

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 7. Finance Department

377:3-7-1. Legal basis and purpose [AMENDED]

377:3-7-2. Purpose [REVOKED]

377:3-7-3. Regulatory authority [REVOKED]

377:3-7-4. OJA financial system [REVOKED]

Subchapter 9. Office of Policy

Part 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis [AMENDED]

377:3-9-41. Purpose [REVOKED]

377:3-9-42. Public hearings [REVOKED]

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

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

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 7. Finance Department

377:3-7-1. Legal basis and purpose [AMENDED]

377:3-7-2. Purpose [REVOKED]

377:3-7-3. Regulatory authority [REVOKED]

377:3-7-4. OJA financial system [REVOKED]

Subchapter 9. Office of Policy

Part 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis [AMENDED]

377:3-9-41. Purpose [REVOKED]

377:3-9-42. Public hearings [REVOKED]

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

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

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 7. FINANCE DEPARTMENT

377:3-7-1. Legal basis and purpose

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

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

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

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

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

377:3-7-2. Purpose [REVOKED]

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

- ~~(1) The OJA Finance Division shall properly manage the OJA annual budgeting process and account for OJA funds and other assets, including facilities and materials, in accordance with state laws and procedures.~~
- ~~(2) The OJA Finance Division shall manage the OJA budgeting process.~~

377:3-7-3. Regulatory authority [REVOKED]

~~The Office of Juvenile Affairs shall follow:~~

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

377:3-7-4. OJA financial system [REVOKED]

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

SUBCHAPTER 9. OFFICE OF POLICY

PART 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis

The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101(F)(2), shall be the rulemaking body for OJA. OJA shall follow the rulemaking requirements in accordance with ~~pursuant to~~ the Oklahoma Administrative Procedures Act (APA); ~~See Title 75 O.S. § 250 et seq. The General Counsel, designee, manages OJA's rules and procedures; serving as a link between the program, administrative, and legal functions of OJA and OJA's rules and policies. Public hearings will be held in accordance with 75 O.S. § 303(C).~~

377:3-9-41. Purpose [REVOKED]

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

377:3-9-42. Public hearings [REVOKED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) approve the petition for Board action;

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

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

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

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

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

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

(F) for other just cause; or

(3) request additional material from the petitioner.

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

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

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

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

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

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

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

decision.