

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Office of the Executive Director

Part 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-20. Legal basis [AMENDED]

377:3-1-21. Definitions [AMENDED]

377:3-1-23. Job duties [AMENDED]

377:3-1-24. Staff [AMENDED]

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

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

377:3-1-27. OJA grievance policy [AMENDED]

377:3-1-28. General Grievance Procedure [AMENDED]

377:3-1-31. Monitoring and evaluation [AMENDED]

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

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

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

377:3-1-35. Conflict of interest [REVOKED]

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

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Wednesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=lhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by

9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 13, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 13, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

RULE IMPACT STATEMENT

1. A brief description of the purpose of the rule:

Title 377. Office of Juvenile Affairs

Chapter 3. Administrative Services

Subchapter 1. Office of the Executive Director

Part 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-20. Legal basis [AMENDED]

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377:3-1-35. Conflict of interest [REVOKED]

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

Summary: The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

2. A brief description of the classes of persons who most likely will be affected by the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will be affected by the proposed rule revisions.

3. A brief description of classes of persons who will benefit from the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will benefit from the proposed rule revisions.

4. A brief description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

The proposed rule revisions should not have an economic impact on any affected classes.

5. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the state proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The cost of implementation and enforcement of the proposed rule revisions is minimal.

6. A determination of whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed rule revisions should not have an economic impact on any small business or require their cooperation in implementing or enforcing the rule revisions.

7. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The proposed rule revisions should not be costly nor require other methods to update the proposed rule revisions.

8. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rule revisions have no effect on the public health, safety, and environment.

9. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:

If the proposed rule revisions do not pass, there will be a conflict with state law, which may have an effect on agency business.

10. The date the rule impact statement was prepared and if modified, the date modified:

Prepared on November 26, 2024.

CHAPTER 3. ADMINISTRATIVE SERVICES

SUBCHAPTER 1. OFFICE OF THE EXECUTIVE DIRECTOR

PART 3. OFFICE OF THE ADVOCATE GENERAL

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

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

377:3-1-21. Definitions

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

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

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

- (A) assuring that juveniles in custody have available and understand the grievance process channels;
- (B) other duties as assigned by the Executive Director or policy; monitoring and reviewing grievance procedures;
- ~~(C) conducting the tentative release date hearings with juveniles and attending parole hearings;~~
- ~~(D) supervising the communication of grievance procedure to staff and juveniles;~~
- ~~(E) facilitating resolutions and regularly reviewing informal grievances;~~
- (C)(F) ensuring allegations of abuse and neglect are properly reported to the Advocate General of the Office Of Juvenile Affairs; and
- (D)(G) ensuring that allegations of caretaker misconduct by a person responsible for a child residing in an OJA secure facility not rising to the level of abuse or neglect are reported to the Advocate General of the Office of Juvenile Affairs.

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

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

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

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

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

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

377:3-1-23. Job duties

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

- (1) The AG shall supervise staff assigned ~~to secure juvenile facilities~~ as advocate defenders.
- (2) The AG shall inquire into and make recommendations to the appropriate Division Director regarding juvenile-related grievances which are not resolved at the facility level.
- (3) The AG shall monitor the system to ensure that allegations of abuse or neglect of a child who is in OJA custody and placed in a facility operated by or under contract with OJA are reported as provided by law.
- (4) The AG shall coordinate any hearings or meetings of administrative review committees conducted as a result of investigations or unresolved grievances.
- (5) The AG shall make recommendations to the OJA Executive Director and appropriate Division Director pursuant to 377:3-1-25;
- (6) The AG shall provide quarterly reports on grievance procedures, hearings, and investigations to the Executive Director of OJA, the Board of Juvenile Affairs, and to other persons or entities as necessary to facilitate system responsiveness.
- (7) The AG shall forward an abstract of grievances which are not resolved in favor of the person filing the grievance, and which have exhausted all available levels of appeal, to the Office of Juvenile System Oversight, the Executive Director, and the OJA Board of Juvenile Affairs.
- (8) The AG shall:
 - (A) monitor rules and practices of OJA and its contractors to ensure compliance with juveniles' rights;
 - (B) report the number and types of investigations at juvenile facilities at least quarterly to the OJA Board of Juvenile Affairs in open meeting; and
 - (C) make additional reports to the OJA Board of Juvenile Affairs as needed.
- (9) The AG shall perform other duties as required by the Executive Director.

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

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

377:3-1-24. Staff

~~In order to~~To assure that OJA and contract facility staff are aware of the rights of juveniles and the responsibilities of staff, the facility administrator or designee shall give each staff member a copy of the rules in this Part as part of a new staff member's orientation. The facility director shall ~~ensure~~ assure that each staff member receives an initial orientation on the rules in this Part within 30 days of employment and comprehensive training at least annually. The ~~AG Advocate General~~, or designee, along with the facility administrator, shall share the responsibility for training staff. The facility administrator or designee shall maintain a system to document compliance with the training requirement.

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

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

(1) the employee has reason to believe ~~asuch~~ such child has been the victim of abuse or neglect;

(2) a child, parent, guardian, or other person makes an allegation of abuse or neglect ~~of such child~~.

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

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

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

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

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

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

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

(f) **Caretaker misconduct in facilities other than OJA secure facilities.** Every employee of a facility, other than an OJA secure facility, operated by or through a contract with OJA shall report allegations of caretaker misconduct in accordance with OAC 310:678-3-2 ~~DHS Rule 340:2-3-33~~.

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

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

- (i) **Failure to report.** Any employee who fails to report abuse, neglect, or caretaker misconduct, as required by this Section, is subject to disciplinary action ~~under OJA's personnel rules~~. If it is determined the employee failed to report as required, the ~~Advocate General of OJA~~ AG shall make a referral to the appropriate law enforcement agency as provided by ~~in Title 10A O.S.; § 1-2-101~~.
- (j) **Interference prohibition.** Any employee who interferes with an abuse, neglect, or caretaker misconduct investigation; or attempts to intimidate or harass a witness, victim, or employee accused of alleged abuse, neglect, or caretaker misconduct through force or fear; or by threatening physical or mental harm to a witness, victim or others, is subject to disciplinary action under OJA's personnel policy and could be subject to criminal prosecution.
- (k) **Contract termination.** A contractor's contract shall be subject to immediate termination for failure to adhere to this subchapter or knowingly allowing an employee to:
- (1) interfere with an abuse, neglect, or caretaker misconduct investigation;
 - (2) interfere or retaliate against any employee for reporting or cooperating in such investigation; or
 - (3) deny the assigned investigator immediate and direct access to the contractor's employees, facilities, clients, places, or records of any type.
- (l) **Retaliation.** The agency shall ensure the protection of both staff and juveniles who report sexual abuse or sexual harassment or for cooperating in sexual abuse or sexual harassment investigations from retaliation.

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

- (a) Upon receiving a report from OCA concerning an investigation of abuse, neglect, or caretaker misconduct, the ~~AG Advocate General~~ shall send a copy of the report to the facility administrator and notify the appropriate OJA staff, Executive Director or appropriate Division Director. If a facility administrator is named as an accused caretaker in the allegation, the report shall be forwarded to the facility owner, the Chair of the facility's Board of Directors of the facility or to the Director of the state agency operating the facility.
- (b) If OCA confirms findings of abuse, neglect, or caretaker misconduct, the Advocate General shall request appropriate corrective action within 21 days of the ~~AG's Advocate General's~~ receipt of OCA's report.
- (c) ~~Even if abuse, neglect, or caretaker misconduct is not confirmed by OCA, the The AG Advocate General~~ may recommend appropriate measures to the Executive Director ~~appropriate measures~~ to address systemic or individual concerns raised during the course of the OCA investigation.
- (d) Upon receipt of OCA's report, the facility administrator, OJA administration, or ~~AG Advocate General~~ on behalf of a juvenile who is the subject of the report may request that the ~~DHS~~ Grievance Abuse Review Committee (GARC) review its findings and return a different result.
- (e) OCA investigative reports, records, files, and audio tapes are considered confidential under ~~Title 10A O.S.; § 1-6-102~~. See OAC 310:678-7-1.

377:3-1-27. OJA grievance policy

- (a) It is OJA's intent to establish and maintain a fair, simple, and speedy system for the resolution of grievances of all OJA-custody juveniles. The grievance policy and procedure is designed to provide an OJA-custody juvenile with a way to have another person review and, when appropriate, correct problems the juvenile is having. Any grievance regarding allegations of abuse, including sexual abuse and sexual harassment, or neglect, shall be forwarded to the DHS hotline.
- (b) A juvenile, or another person on behalf of a juvenile, may file a grievance regarding:
- (1) the conditions of confinement, action of staff, and incidents occurring within or under the authority and control of OJA, and the Office of Juvenile Affairs.
 - (2) any decision, behavior, or action by an OJA employee or contractor, or by another juvenile in OJA custody. Any grievance regarding allegations of abuse, including sexual abuse and sexual harassment, or neglect, shall be forwarded to the DHS hotline.
- (c) ~~A grievance may be filed by either a juvenile or by another person on behalf of the juvenile.~~ The juvenile or person filing on behalf of the juvenile shall try to resolve the grievance informally at the local level before he or she submits a formal appeal. The procedures for informally resolving grievances ~~with JSU and in institutions and contract facilities~~ are set forth in OAC 377:3-1-28. If a resolution cannot be achieved through the informal process, the juvenile has <http://hscabrcq.oja.ok.gov/hhstravelrequest/views/landing.html> the right to appeal.
- (d) Staff members shall not in any way discourage any juvenile from filing a grievance or appealing a grievance resolution. The rules in this Section shall not be construed to ~~impinge upon~~ hinder the duties of the Advocate General, Advocate Defender, grievance coordinator, or any designee ~~thereof~~ from fairly and accurately advising a juvenile of his or her rights or alternative means of dispute resolution.
- (e) OJA ensures the quality of the system by maintaining minimum a system of standards and by using an ongoing monitoring program carried out by the Office of Advocate General in conjunction with other OJA Divisions.
- (f) Each OJA and contracted facility shall make its grievance policies and procedures available upon request to any member of the public.
- (g) Each OJA and contracted facility shall post its grievance policies in conspicuous places readily accessible to the juveniles in residence.

- (h) Each OJA and contracted facility shall explain OJA grievance policies and procedures to every resident during intake at the facility.
- (i) Every effort should be made to utilize the correct form, but all grievances must be processed regardless of the form used by the juvenile.
- (j) The secure facility shall permit a juvenile to report sexual abuse or sexual harassment to DHS via the hotline.

377:3-1-28. General Grievance Procedure

(a) Informal grievances.

- (1) Informal grievances are issues relating to daily life at the juvenile's placement, which can be resolved at the facility or local level. Informal grievances include, but are not limited to:
 - (A) grooming and hygiene;
 - (B) clothing;
 - (C) ~~facility cottage~~ cleanliness;
 - (D) food;
 - (E) disrespect not involving threats of harm;
 - (F) restrictions; or
 - (G) routine problems with the JSU, ~~i.e.~~, for example complaints against a JSU worker.
- (2) A juvenile shall try to informally resolve his or her grievance by talking with the Advocate Defender, supervising employee, or other appropriate staff, excluding a staff member who is the subject of the grievance, within three (3) working days, excluding weekends and holidays, of the incident. If the issue is not resolved the juvenile may submit in writing a brief description of the problem and what efforts have been made to resolve the issue within (7) seven working days, excluding weekend and holidays, of the incident. The grievance should include the name of the person or group with whom the juvenile wants to meet to discuss the problem. The juvenile may put the written information in a designated grievance box or give the grievance to any staff member.
- (3) The grievance must be numbered and logged in a grievance log on the day the grievance is received and distributed to the appropriate staff, excluding a staff member who is the subject of the grievance, for processing and possible resolution.
- (4) The assigned staff shall review each grievance and attempt to resolve the grievance with the juvenile.
- (5) If the grievance is not resolved within (5) five working days (excluding weekends and holidays), the juvenile may seek review by the supervisor.
- (6) The supervisor shall have (10) ten working days (excluding weekends and holidays) from receipt of the review to resolve the grievance.
- (7) If the juvenile does not accept the resolution of the supervisory review, he/she may file a formal grievance, which shall be received within 5 working days (excluding weekends and holidays) from the receipt of the review.
- (8) The grievance log must also indicate the disposition of the grievance and the date of the resolution or the review. OJA Form OJA-AG-2 may be used to facilitate the grievance resolution process.

(b) Formal Grievances.

- (1) Formal grievances are those grievances, which are appeals of informal grievances or those which cannot otherwise be resolved at the facility or local level. Issues which cannot be resolved at the facility or local level include, but are not limited to:
 - (A) placement;
 - (B) treatment;
 - (C) psychological services;
 - (D) social services;
 - (E) educational services;
 - (F) recreation; or
 - (G) abuse, neglect, or caretaker misconduct.
- (2) Grievances which contain allegations of abuse, neglect, or caretaker misconduct shall be processed in accordance with 377:3-1-25 and 377:3-1-26.
- (3) Formal grievances may be filed with any staff member, excluding a staff member who is the subject of the grievance, but shall be routed to the Advocate General for appropriate distribution and resolution by OJA State Office as set forth in paragraph (c) of this section. Form OJA-AG-3 may be used to facilitate the formal grievance process.

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

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

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

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

(g) **Review by juvenile.** The grievance coordinator, Advocate Defender, or Advocate General (whoever filed the last grievance), shall review the Division Director's resolution with the juvenile and notify the juvenile that his or her administrative remedies have been exhausted. If the juvenile does not accept the resolution, a copy of the grievance, appeals, and proposed resolutions shall be forwarded to the Office of Juvenile Systems Oversight.

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

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

(A) OJA;

(B) an agent of OJA; or

(C) an OJA contractor; or

(2) any decision, behavior, or action of

(A) an OJA employee;

(B) an agent of OJA;

(C) an OJA contractor; or

(D) any other person committed to OJA.

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

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

(1) Grievances intended to harass another;

(2) The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

(3) The repeated submitting of grievances about an issue, which has been adequately and completely addressed by staff.

(4) If misuse of the process is determined, the juvenile will be notified in writing, citing the above listed reason or reasons the grievance will not be processed through the grievance procedure. A copy of the determination will be placed in the offender's field file, Advocate General's and Advocate Defender's file. ~~The agency may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.~~

(i)(k) Non-grievable issues include;

(1) any appeals finalized and resolved by the disciplinary hearing process shall not be processed through the grievance process, or

(2) Requests for disciplinary action against staff.

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

377:3-1-31. Monitoring and evaluation

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

(1) The grievance coordinator or advocate defender may request a personal visit with the Advocate General ~~as needed~~ ~~on an as-needed basis.~~

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

~~(3) The grievance coordinator or advocate defender shall maintain the master grievance log and grievance files and shall report grievance statistical information to the Office of Advocate General monthly.~~

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

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

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

- ~~— In carrying out his or her duties, the Advocate General shall coordinate his or her activities with the Agency divisions by:~~
- ~~(1) gathering information and observations needed for oversight activity;~~
 - ~~(2) producing and distributing reports documenting findings of visits including identifying areas of noncompliance; and~~
 - ~~(3) communicating and coordinating to improve planning, programs, and policy based upon information and findings resulting from monitoring activities.~~

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

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

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

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

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

377:3-1-35. Conflict of interest [REVOKED]

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

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

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