

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1109

By: Pilgrim

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 1991, Sections 1116.2, as amended by Section 1, Chapter 39, O.S.L. 1992, 1116.3, as amended by Section 2, Chapter 39, O.S.L. 1992, 1116.4 and 1116.6 (10 O.S. Supp. 1992, Sections 1116.2 and 1116.3), which relate to certain review boards and the State Foster Care Review Advisory Board; changing the name of the review boards to postadjudication review boards; changing name of the Board to the State Postadjudication Review Advisory Board; modifying powers of Commission on Children and Youth; modifying certain position; providing for staff assistance and staff pay to the review boards; authorizing certain funding requests; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1116.2, as amended by Section 1, Chapter 39, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1116.2), is amended to read as follows:

Section 1116.2 A. There is hereby established a postadjudication review board in each judicial district in the state. Members and alternate members of the postadjudication review boards shall be residents of or employed within the judicial district in which the board serves and shall be appointed by the Oklahoma Commission on Children and Youth after consultation with judges in the judicial district having juvenile docket responsibility. The Oklahoma Commission on Children and Youth may establish additional postadjudication review boards as needed for each county within a judicial district.

B. A postadjudication review board for each judicial district shall consist of at least five (5) members. Alternate review board members may be appointed to serve in the absence of a regularly appointed board member. Alternate board members shall

be appointed in the same manner as regularly appointed board members. On and after September 1, 1991, currently serving board members shall serve until appointments are made by the Commission on Children and Youth. The Commission on Children and Youth shall complete initial appointments to the review boards no later than June 30, 1992.

C. Board members shall be appointed for a term of three (3) years. Members shall serve after the expiration of their terms until their respective successors shall have been appointed. Vacancies shall be filled for the duration of unexpired terms. The review board members shall be appointed according to the following guidelines:

1. One member shall be a person who has training or experience in issues concerning child welfare, or a person who has demonstrated an interest in children through voluntary community service or professional activities;

2. Whenever possible, at least one member of the board shall be an individual who has served as a foster parent, provided that no person on the review board shall participate as a board member in any review hearing in which he is a party; and

3. No more than one person employed by any child welfare agency or juvenile court may be appointed to a board at the same time, provided such person shall not participate in any review hearing in which he is professionally involved.

D. Each postadjudication review board shall annually elect a chairperson and shall notify the Commission on Children and Youth as to the name and address of the chairman. A list of the members of each local board and its officers shall be filed with the Presiding Judge of the judicial district and each judge within the district having juvenile docket responsibility.

E. Each postadjudication review board shall meet as often as is necessary at a place it designates to carry out the duties of the board established by Section 1116.3 of this title. The review board shall meet at least twice annually. Each review board shall be subject to the provisions of the Oklahoma Open Meeting Act, except that the actual case reviews shall be held in executive

session and the names of the children in placement shall not be published.

F. As a condition of membership thereto, members and alternates of the postadjudication review boards shall attend the next available orientation program after appointment to the board. Failure to attend an orientation program, at the discretion of the Commission on Children and Youth, may result in the removal of the board member. Members of postadjudication review boards shall attend the annual meeting or training programs or both such meeting and training programs as are authorized and directed by the Commission on Children and Youth.

G. Members of postadjudication review boards shall serve without compensation, but shall be reimbursed for travel and training expenses from monies appropriated by the Legislature for such purposes, as provided by the State Travel Reimbursement Act.

H. The Commission on Children and Youth shall be responsible for developing procedures for the removal of a member from a postadjudication review board. The grounds for the removal of a postadjudication review board member shall include but not be limited to:

1. Failure to attend board meetings as required by the Commission on Children and Youth;
2. Engaging in illegal conduct involving moral turpitude;
3. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; or
4. Wrongful disclosure of information as provided by Section 1116.4 of this title.

I. Necessary staff assistance required by the postadjudication review boards shall be provided by the bailiff or bailiffs, or other person designated by the court, of the judges with juvenile docket responsibility in the judicial district. Upon the request of the presiding judge, the Chief Justice of the Supreme Court may authorize additional staff to be paid from local court funds to assist the review board.

The Administrative Director of the Courts may include such additional funding requests in the annual budget for the courts as

are necessary to provide staff and administrative support for the review boards.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1116.3, as amended by Section 2, Chapter 39, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1116.3), is amended to read as follows:

Section 1116.3 A. Review boards shall function in an advisory capacity to the district court and, in accordance with subsection C of this section, the district planning and coordination boards for services to children and youth of the Commission on Children and Youth.

The duties of a review board shall be to:

1. Pursuant to the provisions of subsection G of this section, review the case of every adjudicated child at least once every six (6) months and submit to the court within ten (10) days of any review hearing its findings and recommendations:

a. such review shall include but not be limited to consideration and evaluation of:

(1) the appropriateness of the goals and objectives of the treatment and service plan,

(2) the appropriateness of the services provided to the child, and to the parent, stepparent, or other adult living in the home of the child, or legal guardian, or custodian;

b. reviews of cases and reports to the court shall be scheduled to ensure that the court receives the findings and recommendations of the review board prior to each regularly scheduled six-month review of the case by the court;

2. Review the case of every child held in an out-of-home placement, other than a juvenile detention center, on a preadjudicatory or predisposition custody order for more than the ninety (90) days authorized by Section 1107.1 of this title for such orders. Said cases shall be reviewed by a review board not more than forty-five (45) days after the expiration of the ninety days. Such review shall include but not be limited to consideration and evaluation of:

- a. the appropriateness of the continued out-of-home placement, and
- b. in the absence of a court-ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child; and

3. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, legal guardian, attorney representing the child, custodian of the child, agency supervising the case or legal custodian of the child and to any other interested party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly noted and affixed in the file of the child prior to the commencement of the review process by the review board and the bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall transmit the information necessary for the case reviews to the review board for that district.

B. The review board's report of its findings and recommendations shall be admitted into evidence in any dispositional hearing, and may be relied upon to the extent of its probative value, even though not competent for purposes of an adjudicatory hearing.

C. In addition to its reviewing function, a review board, as directed by the Commission on Children and Youth and in coordination with the district planning and coordination boards shall:

1. Promote and encourage all child placement agencies to maximize family stability and continuity for a child by discouraging unnecessary changes in placement and by recruiting persons to provide placement who may be suitable and willing to adopt;

2. Review the efforts of agencies and institutions to find permanent placement for eligible children and report to the court;

3. Encourage a meeting between the various responsible public and private agencies, institutions, and officers of the court in order to facilitate cooperation and coordination of efforts; and

4. Assess community resources, and develop, if not already available, a directory of responsible persons, agencies, and institutions.

D. A review board may solicit the attendance at its meetings of persons known to the board with information concerning the case of any child subject to its review.

E. A review board shall report annually its findings, recommendations, and assessments of the effectiveness of Sections 1115.1, 1115.2 and Sections 1116.1 through 1116.6 of this title to the Administrator of the Courts, the Supreme Court, to the court having jurisdiction of the case, to the State ~~Foster Care~~ Postadjudication Review Advisory Board, and the Commission on Children and Youth and provide such other reports as deemed proper or that may be requested from time to time by the Commission on Children and Youth, the Governor, the Legislature, or the Supreme Court.

F. It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

G. The Commission on Children and Youth, in consultation with the State ~~Foster Care~~ Postadjudication Review Advisory Board and the Office of the Court Administrator, shall establish a phase-in schedule by adjudicatory category for the reviews of cases required by this section. The schedule shall provide for the review of the cases of all adjudicated children no later than December 31, 1993, and shall be implemented in the following order:

1. Review of the cases of all children adjudicated to be deprived and children adjudicated to be in need of treatment no later than December 31, 1992; and

2. Review of the cases of children adjudicated to be delinquent and children adjudicated to be in need of supervision no later than December 31, 1993.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1116.4, is amended to read as follows:

Section 1116.4 No member of ~~the~~ a postadjudication review board or staff member of such board may disclose any information regarding individual cases acquired from case reviews or be compelled to disclose such information except:

1. When such information pertains to criminal acts or violations of any law;
2. When the child was the victim of a crime. The members of the board or staff member of such board may be required by a court of competent jurisdiction to testify at any proceeding in which the commission of such a crime is the subject of inquiry; or
3. When the person waives the privilege by bringing charges against the board.

Nothing in this act shall be construed to prohibit any board member or staff member of such board from testifying in court hearings concerning matters of adoption, child abuse, child neglect, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues and administrative superiors on behalf of the child, parent or parents of the child.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1116.6, is amended to read as follows:

Section 1116.6 A. There is hereby created a State ~~Foster Care~~ Postadjudication Review Advisory Board which shall meet at least twice each calendar year. The Advisory Board shall have the duty of overseeing the implementation of the state foster care review program in coordination with the Commission on Children and Youth.

B. The Advisory Board shall consist of eighteen (18) members appointed by the Governor. At least eight of the members appointed shall be members of the various review boards throughout the state and at least five of the members shall be judges of the

district court. The members shall serve at the pleasure of the Governor.

C. The ~~Administrative Director of the Courts~~ Commission on Children and Youth shall be the clerk of the Advisory Board.

The Advisory Board shall have the following duties:

1. To assist in the training of the members of the review boards; and

2. To serve, in coordination with the Commission on Children and Youth, as a clearinghouse for reports and information concerning the foster care review program and the review boards as they relate to foster care; and

3. To make recommendations to the courts, the Commission on Children and Youth, the Governor, the Legislature, and each agency affected by the report regarding proposed statutory revisions, amendments to court rules and procedures, and services provided by public and private agencies as they relate to foster care; and

4. To work with both public and private agencies concerned with foster care and adoption exchanges to inform the public of the need for temporary and permanent homes and other services needed by deprived children.

D. The Commission on Children and Youth, with the assistance of the Administrative Director of the Courts and the State ~~Foster Care~~ Postadjudication Review Advisory Board, shall be responsible for developing and administering training procedures and rules for the administration of the ~~Foster Care~~ State Postadjudication Review Advisory Board System.

E. The Commission on Children and Youth shall include activities of the review boards and a report of the findings and recommendations of the review boards in the annual report required by Section 601.9 of this title.

SECTION 5. This act shall become effective July 1, 1993.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6386

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