and other parties of the revocation and of the juvenile's right to a review hearing before a hearing examiner to make a final determination of the revocation action.

If, as a result of the conference, a confession of the allegations is made, it is to be reduced to writing and signed by the juvenile, his parents, guardian or custodian. If a confession is executed the juvenile and the parent, guardian or custodian should be advised that they may waive a formal revocation review hearing and consent to the juvenile's placement or return to an institution. The form Waiver of Parole Revocation Proceedings (See Forms Section) is provided for this purpose.

The form is to be executed before and signed by an unbiased party who reviews the action with the juvenile to assure a knowledgeable waiver. This may be done before a Judge, a public defender, a private attorney who is willing to act without fee, a Youth Services Director, or a DISRS County Administrator.



Unless the parolee waives his right to parole revocation proceedings, or unless he is recommitted to the Department's custody, a revocation review hearing must be held by a Hearing Examiner of the Department.

Preparation for a revocation review hearing involves giving written notice of the alleged violations to the parolee, his parents, guardian or custodian, and notice of the time and place of the hearing. It further involves considerations of appointing legal counsel and the need to detain the juvenile. The required individuals are given notice of the alleged violations by receiving copies of the form Application for Revocation of Parole which is prepared by the Parole Counselor (See Forms Section). The Parole Counselor additionally prepares the forms Application for Order of Detention and Order Appointing Counsel, and Order of Detention and Order Appointing Counsel (See Forms Section). These forms serve the purpose of appointing legal counsel to the parolee, ordering detention, and notification to the required persons of the time and place of the revocation review hearing.

Obtaining Witnesses. Provision is made through the District Attorney's office for issuance of subpoenas to witnesses essential to revocation proceedings. The parolee is under order of the court to appear at the revocation review hearing and as a result of his failure to appear, the Parole Counselor will request the Judge to issue an order for his arrest and detention.

Detention Decision. See Intake Guidelines.

Detention Hearing. The juvenile may be immediately placed in detention upon clearance with the Judge, or his designee; however, the juvenile must be given a detention hearing within twenty-four hours or the next business day following the decision to detain. The District Attorney is to present at the detention hearing forms Application for Revocation of Parole, Application for Order of Detention and Order Appointing Counsel, and Order of Detention and Order of Appointing Counsel. Prior to this time the Parole Counselor will have coordinated with the State Office a date for the revocation review hearing.

Right to Counsel. The juvenile shall be represented by legal counsel at the revocation hearing, unless waived before a Judge. He has a right to elect to have counsel, unless waived, in the revocation conference if statements are to be elicited from him to be presented as evidence against him in the revocation review hearing.

If the family cannot provide legal counsel, the Judge will appoint counsel to be paid from the court fund.

#### REVOCATION HEARING

With respect to the hearing, the minimum requirements of due process that must be followed are:

- (1) A written notice of the alleged or claimed violations of parole.

- (2) Disclosure to the parolee of the evidence against him.
- (3) Opportunity to be heard in person and to present witnesses.
- (4) Right to confront and cross examine witnesses.
- (5) A "neutral and detached" hearing body such as a Hearing Examiner,
- (6) A written statement by the Hearing Examiner of his findings conclusions of law. Said findings will be submitted to the Director for his consideration and signature.

The Review Board will review a tape of the proceedings and render a final decision. Should the Parole Supervisor or Counselor be at variance with the conduct of proceedings or decision rendered in a revocation review hearing, questions of redress may be directed to CRCS State Office administrative personnel.

#### DEPARTMENTAL LIAISON

When a revocation is sustained, the Hearing Examiner will inform the Parole Counselor or the District Supervisor who contacts the designated person in the Division of Court Related and Community Services. Placement is determined and the counselor will transport the juvenile to the designated institution.

## RELEASE PROCEDURE

Policy. Consideration of the release of a juvenile adjudicated In Need of Supervision may be initiated after the juvenile has been on parole status (or other community placement status) for a minimum period of six months. Consideration of the release of a juvenile adjudicated Delinquent may be initiated after the juvenile has been on parole status (or other community placement status) for a minimum period of nine months. Some factors to be taken into consideration in recommending release are:

- (1) the length of time supervised in the community;
- (2) responsible functioning as indicated by absence of contact with law enforcement; adherence to parole rules; school attendance unless excused, graduation from high school, or completion or attendance in alternative educational programs, or continued effort to remain employed;
- (3) stable family relationships.

Release of Delinquent Juveniles. Delinquent juveniles are recommended for release to the Director of DISRS by completion of form ADM-S-6, Release from DISRS Custody of a Child Adjudicated Delinquent (see Forms section). The recommendation is signed by the District Supervisor and forwarded to the Division of Court Related and Community Services to obtain the Director's approval. A copy of the approved release is forwarded to the committing court.

Release of Juveniles in Need of Supervision. In Need of Supervision juveniles remain wards of the Court and must be released by Court action. Form SHS-S-33, Motion for Dismissal of Custody, (see Forms section) is prepared (see instructions for preparation of form) and is forwarded by the District Supervisor to the Division of Court Related and Community Services, who after obtaining the signature of the designated attorney in the State Office Legal Division as movant, forwards the form to the District Court.

## OTHER SPECIFIC RELEASE CONDITIONS

- (1) All juveniles are to be released at age eighteen.
- (2) All delinquent juveniles certified to stand trial as adults are to be released.
- (3) For all juveniles adjudicated In Need of Supervision who have been certified to stand trial as adults, a Motion for Dismissal will be filed with the Court having jurisdiction.

- (4) In the case of juveniles who after prolonged effort do not respond to service goals and objectives, but yet who are not becoming involved in serious trouble, a determination should be made as to whether the juvenile-counselor relationship is a material factor in the juvenile's not having committed further serious offenses. If not, the juvenile should be recommended for release from custody. More careful consideration should be given to younger juveniles prior to recommending release.
- (5) Juveniles who are AWOL from parole for a period of one year may be recommended for release if it is determined there is no service the Department can render by retaining the juvenile in DISRS custody.
- (6) When juveniles marry, they are generally considered emancipated and should be recommended for release after three months of a satisfactory marital adjustment. In cases of outstanding adjustment problems after marriage, release need not necessarily be considered.
- (7) When a juvenile enters an institution for the mentally retarded his service case will be closed, although custody will remain with the Department.
- (8) Medical needs should not constitute a basis for retaining a juvenile's custody. If medically needy, the juvenile continues to be eligible for medical services through the Department's programs. In cases where services are planned prior to release, compensation can be made for their completion after release. In cases of chronic conditions for the medically needy, referral to the appropriate resource prior to the period of consideration of release should be made.
- (9) Juveniles who require foster care cannot be released from custody. Goal planning with such a juvenile must include his recognition of the need for foster care. If the foster care need is prolonged, the juvenile may be referred to the Division of Social Services for services once the need for parole supervision is no longer indicated.

## A P P E N D I X A

### RECORDS MAINTENANCE SYSTEM AND CASE RECORDING REQUIREMENTS PROBATION/PAROLE DIVISION

#### CASE RECORDS

There is to be established at Intake a two-track record system of legal and social information which will continue to be maintained if the juvenile is subsequently placed on probation. The legal file (the property of the Court) is to contain all legal documents pertaining to the case, along with copies of official reports to the Court. The social information file (the property of the Department) is to contain copies of all legal documents, official reports to the Court, and all other social information generated as a result of providing services to the juvenile. If a juvenile on probation moves from the county of wardship the legal and social files may be transferred to the new county of residence for continued probation services, provided there has been a proper transfer of jurisdiction between the two counties.

When a juvenile is adjudicated In Need of Supervision or Delinquent and is committed into the custody of DISRS, the social file is transferred to the Parole Counselor for continued services. The social file may be transferred to the juvenile's current county of residence (disregarding institutional placements).

#### TITLE XX REQUIREMENTS

Title XX requires that each six months there must be a redetermination of each recipient of services eligibility for federal matching funds on services provided.

Each case record of a juvenile serviced on probation or parole must contain a case plan of service which is reviewed and updated each six months. The case plan should state outstanding problems, establish goals, and the primary areas in which services are to be rendered. See Appendix F-1 of the Oklahoma Uniform Juvenile Information System, Probation/Parole Division, for a detailed description of services compensable in the State Social Service plan.

#### CASE RECORDING REQUIREMENTS

Contact Log. For each juvenile on probation or parole supervision, the assigned counselor will document on a daily basis by use of form SHS-S-16, Service Contacts, those significant contacts and services provided. The form is filled out in handwriting and is filed in chronological order at the back of the record. It provides a record of significant contacts, documentation of services rendered, and is available for supervisory reference in the counselor's absence. (See Forms section for SHS-S-16.)

Probation. In addition to the routine completion of Service Contact sheets, the Probation Counselor will be responsible for preparing reports in several areas.

- (1) Prior to the dispositional hearing the counselor will have completed a social history (see Probation Guidelines) which, in addition to basic social data, outlines a treatment plan and recommendations to the Court regarding disposition. In instances where the juvenile is placed on probation without a period of time being provided for the completion of the social study, the counselor is required to complete the social study within fifteen working days after the juvenile is placed on probation.
- (2) Progress and supplemental reports are to be submitted to the Court for purposes of a review or dismissal of probation, or Court actions resulting from new petitions. In the event a report is not completed under one of these requirements, the Probation Counselor is to prepare a progress and adjustment report for the social file each six months. This report may be combined with the review of the case service plan required each six months under Title XX regulations.
- (3) Home evaluations when requested by the Court in order to determine appropriateness of a change of custody, etc.
- (4) Certification studies in accordance with the order of the Court. (See Intake and Probation Guidelines.)

Parole.

- (1) A social history of the juvenile is to be submitted within fifteen working days after assignment to the counselor of a juvenile newly committed to the Department's custody. The content of the report (which may follow that outlined in Probation Guidelines) is to be limited to relevant social and background information of the juvenile and family which will be useful in planning a course of care and treatment for the juvenile. The report should contain placement or alternative placement recommendations for the juvenile.

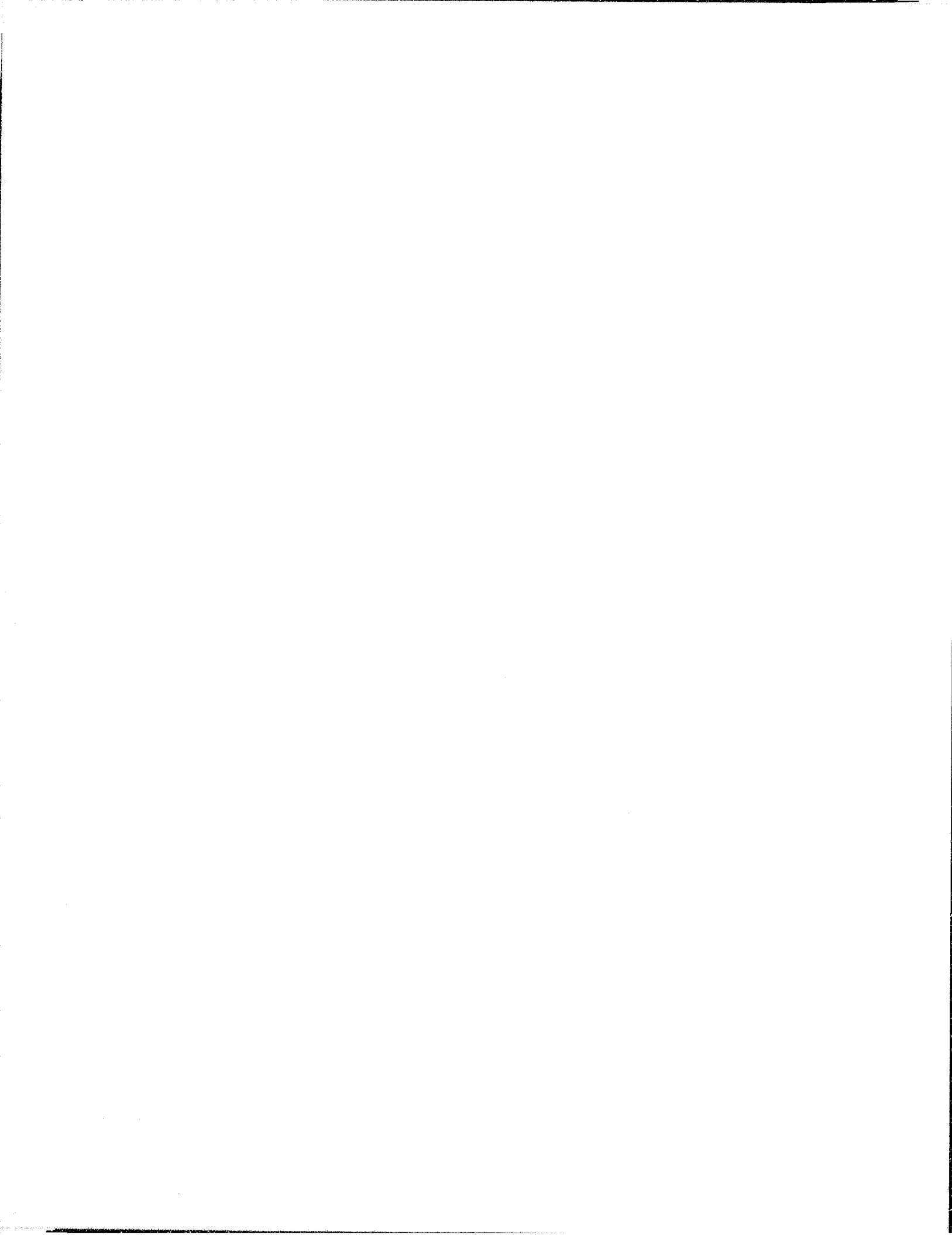
When a social history has been completed by the Probation Counselor it is possible to meet this requirement by duplicating the report, provided supplementary information is attached to update current information needed.

- (2) For a juvenile in a DISRS institution, a report is due after each special leave (leave longer than a weekend) which will report the juvenile's adjustment and overall family functioning during that leave. Otherwise, reports are due every three months after completion of the initial social history so long as the juvenile remains in the institution.
- (3) A report is due each time a juvenile is placed in or returned to an institution. The report should cite the basis for the placement or return and any other relevant circumstances the institution should be aware of.
- (4) For juveniles in DISRS custody being supervised on probation or parole in the community, reports are due every six months which reflect the juvenile's progress and adjustment. (These reports may be combined with the review of the service plan required each six months.)
- (5) Reports stating the basis for recommending release from DISRS custody are required when making such a recommendation.
- (6) Reports will be periodically required when requests are received for home evaluations related to the placement of juveniles.
- (7) Reports should state the purpose of the report by being entitled Social History, Home Evaluation, Progress and Adjustment Report, Special Leave Report, Revocation Report, Recommendation for Release, etc.
- (8) Routing of Court Orders and Reports:
  - (a) For juveniles committed to DISRS custody, two copies of the petition and order of commitment are to be sent to the Division of Court Related and Community Services, State Office.
  - (b) For juveniles placed in a DISRS institution, a copy of the petition and the order of commitment is to be sent to the institution (usually delivered at the time the juvenile is transported).
  - (c) For juveniles supervised in the community, a copy of each report is routed to the Division of Court Related and Community Services, State Office.
  - (d) For juveniles in a DISRS institution, a copy of each report is sent to the proper institution, and a copy is routed to the Division of Court Related and Community Services, State Office.

PAST DUE RECORDINGS

For personnel evaluation purposes, unsatisfactory performance is considered to exist when a counselor's case records reflect delinquent recording in excess of 10% of his total caseload.





**CONTINUED**

**1 OF 2**

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND  
REHABILITATIVE SERVICES  
INTAKE FACE SHEET

IDENTIFYING INFORMATION:

Name		Address			City/Zip	County	Phone
Birthplace	Birthdate	Age	Sex	School Grade Completed			
Religion	Height	Weight	Build	Eyes	Hair	Social Security Number	
Identification Marks					Medical Information		

II. ETHNIC CODE:

- White
- Black
- American Indian
- Mexican American
- Oriental
- Other

III. SCHOOL STATUS:

- Attending School (Formal-Traditional)
- Attending School (Vocational/Technical)
- Attending School (Alternative)
- Not Attending School (Suspended, Expelled)
- Not Attending School (Drop Out)
- Not Attending School (Graduated)
- Not Attending School (Below School Age)
- School Status Unknown

IV. ANNUAL FAMILY INCOME:

- Receiving AFDC
- Income under \$2,999
- \$3,000 to \$4,999
- \$5,000 to 9,999
- \$10,000 to \$19,999
- \$20,000 and Over

V. FAMILY EMPLOYMENT:

- Father Working
- Mother Working
- Both Parents Working
- Neither Parent Working
- Youth
- Where \_\_\_\_\_
- Phone \_\_\_\_\_

VI. GROSS MONTHLY INCOME:

Total Parental Income: \$ \_\_\_\_\_  
 Youth's Income: \_\_\_\_\_  
 Employment \$ \_\_\_\_\_  
 SS \$ \_\_\_\_\_ No. \_\_\_\_\_  
 VA \$ \_\_\_\_\_ No. \_\_\_\_\_

VII. LIVING ARRANGEMENTS:

- Both Parents
- Mother/Stepfather
- Father/Stepmother
- Mother Only
- Father Only
- Other Relative
- Foster Family
- Other/Specify \_\_\_\_\_
- Adopted (What Age \_\_\_\_\_)

VIII. FAMILY STRUCTURE:

- Parents Married, Living Together
- Parents Divorced or Legally Separated
- Both Parents Deceased
- Father Deceased
- Mother Deceased
- Other Structure/Specify \_\_\_\_\_

Length of Time in County \_\_\_\_\_

IX. PARENTS:

F	Address	Marital Status	Place of Employment/Phone No.
M			
Maiden Name _____			
SS No. (M) _____		DOB (M) _____	
SS No. (F) _____		DOB (F) _____	

X. SIBLINGS:

Name	Address	Sex	DOB	School/Grade

XI. AGENCY HISTORY:

Agency \_\_\_\_\_ Reason \_\_\_\_\_ When \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Case No. \_\_\_\_\_ Phone \_\_\_\_\_

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

RELEASE OF MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL,  
OR OTHER INFORMATION

TO \_\_\_\_\_ DATE \_\_\_\_\_

RE \_\_\_\_\_

INFORMATION REQUESTED \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I hereby affix my signature(s) below as an authorization for you to release any medical, psychiatric, psychological, or other information regarding the above stated individual to \_\_\_\_\_, with the understanding that such material is to be held confidential by all parties.

\_\_\_\_\_  
Father

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Witness

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
NOTICE OF AND ACKNOWLEDGEMENT OF CONSTITUTIONAL  
AND LEGAL RIGHTS CONCERNING STATEMENTS

REGARDING \_\_\_\_\_ DATE \_\_\_\_\_  
TIME \_\_\_\_\_

I. NOTICE OF CONSTITUTIONAL AND LEGAL RIGHTS:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a Court of law.
3. You have the right to talk to a lawyer and have him present while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you.
5. If you decide to answer questions, you have the right to stop answering at any time.

II. WAIVER OF CONSTITUTIONAL AND LEGAL RIGHTS:

1. I have read, and have been advised of my rights.
2. I fully understand each of these rights.
3. I do not want a lawyer at this time.
4. I am willing to answer questions and make a statement.
5. I fully understand and know what I am doing.
6. No promises or threats have been made to me, nor has pressure of any kind been used against me.

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Parent

III. I (the parent, guardian and/or custodian) understand that if I have financial means and do not obtain a lawyer to represent my child in Court, that legal counsel will be appointed by the Judge, and I may be ordered to pay an attorney's fee.

\_\_\_\_\_  
Parent(s) Guardian(s) or Custodian(s)

\_\_\_\_\_  
Witness

IV. The parties did not wish to waive rights, nor make a statement at this time.

\_\_\_\_\_  
Title \_\_\_\_\_



Purpose of Form

The form is used (1) by workers assigned to the Court Related and Community Services Division to record and report information and referral services on a chronological basis and (2) as a monthly report to the State Office.

Instructions for Preparation of Form

The original and one copy of the form are prepared.

A separate line is used to record each information and referral service.

Date. Enter the date on which the service is rendered.

Service Request/Action/Source/Status. Enter in these columns the respective components of the service rendered, as determined from the code sheet, "Codes for Sources of Referral/Service and Service-Requests". When code "NA" is entered as "Service Status", leave "Service Source" blank.

County Name/Number. Enter the name and number of the county.

Signature/Date. At the end of the month (or upon completion of each page, if more than one page is used during the month) the worker signs the form, to attest to the accuracy of the entries, and enters the date of his signature.

Routing of Form

Worker:

Original - to District Supervisor on the first of each month covering the previous month's work.

Copy - retained for the worker's files.

District Supervisor:

Original, after review by the supervisor - to the State Office, Attention Court Related and Community Service Division.

(ILLUSTRATED TYPICAL DETENTION ORDER)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
SITTING WITHIN AND FOR \_\_\_\_\_ COUNTY, OKLAHOMA  
JUVENILE DIVISION

In the Matter of the State of  
Oklahoma in the Interest of

NO. JJJ-75-1

an alleged Delinquent  
juvenile as defined by the Laws  
of the State of Oklahoma

DETENTION ORDER

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above  
styled and numbered cause comes on for detention hearing respondent juvenile  
appeared in court in person and by his father, \_\_\_\_\_, and  
John Doe, appeared in his own proper person,

and the State of Oklahoma appeared by \_\_\_\_\_  
the duly appointed, qualified and acting Assistant District  
Attorney in and for the First Judicial District of Oklahoma.

Respondents and each of them are advised of their right to be  
represented by an attorney and if there is a lack of present financial  
resources to a court appointed attorney. (Shown here if court appoints.)

The State informs the court: that the juvenile was picked up in  
possession of a stolen automobile with eight lids of marijuana in it and  
with a stolen credit card.

It is the order of the Court that the State of Oklahoma is granted  
48 hours in which to file a Petition.

It is the order of the Court that bond is fixed in this cause in the  
amount of \$1000.00 and respondent juvenile is committed to  
(Sheriff, Hope Haven Shelter, etc.) pending approval of such bond.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Associate District Judge

OK:  
STATE OF OKLAHOMA



STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
JUVENILE PROCEEDINGS INTAKE SHEET

Date \_\_\_\_\_ Request For:  ORIGINAL PETITION  
 CERTIFICATION REQUESTED (See Certification Guidelines)  
 SUPPLEMENTAL PETITION

Petition to be signed by: \_\_\_\_\_

REGARDING: \_\_\_\_\_

Alleged Offense (list one offense only) \_\_\_\_\_

Petition Reference: Title \_\_\_\_\_ OSA, Section \_\_\_\_\_

PARTICULARS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ISSUE SUBPOENAS TO: (Show Name, Home Address, Phone, Employment Address and Phone)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

ISSUE SUMMONS TO: \_\_\_\_\_

WAIVER SIGNED BY: MOTHER  FATHER  OTHER

ACTION RECOMMENDED/AUTHORIZED: \_\_\_\_\_

SIGNED \_\_\_\_\_

District Attorney

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

DISPOSITION NOTIFICATION

TO (Referral Source): \_\_\_\_\_

RE (Juvenile): \_\_\_\_\_

DATE OF REFERRAL: \_\_\_\_\_

ALLEGED OFFENSE: \_\_\_\_\_

DISPOSITION: In reference to the above styled case, the following action was taken:

- A petition has been filed.
- Referral has been made to resources outside the judicial system for services more appropriate to the juvenile's best interests than may otherwise be afforded by this Court.
- No action taken:
  - (A) Insufficient evidence - prosecution concurs.
  - (B) Prosecution deems action unnecessary.
  - (C) Arrest served as sufficient deterrent.
  - (D) Other (specify) \_\_\_\_\_.

\_\_\_\_\_  
Intake Counselor

State of Oklahoma  
DEPARTMENT OF INSTITUTIONS, SOCIAL  
AND REHABILITATIVE SERVICES

RESPONSIBILITIES IN THE  
INTERSTATE COMPACT ON JUVENILES AND  
INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

I. JUVENILE COMPACT

A. Eligible Clients

(Except where noted) Juveniles adjudicated Delinquent or In Need of Supervision and on probation or parole. Children adjudicated In Need of Supervision are considered a Delinquent category.

B. Primary Services

1. Cooperative supervision of delinquent juveniles on probation or parole.
2. The return from one state to another, of non-delinquent juveniles who have run away from home; and to a lesser extent children illegally removed from Oklahoma.
3. The return from one state to another, of delinquent juveniles who have escaped (from Institution) or absconded (from Trial Leave or probationary placement).
4. Entering into supplementary agreements by administrator for the provision of care and treatment for a Delinquent Juvenile in an out-of-state institution.
5. a. Arrangement of transportation for SHS wards to out-of-state placements or return when other funds are unavailable.  
b. Transportation arrangement for return of Runaways to home state when requested to do so by court order.  
c. Arrangement for transportation and return to Oklahoma of escapees or absconders.

The Compacts are complementary to each other in that they do not conflict. They overlap in only one area: Institutionalization of Delinquents in out-of-state placement. They provide a method of ascertaining that each child for whom the Department has responsibility, or accepts responsibility, will receive the services needed by that child. Children who need protection or services who are not the responsibility of the Department but who are the legal responsibility of private child care agencies, are eligible to receive services as well.

DISRS Issued 10-74

II. PLACEMENT COMPACT

A. Eligible Clients

(Except where noted) Minor children for whom an authorized child placing agency has legal custody.

B. Primary Services

1. Cooperative supervision and provision of services between states of:
  - a. Children placed with non-relative foster families.
  - b. Children placed in the homes of relatives.
  - c. Children placed in group care or institution\* (see 2 below)
  - d. Children placed in adoptive homes.
2. Children adjudicated Delinquent may be placed in out-of-state Institution if a court hearing is held and court concurs with placement plan.
3. The compact also applies to children placed for adoption independently.

IN THE MATTER OF THE STATE OF OKLAHOMA  
IN THE MATTER OF:

CASE NO. FRJ \_\_\_\_\_

AN ALLEGED DELINQUENT CHILD AS DEFINED  
BY THE LAWS OF THE STATE OF OKLAHOMA

MOTION FOR CERTIFICATION

COMES NOW, the State of Oklahoma, by and through \_\_\_\_\_,  
District Attorney in and for the \_\_\_\_\_ District, State of Oklahoma, and  
moves the Court in the above entitled cause of action, pursuant to Title 10,  
Oklahoma Statutes, Section 1112, to certify said Juvenile as being capable of  
knowing right from wrong, and to be held accountable for his acts, and  
directing the Office of the District Attorney to institute, by written infor-  
mation, proper criminal proceedings in a division of the District Court, having  
trial jurisdiction of such offense, and that said Juvenile be prosecuted in  
the same manner and subject to the same rules of evidence, burdens of proof,  
and punishment upon conviction as if the same had been committed by an adult,  
and in support of said Motion, alleges as follows, to-wit:

1. The acts committed by the Juvenile as set forth in the Petition filed  
herein is of a serious alleged offense to the community, that the alleged  
offenses were committed in an aggressive, premeditated, violent and willful  
manner, that said offenses were committed against persons/properties and that  
there is prosecutive merit to the complaints alleged.

2. That the State of Oklahoma desires a trial and disposition of all  
offenses in one Court and that the sophistication and maturity of the juvenile,  
the previous history of the juvenile, and the prospects for adequate protection  
of the public are such that proceedings against said juvenile should be such  
that he should be certified and considered of adult standing in relation to  
the commission of said offenses.

Wherefore, all premises considered, the State of Oklahoma moves that the  
Court set said matter for hearing upon its merits prior to any consideration  
for adjudication and that prior to said hearing that the Court determine a  
reasonable bail to be fixed in said premises as would an adult under the same  
circumstances and upon a hearing upon the merits that the Court grant the  
relief as prayed for in said Motion.

F-9 \_\_\_\_\_  
District Attorney

CERTIFICATION STUDY

Child \_\_\_\_\_ Hearing Date \_\_\_\_\_

Court No. \_\_\_\_\_ Report Date \_\_\_\_\_

Age \_\_\_\_\_ Adj.(INS/DEL) \_\_\_\_\_  
(At time of offense, in years and months) (if applicable)

Counselor \_\_\_\_\_ Date of Probation \_\_\_\_\_  
(if applicable)

A. Nature of co-defendant, if any.

How are they charged?

Will co-defendant be tried as an adult or as a juvenile?

B. Previous Record (chronological order).

List all sustained petitions and dispositions.

Placement and/or Commitment dates - To public/private institution having  
been granted legal custody.

Probation/Parole dates.

Check other jurisdictions (if child has moved recently).

C. Attach current Psychological Evaluation.

If child is already a ward of the court, evaluation can be court  
ordered.

If child is not a ward of the court, evaluation is by consent  
only.

(ILLUSTRATED ORDER - CERTIFICATION)  
(With "Kent" Applied)

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT  
SITTING WITHIN AND FOR \_\_\_\_\_ COUNTY, OKLAHOMA  
JUVENILE DIVISION

In the Matter of the State of  
Oklahoma in the Interest of

\_\_\_\_\_ (name)

(Court case number)

an alleged DELINQUENT  
juvenile as defined by the  
Laws of the State of Oklahoma

O R D E R

Now on this \_\_\_\_\_ day of (month, year), the above styled and numbered cause comes on for certification hearing. The juvenile respondent appeared in court in person and by his mother, \_\_\_\_\_ (name), and by his father, \_\_\_\_\_ (name), and by his wife, \_\_\_\_\_ (name). The father, \_\_\_\_\_ (name), the mother, \_\_\_\_\_ (name), and the wife, \_\_\_\_\_ (name), each appeared in court in their own proper person and by their attorney of record, \_\_\_\_\_ (name). The State of Oklahoma appeared by \_\_\_\_\_ (name), the duly and regularly appointed, qualified and acting attorney in and for the \_\_\_\_\_ Judicial District of Oklahoma.

Comes now the State and offers to stipulate or enter into an agreement with the juvenile respondent and his parents and his attorney that a Petition has been filed in this case alleging that \_\_\_\_\_ (name) is a child, \_\_\_\_\_ years of age, having been born on the \_\_\_\_\_ day of \_\_\_\_\_ (month, year), and that there is probable cause to believe that on or about the \_\_\_\_\_ day of \_\_\_\_\_ (month, year), the said juvenile respondent did commit an act, which if an adult, would constitute the crime of \_\_\_\_\_ as set out in the State's Petition and further, that on or about the \_\_\_\_\_ day of \_\_\_\_\_ (month, year) the said juvenile respondent did commit an act, which if an adult, would constitute the crime of \_\_\_\_\_ as set out in State's Petition, and that these offenses are of a serious nature to the community and were committed in a premeditated, violent and willful manner; that the offenses are against persons and there is prosecutive merit to the complaint; that the person with whom the juvenile acted in concert with is being proceeded against to be certified as an adult and that the sophistication and maturity as determined by consideration of his home, environmental situation, emotional attitude and pattern of living is consistent with that of a \_\_\_\_\_ year old; that the juvenile respondent \_\_\_\_\_ (name) has a record and previous history in juvenile court in case number \_\_\_\_\_, Petition filed on (month, day, year) \_\_\_\_\_, alleging the act, which if an adult, would constitute the crime of \_\_\_\_\_, and that he was adjudicated Delinquent on the \_\_\_\_\_ day of \_\_\_\_\_ (month, year), and that he continued under the Court's jurisdiction, and that he is married to \_\_\_\_\_ (name), and there has been one child of this marriage, \_\_\_\_\_ (name), and the child is in the temporary custody of the paternal grandparents, \_\_\_\_\_ (name), \_\_\_\_\_ (street), \_\_\_\_\_ (town, state), and that for the adequate protection of the public and the community that the juvenile respondent should be held accountable for his acts, which stipulation is accepted by respondents and the respondents acquiesce in the certification of the juvenile respondent as an adult.

The Court finds that the juvenile respondent, \_\_\_\_\_ (name), is a juvenile of the age of \_\_\_\_\_ years, having been born on the \_\_\_\_\_ day of \_\_\_\_\_ (month, year).



STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, JUVENILE DIVISION

JUVENILE PROBATION CONDITIONS

Name \_\_\_\_\_ Date of Probation \_\_\_\_\_

Court No. \_\_\_\_\_ Address \_\_\_\_\_

I understand I have been placed on probation by the Judge of this Court and am required to obey the following conditions until my case has been officially dismissed:

1. I will not violate any Federal, State or local law.
2. I will not absent myself from my approved living arrangement without prior approval of my Probation Counselor.
3. I will conduct myself in a manner that will not lead to my being defined as being beyond control of my parent, guardian, legal custodian, or school authorities.
4. I will attend school, unless legally excused, and obey the rules of the school.
5. If legally excused from school attendance, I will be involved in an approved alternative program.

In accepting these conditions of probation I understand that I shall remain under supervision of a Court Probation Counselor and that violation of these terms may result in my return to court with the possibility of placement outside my home. I further understand to fit my individual situation my Probation Counselor may provide a more specific list of rules to assist with my probation adjustment, such as setting curfew hours. In this event, I will be asked to sign this list of rules indicating I understand them and will be given a copy.

Statement of Understanding

The above conditions have been read to me and I understand the conditions of Probation. I will follow those conditions and the instructions of the Probation Counselor and the Court to the best of my ability.

Signed (Juvenile) \_\_\_\_\_ Date \_\_\_\_\_

I/we have read (or have had read and explained) the above conditions of probation and state that I/we are familiar with and understand its contents. I/we agree to contact the Probation Counselor should the conditions of probation be violated.

Signed (Father) \_\_\_\_\_ Date \_\_\_\_\_

Signed (Mother) \_\_\_\_\_ Date \_\_\_\_\_

Probation Counselor \_\_\_\_\_ Date \_\_\_\_\_

Office Number \_\_\_\_\_

Home Number \_\_\_\_\_



IN THE DISTRICT COURT WITHIN AND FOR \_\_\_\_\_ COUNTY, STATE OF OKLAHOMA

IN THE MATTER OF \_\_\_\_\_

No. \_\_\_\_\_

APPEARANCE AND WAIVER OF SUMMONS

Come \_\_\_\_\_ now \_\_\_\_\_ and  
state \_\_\_\_\_ that \_\_\_\_\_ he \_\_\_\_\_ the \_\_\_\_\_  
of \_\_\_\_\_, born \_\_\_\_\_,  
\_\_\_\_\_ that \_\_\_\_\_ he \_\_\_\_\_ hereby waive \_\_\_\_\_ service  
summons in the above entitled cause in which a petition/motion for review of  
probation has been filed by \_\_\_\_\_  
alleging that \_\_\_\_\_  
\_\_\_\_\_ further state \_\_\_\_\_ that \_\_\_\_\_ ha \_\_\_\_\_ been advised that hearing  
on said petition/motion for review of probation will be held before the Juvenile  
Division of the District Court, \_\_\_\_\_ County Courthouse, \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_ and agree \_\_\_\_\_  
to appear with said child at the above stated time and place.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

SOCIAL HISTORY

Child \_\_\_\_\_ Hearing Date \_\_\_\_\_

Court No. \_\_\_\_\_ Report Date \_\_\_\_\_

DOB \_\_\_\_\_ Adj. (INS/DEL) \_\_\_\_\_

Counselor \_\_\_\_\_

The Family

1. Live with?
2. Siblings?
3. Others in the home?
4. Marriage stability? How long married?
5. Previous problems? When appeared?
6. Family interpersonal relationships?
7. Parents' attitude toward offense?
8. Parents' attitude toward court intervention?

The Child

1. Attitude towards offense? (remorseful, victim, etc.)
2. Attitude towards court intervention?
3. Self-concept?

School

1. Achievement?
2. Grades, attendance, discipline problems?
3. Attitude of teachers toward child?
4. Attitude of principal toward the child?

Outside Influences

1. Peer group?
2. Religion?
3. Work record?
4. Hobbies?

Summary

1. Summarize important elements affecting child and his behavior.

Recommendations: Treatment Plan

1. Conclude with recommendations and offer alternative, if possible. If recommending institution placement, state where child is to return upon release.

REPORT TO THE COURT

Child \_\_\_\_\_ Hearing Date \_\_\_\_\_

Court No. \_\_\_\_\_ Report Date \_\_\_\_\_

DOB \_\_\_\_\_ Adj. (INS/DEL) \_\_\_\_\_

Counselor \_\_\_\_\_ Date of Probation \_\_\_\_\_

Reason for Hearing

Recommendation

Basis for Recommendation

- A.
- B.
- C.
- D.
- E.

\_\_\_\_\_  
Counselor

\_\_\_\_\_  
Supervisor

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, STATE OF OKLAHOMA

IN THE MATTER OF \_\_\_\_\_ )  
\_\_\_\_\_) )  
\_\_\_\_\_ )

No. JF- \_\_\_\_\_

MOTION TO DISMISS

Comes now \_\_\_\_\_

with the Division of Court Related and Community Services of the Department of Institutions, Social and Rehabilitative Services, State of Oklahoma, and moves the Court to dismiss the above entitled cause for the following reasons, to-wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ORDER

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
the above entitled cause coming on for hearing on Motion to Dismiss said cause,  
and the Court being fully advised in the premises, finds that said motion  
should be sustained; and

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that said  
cause be and the same is hereby dismissed for the reason set forth in said  
motion.

\_\_\_\_\_  
Judge of The District Court

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
STATEMENT OF PAROLE CONDITIONS

Name \_\_\_\_\_

Inst. No. \_\_\_\_\_

I, \_\_\_\_\_, am accepting Parole placement from  
(Name)

\_\_\_\_\_, effective \_\_\_\_\_  
(Date)

In accepting Parole, I understand that I remain in the custody and under the supervision of the Department of Institutions, Social and Rehabilitative Services until I am released from its custody. Such release may be obtained: 1) By satisfactory compliance with parole conditions and/or 2) Upon reaching the age of majority.

I understand that my parole may be revoked and I may be returned to an institution unless I comply with the following parole conditions:

1. I will not violate any Federal, State or local law.
2. I will not absent myself from my approved living arrangement without prior approval of my Parole Counselor.
3. I will conduct myself in a manner that will not lead to my being defined as being beyond control of my parent, guardian, legal custodian, or school authorities.
4. I will attend school, unless legally excused, and obey the rules of the school.
5. If legally excused from school attendance, I will be involved in an approved alternative program.

The above conditions apply to all youths on Parole, and to fit my individual situation my Parole Counselor may provide a more specific list of rules to assist with my parole adjustment. I understand in this event I will be asked to sign this list of rules indicating I understand them and will be given a copy. I further understand violation of these rules may result in my return to an institution.

I have read (or have had read and explained to me) the above statement of Parole Condition and understand and accept same. I further understand that nothing herein shall limit my rights to due process of law.

\_\_\_\_\_  
Signature of Youth

\_\_\_\_\_  
(Date)

I/We the parent(s), guardian(s), or custodian(s) of the juvenile agree to cooperate with the Parole Counselor in the enforcement of the above conditions and to attend counseling if it is requested by the Parole Counselor and participate personally in the rehabilitative process during the period governing parole.

\_\_\_\_\_  
Signature of Parent, Guardian or Custodian

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Parent, Guardian or Custodian

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Parole Counselor

\_\_\_\_\_  
(Date)

Distribution: 1 Youth  
1 Parent, Guardian, or Custodian  
1 CRCS-SO  
1 District Supervisor  
1 File

STATE OF OKLAHOMA

DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

Additional Parole Conditions

Rule No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rule No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rule No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rule No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read (or have had read and explained to me) the above additional parole conditions and understand and accept same. I further understand violation of these conditions may result in my return to an institution.

_____ Signature of Juvenile	_____ Date
_____ Signature of Parent, Guardian or Custodian	_____ Date
_____ Signature of Parent, Guardian or Custodian	_____ Date
_____ Signature of Parole Counselor	_____ Date

Distribution: 1 Youth  
1 Parent, Guardian, or Custodian  
1 CRCS-SO  
1 File

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

In the Matter of

JFJ \_\_\_\_\_

An Alleged \_\_\_\_\_  
Juvenile as defined by the  
Laws of the State of Oklahoma

VOLUNTARY REQUEST TO RETURN TO INSTITUTION

- I. I \_\_\_\_\_ was adjudicated \_\_\_\_\_  
by the District Court of \_\_\_\_\_ on \_\_\_\_\_  
19 \_\_\_\_\_. I was released on Parole from \_\_\_\_\_  
on \_\_\_\_\_, 19 \_\_\_\_\_.
- II. I hereby request to be returned to an institution on the earliest  
date arranged by the Department of Institutions, Social and Rehabilitative Services.
- III. I realize that I have a conditioned right to be in my current placement with  
\_\_\_\_\_.
- IV. No Parole Revocation Proceeding has been initiated against me nor has there  
been any threats of revocation by anyone in authority to initiate such pro-  
ceeding based on alleged violations of established parole conditions.
- V. I have been given the opportunity to consult with a lawyer prior to reaching  
this decision.
- VI. This request is not being made as a result of persuasion from my parent,  
guardian or custodian.
- VII. I am fully aware that should this request be granted, I will be returned to  
the institution deemed appropriate by the Department of Institutions, Social  
and Rehabilitative Services and that I will remain in this institution sub-  
ject to its rules and regulations until such time as I am again released  
on Parole.
- VIII. I understand that should I request to leave the institution in the future,  
the request would be subject to Department approval.
- IX. I voluntarily wish to give up my current placement for the following reason(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parolee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent, Guardian, Custodian

I have read and explained fully the consequences of this action to \_\_\_\_\_,  
the child and \_\_\_\_\_, the parents, guardian, or custodian  
of this child. To the best of my knowledge, this decision was freely made by the  
parolee and no action was threatened to coerce this request.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parole Counselor

\_\_\_\_\_  
Date

F-18

\_\_\_\_\_  
District Supervisor

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES  
NOTICE OF AND ACKNOWLEDGEMENT OF CONSTITUTIONAL AND LEGAL RIGHTS

REGARDING \_\_\_\_\_ DATE \_\_\_\_\_

CASE NO. \_\_\_\_\_ TIME \_\_\_\_\_

(To be read): You are here to review your parole status. You have the following basic rights. Please acknowledge that you have been advised of these rights by signing this form.

I. NOTICE OF CONSTITUTIONAL AND LEGAL RIGHTS:

1. You have the right to remain silent when being questioned by any employee of this Department in relation to any alleged misconduct.
2. Anything you say may be used against you in administrative actions of this Department.
3. You have the right to have your parents, guardian, custodian, and/or attorney present while you are being questioned.

II. ACKNOWLEDGEMENT OF CONSTITUTIONAL AND LEGAL RIGHTS:

1. I have read, and have been advised of my rights.
2. I fully understand each of these rights.
3. I fully understand and know what I am doing.

*OBSOLETE*

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Witness (Parent, Guardian, Custodian,  
or Attorney)

\_\_\_\_\_  
Witness (Supervisor or Counselor)

*1/21/82 11 545-32*



STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

In the Matter of

JFJ \_\_\_\_\_

A child under the age of eighteen years

WAIVER OF PAROLE REVOCATION  
PROCEEDINGS

- I. I \_\_\_\_\_, hereby waive my right to a formal Parole Revocation Hearing prior to return to the institutional custody of the Department of Institutions, Social and Rehabilitative Services.
- II. I have made this decision knowingly, intelligently, and of my own free will.
- III. I have not been threatened or intimidated with Certification to stand trial in an adult court or coerced in any other manner in order to obtain this waiver.
- IV. I have not been promised any advantage or favorable treatment in order to reach this decision to waive my right to a formal Parole Revocation Hearing.
- V. I understand that I have a conditioned right to be in my current placement with \_\_\_\_\_ and that I may not be returned to institutional custody without notice of charges, representation by counsel, an opportunity to present evidence in my own behalf, and a parole revocation hearing in my own community prior to my return.
- VI. I have been given the opportunity to consult with an attorney prior to reaching this decision.
- VII. This decision has not been made as a result of any persuasion from my parent, guardian, custodian, District Attorney, or Parole Counselor.
- VIII. I understand that I am currently charged with having committed the following parole violations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I freely admit my involvement in the above-mentioned offenses and request to be immediately returned to institutional custody.

_____	_____
Parolee	Date
_____	_____
Parent, Guardian, Custodian	Date

I have read and explained fully the consequences of this action to \_\_\_\_\_, the child and \_\_\_\_\_, the parents, guardian, or custodian of this child. To the best of my knowledge, this decision was freely made by the parolee and no action was threatened to coerce this request.

_____	_____
District Supervisor	Date

APPROVED: _____	F-20	_____
District Attorney		Date

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES

In the Matter of

JFJ-\_\_\_\_\_  
IS-\_\_\_\_\_

An Adjudicated \_\_\_\_\_  
Juvenile as defined by the  
Laws of the State of Oklahoma

APPLICATION FOR REVOCATION OF PAROLE

Comes now \_\_\_\_\_, parole counselor with the  
Department of Institutions, Social and Rehabilitative Services, and for a cause  
of action alleges and states that the said \_\_\_\_\_  
is a child under the age of 18 years, to-wit: \_\_\_\_\_ years of age, having  
been born on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

That the said Juvenile was committed to the Department of Institutions,  
Social and Rehabilitative Services on the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, adjudicated as a \_\_\_\_\_ and was released on parole  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the custody of  
\_\_\_\_\_, providing that said juvenile comply with  
certain parole rules established at the time parole was granted.

Further, it is alleged

Wherefore, premises considered, \_\_\_\_\_ respectfully prays:  
That said juvenile be revoked from parole and returned to a juvenile institution.

And that all other proper relief be granted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parole Counselor

IN THE DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY,  
STATE OF OKLAHOMA

In the Matter of

JFJ \_\_\_\_\_

A child under eighteen years of age

APPLICATION FOR ORDER OF DETENTION  
AND  
ORDER APPOINTING COUNSEL

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, Parole Counselor for the Department of Institutions, Social  
and Rehabilitative Services, appears before the court and states as follows:

That he has initiated a revocation of parole for \_\_\_\_\_  
on this date, predicated upon allegations of \_\_\_\_\_  
\_\_\_\_\_.

and respectfully requests this court to enter an Order of Detention for said \_\_\_\_\_  
\_\_\_\_\_, setting bond and, further, an Order Appointing Counsel  
to represent said juvenile at the parole revocation hearing to be heard on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_; and further making provision for the payment  
of counsel from the General Court Fund.

\_\_\_\_\_  
Parole Counselor  
Department of Institutions, Social  
and Rehabilitative Services

IN THE DISTRICT COURT IN AND FOR \_\_\_\_\_ COUNTY,  
STATE OF OKLAHOMA

In the Matter of

JFJ \_\_\_\_\_

A child under eighteen years of age

ORDER OF DETENTION  
AND  
ORDER APPOINTING COUNSEL

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above styled and numbered cause comes on for detention hearing. Respondent juvenile \_\_\_\_\_ appears in Court in person and by his parent, guardian, or custodian, \_\_\_\_\_, and child's attorney, \_\_\_\_\_. Additionally appearing was \_\_\_\_\_, Parole Counselor for the Department of Institutions, Social and Rehabilitative Services.

Upon reviewing the application for detention, the Court:

- Releases the juvenile to the custody of \_\_\_\_\_
- Sets Oral Recognizance Bond in the amount of \_\_\_\_\_, and remands juvenile to the custody of \_\_\_\_\_
- Sets Surety Bond in the amount of \_\_\_\_\_, and remands juvenile to the custody of the Sheriff.

and, orders appearance at the parole revocation proceeding set on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock. The hearing will be held at the following location \_\_\_\_\_.

The Court further appoints \_\_\_\_\_ to represent the said juvenile at the revocation hearing set on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock at \_\_\_\_\_ and authorizes payment for legal services provided from the General Court Fund.

\_\_\_\_\_  
Judge of the District Court

STATE OF OKLAHOMA  
DEPARTMENT OF INSTITUTIONS, SOCIAL AND  
REHABILITATIVE SERVICES

RELEASE FROM DISRS CUSTODY OF A CHILD ADJUDICATED DELINQUENT

Date \_\_\_\_\_

Name \_\_\_\_\_  
(Last, First, Middle)  
Case # \_\_\_\_\_ Institution \_\_\_\_\_

To: L. E. Rader, Director of  
Institutions, Social and  
Rehabilitative Services

RECOMMENDATION

A recommendation to release the above-named child from the custody of the Department has been received from \_\_\_\_\_. The case record has been reviewed and it is recommended this child be released to:

Individual \_\_\_\_\_ Relationship \_\_\_\_\_

Address \_\_\_\_\_

Institution \_\_\_\_\_ Address \_\_\_\_\_

Basis for Recommendation:

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

RELEASE

Having reviewed the recommendation for the release of the above-named delinquent child, the Director of the Department of Institutions, Social and Rehabilitative Services is in concurrence with this plan, and the above-named delinquent child is hereby and forthwith released from the custody of the Department of Institutions, Social and Rehabilitative Services, pursuant to Title 10, Chapter 51, Section 1139(a), O.S.A.

\*Distribution:

- 1 DSCY-SO
- 1 DSS-SO
- 1 Institution
- 2 Interstate Compact
- 1 Local Office
- 1 Committing Court

Director of Institutions, Social and \_\_\_\_\_ Date \_\_\_\_\_  
Rehabilitative Services

F-24

\*See Forms Instructions

IN THE MATTER OF \_\_\_\_\_ )  
\_\_\_\_\_)  
\_\_\_\_\_)

No. \_\_\_\_\_

M O T I O N

COMES NOW THE DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATIVE SERVICES, STATE OF OKLAHOMA, by and through its attorney, and moves the Court to modify the above entitled cause for the following reasons, to-wit:

WHEREFORE, movant prays the Court enter its Order modifying the above entitled cause and relieving the Department of custody of said child.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

O R D E R

NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above entitled cause coming on for hearing on Motion to modify said cause, and the Court being fully advised in the premises, FINDS that said Motion should be sustained; and

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that said cause be and the same is hereby modified for the reasons set forth in said Motion, and the Department of Institutions, Social and Rehabilitative Services is hereby relieved of custody of the said child.

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT



## GLOSSARY OF TERMS

ADJUDICATION-DISPOSITION HEARING - Most juvenile matters of a delinquent or child in need of supervision nature are handled in bifurcated court hearings. There is a legal finding as to whether the content of the petition is true and correct (Arraignment or Full Hearing) then there is Court action based on the legal finding and/or the information gathered through investigation and evaluation by the probation staff and presented to the Court. Adjudication and disposition may take place at the same court hearing or the disposition may occur at a later designated date. A case may be taken under advisement, i.e. deferred adjudication for a period of time to allow the probation staff to gather social history information and make observations relative to the child and his family before the juvenile is declared a ward of the Court. When a case is taken under advisement pending a dispositional hearing in lieu of the juvenile being declared a ward of the Court, both adjudication and disposition take place at the latter bifurcated court hearing unless the Court dismisses the case at this hearing.

ADMINISTRATIVE REVIEW - A procedure by which referrals received by the Juvenile Worker regarding a juvenile on probation are handled by having the probation counselor and the supervisor meet with the juvenile and his parents to discuss the content of the referral. Referrals handled by an administrative review are usually of a misdemeanor type offense or a felony allegation which could not be proven in court.

AKA (also known as) - refers to an alias that a person may be known as (Example: John Adams, AKA John Jones).

APPLICATION FOR REVIEW OF PROBATION - This is an application filed in lieu of a petition or supplemental petition when a juvenile is on probation and the allegations are compatible with his adjudicated category.

ARRAIGNMENT HEARING - A procedure by which a juvenile appears in court with privately retained or court appointed counsel to either stipulate to the allegations of the petition or request a full hearing on the merits of the petition. Adjudication or re-adjudication may take place at the arraignment hearing.

ARREST - The taking into custody of another person for the purpose of holding or detaining a person to answer specific charges. Take into custody is often used with reference to the arrest of juveniles.

BIFURCATION PRINCIPLE - Refers to a two-part court hearing: (1) adjudication hearing (2) disposition hearing.

CERTIFICATION HEARING - A hearing which addresses itself to the issue of whether a juvenile should be certified as an adult and stand trial in District Court, or whether the juvenile should remain within the jurisdiction of the Juvenile Court. A request for a Certification Hearing is presented to the Court through a motion by the District Attorney who represents the State in juvenile matters.



CHILD - The term "child" refers to any person under the age of eighteen (18). A "child" is also referred to as Juvenile or Minor.

CHILD IN NEED OF SUPERVISION - Refers to any person under eighteen (18) years who is habitually truant from school, or who is beyond control of his parents, guardian or legal custodian, or who habitually deports himself so as to injure or endanger the health or morals of himself or others. Abbreviations which are commonly used when referring to a child in need of supervision are CHINS, PINS, INS.

COMMITMENT - The placing of a juvenile in a state operated institution, i.e., The Department of Institutions, Social and Rehabilitative Services (DISRS) or Central State Griffin Memorial Hospital (CSGMH).

COMPLAINT - A statement which contains allegations of wrong-doing against another person(s) and is signed by a complainant. A complaint is referred to the Juvenile Bureau's Intake Department through the complainant's local police department.

CONTEMPT OF COURT - The violation or disregarding of a court order.

COURTESY SUPERVISION - Where the Juvenile Court maintains original jurisdiction in a case, but requests that another Juvenile Court or similar agency outside of a respective county supervise a juvenile who is placed with a parent or interested party living in that county or state. The Juvenile Division also receives requests from other counties and states to supervise juveniles who have been placed on probation by their court in the custody of a parent or interested party living in Oklahoma County. In most instances, these requests are made through Interstate Compact. Any direct request for courtesy supervision by any county or similar agency must be advised to first refer their request to Interstate Compact who will then assign the case to the appropriate county.

COURT MINUTE - A statement by the Judge as to his findings pertaining to the adjudication of a juvenile and the disposition of matters before the Court. A court minute may also be in the form of a Referee's Report to the Judge regarding the same matters.

CUSTODY - The legal right to the care and control of a child and the responsibility for providing for said child's needs. If the legal custody of a child is changed from a parent to a suitable party or facility, the parents may be expected to assume some of the financial responsibility for the child.

DEFAULT - The failure to observe an agreement or discharge an obligation. Default also embraces the idea of dishonesty.

DELINQUENT CHILD - "Delinquent Child" means (1) Any male or female under the age of eighteen (18) years, who has violated any federal or state law or

municipal ordinance, excepting a traffic statute or ordinance, or any lawful order of the court; (2) A child who has habitually violated traffic laws or ordinances.

DISRS - Means the Department of Institutions, Social and Rehabilitative Services for the State of Oklahoma. The Department includes a number of state agencies and institutions which may assist juveniles and their families. A juvenile is committed to DISRS by the court and DISRS decides in which institution to place the child. Most placements are made at the following institutions:

Boley State School for Boys	Boley, Okla.
Helena State School for Boys	Helena, Okla.
Girl's Town	Tecumseh, Okla.
Oklahoma Children's Center	Taft, Okla.
Whitaker State Home	Pryor, Okla.
L. E. Rader Diagnostic & Evaluation Center	Sand Springs, Okla.

DIVERSION - As encompassed in the intent of SJR #13, diversion refers to the action of provision of a positive, goal oriented alternative(s) which may be utilized as opposed to that of placing the child into the full court juvenile justice system. Emphasis is that of directing to a service, not from court action necessarily. As implied, this is differentiated from deflection, where no action is appropriate in certain situations as outlined in "Referral Policy".

DEPENDENT AND NEGLECTED CHILD - Any person under the age of eighteen (18) years who is for any reason destitute, homeless or abandoned; or who depends on the public for support; or who has not the proper parental care or guardianship; or whose home is deemed unfit; or who is in need of special care because of physical or mental conditions and his parents, custodians, or guardian is unable to provide it.

DETENTION HEARING - A court hearing to determine whether a juvenile should remain in detention, be released on a surety bond, or be released on an own recognizance (OR) bond until an arraignment hearing. No consideration is given to the merits of the petition before the Court at a detention hearing. However, the allegations of the petition and previous offenses do have some influence on the Court's actions.

DISMISSAL - The legal closing of a case. This can be done by an order of the Court or by a motion filed by the probation counselor and confirmed by the Judge.

DISPOSITIONAL HEARING - A hearing to determine what order of disposition should be made with respect to a child adjudged to be a ward of the Court or a child whose case is under advisement. It is not mandatory that a juvenile be represented by an attorney at a disposition hearing unless commitment or placement is planned. A dispositional hearing is synonymous with sentencing in the adult court.

DUE PROCESS - Refers to the procedural implementation of each and every legal and constitutional right which must be afforded every child and/or parent being referred for court action. An equal application must be adhered to in affording every person his or her "day in court" with every protection provided by law.

EXPUNGEMENT - The sealing of records and files regarding a particular person and the deleting of index references as if the records never existed. To purge the records basically refers to the same action as expungement of records.

EXACERBATE - To worsen a situation.

FELONY - An offense of a graver or more atrocious nature than a misdemeanor. If a juvenile is alleged to have committed a felony, and if this allegation is found to be true and correct, the juvenile would be adjudicated as a Delinquent Child, if an adjudication takes place. If a juvenile's first referral to the Intake Department of the Juvenile Division is a felony and can be proven in court, this juvenile is usually required to appear in court. A referral of a felony nature is normally disposed of through court proceeding if the juvenile is on probation.

FOSTER HOME - A home or other place (other than the home of a parent, relative, within the fourth degree, or guardian of the child concerned) wherein a child is received for care, custody, and maintenance.

FULL HEARING - A court hearing where witnesses appear and testify on behalf of the state regarding allegations against a juvenile. A juvenile is entitled to a full hearing if he and his legal counsel do not choose to stipulate to the allegations of a petition at an arraignment hearing.

GUARDIAN - A person who has the care and management of a person, or the estate, or both, of a juvenile prior to his majority age or such time designated by the Probate Court.

INNOCENT - Free from guilt; acting in good faith without knowledge of incriminatory circumstances. Implies having done no wrong or having no knowledge of a wrongdoing.

INTAKE - Generally refers to preliminary exploration with the child, the family, and the referral source in determining if there is a community service which may be appropriate in serving the best interests of the child

and the community giving consideration to the constraints of federal and state laws and community standards which may require court action if no other alternative is available. Intake is generally concerned with:

- A. Screening referrals from police, parents, and schools as to legal status and appropriateness as related to the functional capacity of the court to provide effective services.
- B. Detention decisions (dependent upon respective juvenile court jurisdictions)
- C. Coordination with prosecution, child's counsel, court and other agencies on cases which may be coming before the court.
- D. Activity related to resource assessment, development and utility.

INTAKE FACE SHEET - This includes a summation of the intake counselor's contact with a juvenile and his parents. Statistical data and observations are gathered through an intake interview and compiled on this document.

INTERSTATE COMPACT ON JUVENILES - Created by statute in 1967 to provide the returning of juveniles from other states when their return is sought; and accepting the return of juveniles to this state whenever a juvenile is apprehended in another state. Requests for Courtesy Supervision of a juvenile in another state are made through Interstate Compact.

JURISDICTION - Refers to the limits and territory within which the authority of the juvenile court may be exercised.

JURY TRIAL - Every juvenile that appears in court on a criminal (delinquency) or civil (child in need of supervision) matter is entitled a jury trial. Each juvenile must understand this right and waive his rights to a jury trial before a stipulation is accepted by the Court.

JUVENILE CODE - A collection of existing laws promulgated by the Oklahoma State Legislature's authority. The Juvenile Code is arranged so that revisions and omissions may be made by the Legislature or by court decisions. There are related statutes which apply to juvenile matters.

JUVENILE COURT - A court having special jurisdiction of a paternal nature over delinquent and neglected children as well as children in need of supervision. The Juvenile Court is a quasi-criminal-civil court. Criminal matters are those allegations against a juvenile which are of a delinquent nature, (violation of public laws) and civil matters pertain to the adjudication of controversies between subject and subject as opposed to the defendant and the state.

JUVENILE JUDGE - The Juvenile Judge is generally an Associate District Judge assigned to the Juvenile Division of the District Court in each county.

MISDEMEANOR - An offense lower than a felony. If committed by an adult, punishment may not exceed a fine and/or jail sentence, but a misdemeanor is not severe enough to constitute penitentiary commitment. A number of misdemeanor referrals on a juvenile which establishes a pattern will

usually result in this child having to appear in court through intake services. Misdemeanor referrals may be handled unofficially if the juvenile is on probation; this depends on the discretion of the probation counselor and his supervisor.

MOTION - An oral or written request for the Court to act by confirming, denying, or amending such request.

NO CHARGE - Designates those referrals that have come to the attention of the Juvenile Bureau for the first time but require no intake.

NOT GUILTY - A plea of the general issue in actions of a criminal nature; a denial of the allegations.

NOTICE AND WAIVER OF LEGAL AND CONSTITUTIONAL RIGHTS - A form which must be read by a counselor to the juvenile and his parents or custodians and signed by the parents or custodian, the juvenile, and the witnessing counselor before the counselor can proceed to question a juvenile about an alleged offense.

OFFICIAL - This designation applies to those referrals which are disposed of by filing a petition and docketing the case for court.

OPEN SUPERVISION - This is a status which a juvenile may be placed after being on probation for approximately half of his designated or implied period of probation. Positive behavior and compliance with the rules of probation are usually the prerequisites for open supervision status. Open supervision differs from probation only in that the assigned probation counselor is not in contact with the juvenile or his family on a regular basis. The juvenile is expected to obey the rules of probation while on open supervision. The Court may order a child to be placed on open supervision or the responsible probation counselor may request that a juvenile be placed on open supervision in writing to his immediate supervisor.

OUIJIS - Refers to the Oklahoma Uniform Juvenile Information System which compiles data on each child referred to Juvenile Court statewide. This system provides a statistical base of information and is maintained by strict confidentiality.

PETITION - Within the meaning of the Juvenile Code, a formal, legally essential, written request to a Court, praying that it consider some action and grant some specific relief. Refer 10 OSA Section 1103. States specifically what information is to be included in a petition.

PLACEMENT - Refers to an alternative living arrangement for a juvenile that is approved by the court. Placements involve a voluntary agreement between the facility, the court, the juvenile's parents, and hopefully the juvenile himself. There are a number of facilities where a juvenile may be placed which are sponsored by church and civic organizations. The most frequently used facilities are:

Coed facilities:

American Legion Childrens Home	Ponca City, Okla.
Associated Catholic Charities	Okla. City, Okla.
Baptist Childrens Home	Okla. City, Okla.
Goodland Childrens Home	Hugo, Okla.
Masonic Childrens Home	Guthrie, Okla.
Methodist Childrens Home	Tahlequah, Okla.
Missionary Cosmopolitan Church Home	Wewoka, Okla.
Murrow Indian Childrens Home	Bacone, Okla.
Sunbeam Home and Family Service	Okla. City, Okla.
Turley Childrens Home	Tulsa, Okla.

Facilities for Females:

Francis E. Willard Home	Tulsa, Okla.
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Facilities for Males:

Baptist Boys Ranch Town	Edmond, Okla.
Bethesda Boys Ranch	Mounds, Okla.
Methodist Boys Ranch	Gore, Okla.
Speck Homes Inc.	Okla. City, Okla.
Wesleyan Youth Inc.	Okla. City, Okla.
Westview Boys Home	Hollis, Okla.

PRIMA FACIE EVIDENCE - Refers to evidence promulgated by a referral which appears on the surface to be sufficient to support the allegations contained in the referral.

PROBATION - A court order allowing a juvenile to remain at home or in a suitable placement on the condition that he comply with the Court Ordered Terms of Probation. These terms are verbally explained to the juvenile and his family and a copy of such terms is given to the juvenile after he and his parents sign them. The terms of probation are explicit in the enumeration of the Court's expectations of him while on probation. A probation counselor is assigned to work with the child and his family throughout the probationary period.

PROSECUTIVE MERIT - Determination made by a court that probable cause exists to believe that a delinquent offense that would be a felony if committed by an adult has been committed and that there is reason to believe that the individual charged may be bound over for trial as either a juvenile or adults for the offense.

REFEREE - The Associate District Judge assigned to the Juvenile Division may, in certain counties, appoint an attorney(s) of his choice to serve as Court Referee. Due to the unavailability of funds to compensate a Referee for his services, a Special Judge of the District Court is generally to assist the Associate District Judge assigned to the Juvenile Division. Orders issued by the Referee must be approved by the Judge.

REFERRAL - A written statement by law enforcement agencies of a complaint against a specific juvenile. The content of a referral is determined by the offense alleged in the referral.

RELEASE OF MEDICAL OR PSYCHOLOGICAL INFORMATION - The parents or legal custodians must sign a release form before the court worker can either obtain medical or psychological information from an agency or clinic, or release such confidential information in a juvenile's file.

REPORT TO THE COURT - A report which usually contains some background account of the juvenile's adjustment while on probation, including school reports and employment. This report is usually written by a probation counselor when a juvenile is returning to court for a review of probation hearing or the possible arraignment on new allegations after being on probation or open supervision.

REVIEW OF CUSTODY - A request made to the Court through either an oral or written application requesting that the custody of a child or children be changed from one party to another party. A child who is not a ward of the Court must have legal counsel file an application in his behalf, or the party requesting such a custody change must act likewise through legal counsel. An oral application is appropriate when a child is a ward of the Court or his case is under advisement.

REVIEW OF PROBATION HEARING - This type of hearing involves returning the juvenile on probation to court to consider new allegations of violation of public law or violation of the rules of probation. An application for review of probation or a supplemental petition is filed prior to the juvenile's returning to court. The possibility of revoking a juvenile's probation and making a placement exists at a review of probation hearing.

SHELTER HEARING - A court hearing to determine whether a child(ren) may be released from Shelter to the parent(s) or a parental substitute.

SHOW CAUSE HEARING - Where parties concerned or involved in a case appear as directed and present to the court, through legal counsel, such reasons and considerations as one has to offer why an order or decree should not be confirmed, take effect, be executed, or as the case may be. Show Cause Hearings usually pertain to custody of a child or the parents' rights to the care and custody of a child or children.

SOCIAL STUDY - An in-depth report prepared by the probation counselor, or in limited circumstances, the intake worker. This report contains information regarding the family and the juvenile. Some consideration is given to the juvenile and his family's past but the focus is primarily on the present. Social Studies are prepared for dispositional hearings and must attend every child committed to DISRS.

STIPULATE - To stipulate refers to a plea of guilty in delinquent matters and to an admission of fact in Child In Need of Supervision matters. A stipulation to the allegations of a petition is presented to the Court by the juvenile's attorney at an arraignment hearing. The merit of a petition is determined by the Court in a Full Hearing.

SUBPOENA - A document delivered to witnesses requiring their appearance in court at a specific time and date to testify in a matter before the Court. Subpoenas are issued only when a full hearing or jury trial is set. The intake or probation counselor is required to fill out a Pracipe for Subpoena which enumerates the name and address of witnesses and when to appear in court.

SUBPOENA DUCES TECUM - An order for a person who has possession or control over documents or papers pertinent to the pending controversy to produce this information at a court hearing. (Example: medical or school records).

SUMMONS AND NOTICE - An order to appear in court at a specific time and date. The summons and notice is usually issued to parents or legal custodians and contains the allegations of the petition against or pertaining to the juvenile in question.

SUPPLEMENTAL PETITION - A petition that is filed when the pending allegations are against a juvenile who is a ward of the Court and not on probation or when the adjudication category would change if a juvenile previously adjudicated was found to have participated in acts alleged in such petition. (Example: A juvenile has been adjudicated as CINS and is on probation; then he is required to appear in court on an allegation of Second Degree Burglary. A supplemental petition would be filed instead of an application for review of probation because the new allegations are "Delinquent" in nature as opposed to CINS type allegation).

SUSPENDED COMMITMENT - When a juvenile is committed to the Department (DISRS) but this commitment is suspended in lieu of an alternative to such action. If a juvenile violates the rules of alternative placement or the Court Order, commitment to the Department is usually automatic.

TAKEN UNDER ADVISEMENT - A designated period of time set by the Court, usually six to eight weeks at which time the Court may review information provided by the probation staff. Some disposition of the case is usually in order at the end of an advisement period.

TERMINATION OF PARENTAL RIGHTS - Procedure through the Juvenile Court whereby the legal or real parents may lose any claim or obligation to their child or children.

UNOFFICIAL - Applies to those referrals wherein an intake conference has been effected and a petition is not filed.

VENUE - The place where an action is filed, usually by county or Judicial District. Where an action is filed depends on where the offense took place. Venue should not be confused with jurisdiction; the former deals with where and the latter refers to what type of case a court may handle.



WARD OF THE COURT - A juvenile who is declared a "ward of the Court" as a Delinquent Child, Child in Need of Supervision, or a Dependent and Neglected Child, gives the court the authority to initiate the concept of "parens patriae" (the power of the State through the Court to act in the behalf of the child as a wise parent would).

