

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1306

By: Williams of the Senate

and

Boyd (Laura) and Lindley  
of the House

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 1991, Section 1414, as amended by Section 2, Chapter 407, O.S.L. 1997 (10 O.S. Supp. 1997, Section 1414), which relates to admission of mentally retarded persons to state institutions for children; requiring certain program for certain clients; providing for certain content of program; creating the Special Interim Study Committee for the Office of Ombudsman for Children and Youth with Disabilities; providing for membership, duties and responsibilities, travel reimbursement and support for the Special Committee; providing for noncodification; providing for operative date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1414, as amended by Section 2, Chapter 407, O.S.L. 1997 (10 O.S. Supp. 1997, Section 1414), is amended to read as follows:

Section 1414. A. 1. Mentally retarded persons who are legal residents of this state and who have a mental age not above that of the average nine-year-old child, as determined by psychological examination, may be admitted to an institution named in Section 1406 of this title or provided community services, if available, on a voluntary basis only upon written application to the Director of Human Services on forms provided for such purpose. Other mentally retarded persons who are residents of this state and who are above such mental age may be admitted or provided community services, on a voluntary basis only, upon recommendation of the superintendent of the institution and approval of the Director.

2. The application shall be signed by any parent having legal custody of such person, a guardian appointed by a court, or other legal custodian of such person.

3. The psychological examination provided for in this section shall be on forms provided by the Department of Human Services ~~and must.~~ Such examination shall be completed before an application can be approved and the applicant admitted to the institution.

B. Release of a resident of any of the institutions named in Section 1406 of this title shall be subject to such reasonable rules and conditions as may be prescribed by the Commission for Human Services and shall be made only to the parent, guardian appointed by a court, or legal custodian of the resident; provided, however, a resident eighteen (18) years of age or older who has not been found by a court to be incompetent or incapacitated may request and obtain such person's own release.

C. Within six (6) months of the effective date of this act, the Developmental Disabilities Services Division (DDSD) of the

Department of Human Services shall design and implement a program for the provision of services to persons on the DDSD waiting list. Planning and implementation of the program shall include but not be limited to:

1. Placing priority on consumer and family choice;
2. A process for service determination that considers the availability of natural supports to the consumer; and
3. A method for identifying service providers, including fiscal intermediaries, and for paying service providers.

SECTION 2. A. There is hereby created the Special Interim Study Committee for the Office of Ombudsman for Children and Youth with Disabilities. The Special Interim Study Committee shall study and make recommendations regarding the need for or the desirability of establishing an Office of Ombudsman within the Oklahoma Commission on Children and Youth having duties and responsibilities similar to those specified by Introduced House Bill No. 2890 of the 2nd Session of the 46th Oklahoma Legislature. The Special Interim Study Committee shall be composed of thirteen (13) members as follows:

1. Four members appointed by the President Pro Tempore of the State Senate, three of whom shall be members of the Senate and one of whom shall be a parent of a child with a disability;

2. Four members appointed by the Speaker of the Oklahoma House of Representatives, three of whom shall be members of the House of Representatives and one of whom shall be a parent of a child with a disability; and

3. The remainder shall be the Director or designee of each of the following agencies:

- a. the Department of Rehabilitative Services,
- b. the State Department of Education,
- c. the Department of Human Services,

d. the Department of Mental Health and Substance Abuse Services, and

e. the Office of Handicapped Concerns.

B. The members of the Special Interim Study Committee shall serve without pay but shall be reimbursed in accordance with the State Travel Reimbursement Act.

C. Staff support for the Special Interim Study Committee shall be provided by the State Senate and the Oklahoma House of Representatives. The Oklahoma Commission on Children and Youth and the agencies listed in subsection A of this section shall provide information, administrative and other support as requested by the Special Interim Study Committee.

SECTION 3. NONCODIFICATION The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

SECTION 4. Section 1 of this act shall become effective November 1, 1998.

SECTION 5. 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.

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