

ENGROSSED SENATE
BILL NO. 291

BY: CAIN of the SENATE

and

THOMAS of the HOUSE

[CHILDREN - AMENDING SECTIONS 2, 3, 4, 5 AND 6,
CHAPTER 312, O.S.L. 1982, AS AMENDED BY SECTIONS
3, 4, 5, 6 AND 7, CHAPTER 288, O.S.L. 1990 -
REPEALING SECTIONS 7 AND 8, CHAPTER 312, O.S.L.
1982 -
EFFECTIVE DATE]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.13 of Title 10, unless there is created a duplication in numbering, reads as follows:

There hereby is transferred from the Oklahoma Public Welfare Commission to the Oklahoma Commission on Children and Youth, the following programs, functions or services:

1. Child Welfare Services;
2. Community-based youth service contracts;
3. Court-related and community services, including but not limited to a victim restitution/offender responsibility program and mediation services;
4. Institutional children and youth services;
5. Parole, Review and Hearing Board; and
6. That necessary part of the policy analysis division of the Department of Human Services as it relates to Children Services,

together with all personnel, property, records, equipment, supplies, funds, and all other assets owned, possessed, or necessary for the operation of the foregoing programs, functions and services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.14 of Title 10, unless there is created a duplication in numbering, reads as follows:

There hereby is transferred from the State Board of Health to the Oklahoma Commission on Children and Youth, the following programs, functions or services:

1. Child Abuse Prevention; and
2. Child Guidance Services,

together with all personnel, property, records, equipment, supplies, funds, and all other assets owned, possessed, or necessary for the operation of the foregoing programs, functions and services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.15 of Title 10, unless there is created a duplication in numbering, reads as follows:

There hereby is transferred from the Board of Mental Health and Substance Abuse Services to the Oklahoma Commission on Children and Youth, those programs, functions and services constituting that part of the services provided by the Domestic Violence Division relating to sexual abuse outside the home; together with all personnel, property, records, equipment, supplies, funds, and all other assets owned, possessed, or necessary for the operation of the foregoing programs, functions and services.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.16 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Commission on Children and Youth hereby is empowered to exercise all of the powers and duties now vested in the Oklahoma Public Welfare Commission, the State Board of Health, and the Board of Mental Health and Substance Abuse Services, in relation

to all of the programs, functions and services listed in Sections 1, 2 and 3 of this act.

SECTION 5. AMENDATORY Section 2, Chapter 312, O.S.L. 1982, as amended by Section 3, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.2), is amended to read as follows:

Section 601.2 A. ~~The members of the Oklahoma Commission on Children and Youth, shall be appointed on or before July 1, 1982, and within thirty (30) days after their appointment, shall organize and elect a chairman~~ advisory. The chairman shall be ~~elected annually~~ designated by the ~~Commission members~~ Governor. The Commission shall hold at least four (4) regular quarterly meetings each year and such other special meetings as may be necessary at the call of the Chairman or by a majority of the members of the Commission. Special meetings may be called on notice given at least five (5) days in advance of the date of such meetings. At any regular or special meeting of the Commission, eight members shall constitute a quorum, and a concurring vote of a majority of the members of the Commission present shall be necessary to conduct official business of the Commission.

B. Members of the Commission shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

C. The Director of the Oklahoma Commission on Children and Youth shall be subject to the provisions of the Administrative Procedures Act, Sections 250 et seq. and 301 et seq. of Title 75 of the Oklahoma Statutes.

D. The Attorney General of the State of Oklahoma shall serve as legal counsel for the Director of the Oklahoma Commission on Children and Youth and shall assist the Commission in the performance of its designated duties.

SECTION 6. AMENDATORY Section 3, Chapter 312, O.S.L. 1982, as amended by Section 4, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.3), is amended to read as follows:

Section 601.3 The Director of the Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth; and
2. ~~Establish and maintain the Office of Juvenile System Oversight; and~~
3. Designate district and regional planning and coordination areas and district and regional boards for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district and regional boards.

SECTION 7. AMENDATORY Section 4, Chapter 312, O.S.L. 1982, as amended by Section 5, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.4), is amended to read as follows:

Section 601.4 The Director of the Oklahoma Commission on Children and Youth is further authorized to:

1. Facilitate joint planning and service coordination among public and private agencies that provide services to children and youth including developing an information system to access data base for monitoring various systems providing services to children and youth;
2. Prepare and publish reports;
3. Review the programs, policies and services for children and youth provided by public and private agencies for compliance with established state policies and progress towards goals identified in planning documents relating to children and youth services, develop long term care guidelines of case management at community level, and ~~to~~ make reports regarding said compliance and progress;

4. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

5. Enter into agreements or contracts for the development of test models or demonstration programs and projects and for programs of practical research for effective services to children and youth; provided that the administration of contract for such model programs and projects shall, within five (5) years of their inception, be transferred to an appropriate agency or the program or project shall be discontinued;

6. Secure necessary statistical, technical, administrative, operational and staff services by interagency agreement or contract;

7. Examine all records, plans, budgets and budget documents pertaining to the children and youth service system;

8. Exercise all incidental powers as necessary and proper for the performance of the duties and responsibilities of the Commission; and

9. Promulgate rules and regulations as necessary to carry out the duties and responsibilities assigned to the Oklahoma Commission on Children and Youth.

SECTION 8. AMENDATORY Section 5, Chapter 312, O.S.L. 1982, as amended by Section 6, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.5), is amended to read as follows:

Section 601.5 ~~The Oklahoma Commission on Children and Youth~~ Governor, with the advice and consent of the Senate, shall appoint a Director of the Oklahoma Commission on Children and Youth who shall be a person having experience in the operation and administration of services to children and youth. Such Director shall be appointed for a term of two (2) years, and may be reappointed. Such Director may be dismissed only for cause. The Director shall:

1. Employ such staff as may be necessary to perform the duties of the Commission, with the advice and approval of the Commission;

2. Prepare the State Plan for Services to Children and Youth, the Annual Report required by Section 601.9 of this title, other reports as necessary and appropriate and an annual budget for the approval of the Commission;

3. Formulate and recommend rules and regulations for approval or rejection by the Commission;

4. Serve as chief executive officer of the Oklahoma Commission on Children and Youth; and

5. Act as agent as authorized for the Commission in the performance of its duties.

SECTION 9. AMENDATORY Section 6, Chapter 312, O.S.L. 1982, as amended by Section 7, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.6), is amended to read as follows:

Section 601.6 A. The Office of Juvenile System Oversight is hereby created. It shall have the responsibility of investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the Office of Juvenile System Oversight, and monitoring the children and youth service system to ascertain compliance with established responsibilities.

It shall be the duty of the Office of Juvenile System Oversight to conduct regular, periodic, but not less than semiannual, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the State Fire Marshal and the Department of Health and any agencies which accredit such institutions and facilities.

B. The Office of Juvenile System Oversight shall have the authority to:

1. Examine all records and budgets pertaining to the children and youth service system and shall have access to all facilities within the children and youth service system for the purpose of

conducting site visits and speaking with the residents of such facilities;

2. Subpoena witnesses and hold public hearings;

3. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chief Justice of the Supreme Court of the State of Oklahoma, any appropriate prosecutorial agency, the director of the agency under consideration; and such other persons as necessary and appropriate; and

4. Publish its findings and recommendations on an annual basis to be made available to members of the general public upon request, and such special findings and reports as deemed necessary.

SECTION 10. REPEALER Sections 7 and 8, Chapter 312, O.S.L. 1982, as last amended by Sections 10 and 11, Chapter 288, O.S.L. 1990 (10 O.S. Supp. 1990, Sections 601.7 and 601.8), are hereby repealed.

SECTION 11. RECODIFICATION Section 6, Chapter 312, O.S.L. 1982, as last amended by Section 9 of this act (10 O.S. Supp. 1990, Section 601.6) shall be recodified as Section 7070 of Title 74 of the Oklahoma Statutes unless there is created a duplication in numbering.

SECTION 12. This act shall become effective January 1, 1992.

Passed the Senate the 12th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1991.

Speaker

of the House of
Representatives