

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 691

By: Taylor

COMMITTEE SUBSTITUTE

(Children - Oklahoma Commission on Children and Youth -
codification -
effective date)

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 600, is
amended to read as follows:

Section 600. As used in Sections ~~2~~ 600 through ~~14~~ 601.12 of
this ~~act~~ title:

1. "Children and youth service system" means health, mental
health, social, rehabilitative assistance and educational services
provided to children and youth by and through the courts ~~and~~, public
and private agencies, and professionals licensed to provide services
to children and youth by this state;

2. "Client" means a child or a family member of a child who is
receiving services through the children and youth service system;

3. "Commission" means the Oklahoma Commission on Children and
Youth;

4. ~~"Council" means the Oklahoma Planning and Coordinating
Council for Services to Children and Youth;~~

5. ~~"District boards" "County planning and coordination board"~~
means the local ~~district~~ planning and ~~coordinating~~ coordination body

for services to children and youth established pursuant to Section ~~13~~ 601.11 of this ~~act~~ title;

~~6.~~ "District" means the local planning and coordinating areas within each region established pursuant to Section 13 of this act;

~~7.~~ "Regional board" means the regional planning and coordinating board for services to children and youth appointed by the Commission pursuant to Section 13 of this act;

~~8.~~ "Region" means the regional planning and coordinating bodies established pursuant to Section 13 of this act;

~~9.~~ 5. "State and state-supported services to children and youth" means services to children and youth, offered or provided by a public or private agency or organization, that are supported in whole or in part through state funds or federal funds administered by the state; and

~~10.~~ 6. "State Plan for Services to Children and Youth" or "State Plan" means the planning document ~~required~~, developed by the Oklahoma Commission on Children and Youth in conjunction with state agencies with duties and responsibilities related to children and youth including, but not limited to, the Department of Education, Department of Human Services, Department of Mental Health and Substance Abuse Services, J.D. McCarty Center for Children and Developmental Disabilities, Office of Juvenile Affairs, Oklahoma Health Care Authority, State Department of Health, and the State Department of Rehabilitative Services, which incorporates collaborative funding as a means of maximizing federal funding pursuant to Section ~~12~~ 601.3 of this ~~act~~ title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 601.1, as last amended by Section 185, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 601.1), is amended to read as follows:

Section 601.1 A. There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of ~~sixteen~~

~~(16) thirteen (13) members. The membership shall include as follows:~~

~~1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, and the Chairman of the SJR 13 Oversight Committee, or their designees. A designee shall be a person knowledgeable regarding programs and services for children and youth provided by the agency the designee represents and shall have authority to act on the Commission for the designating officer;~~

~~2. The Executive Director of the Office of Juvenile Affairs or a designee. A designee shall be a person knowledgeable regarding programs and services for children and youth provided by the Office of Juvenile Affairs and shall have authority to act on the Commission for the Executive Director of the Office of Juvenile Affairs;~~

~~3. Five members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:~~

~~a. a statewide association of children's institutions and agencies,~~

~~b. a statewide association of youth services,~~

~~c. the Oklahoma Bar Association,~~

~~d. the Oklahoma District Attorney's Association, and~~

~~e. a statewide court-appointed Special Advocate Association;~~

~~4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;~~

~~5. One member from the public at large, appointed by the Governor;~~

~~6. One member~~ 2. Four members, from the public at large, appointed by the Speaker of the House of Representatives; and

~~7. One member~~ 3. Four members, from the public at large, appointed by the President Pro Tempore of the Senate; ~~and~~

~~8. One member elected by the Oklahoma Planning and Coordinating Council for Services to Children and Youth as provided by Section 601.8 of this title. Said elected member shall serve a two-year term and may be reelected.~~

~~The appointed members~~ B. Members shall ~~have had active experience in services to children and youth,~~ shall serve:

1. Serve for a term ~~terms~~ of ~~two (2)~~ five (5) years, and may be reappointed; and

2. Upon failing to attend three (3) meetings of the Commission in any calendar year, be dismissed from service and a successor appointed by the original appointing authority.

SECTION 3. AMENDATORY 10 O.S. 1991, 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 from among the membership a ~~chairman~~ Chair. The ~~chairman~~ Chair shall be elected annually by the Commission members. 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~~ Chair, 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~~ seven 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 Oklahoma Commission on Children and Youth shall be subject to the provisions of the Administrative Procedures Act, Section 250 et seq. and Section 308a 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 Oklahoma Commission on Children and Youth and shall assist the Commission in the performance of its designated duties.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 601.3, is amended to read as follows:

Section 601.3 The Oklahoma Commission on Children and Youth is hereby ~~authorized and directed to~~ designated the principal state agency responsible for:

1. ~~Establish and maintain the Office of Planning and Coordination for Services to Children and Youth~~ children and youth;

2. ~~Establish and maintain~~ Approving and implementing the State Plan for Services to Children and Youth;

3. Establishing and maintaining 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~~

4. Within the limitations of available funds, whether appropriated or otherwise available, ~~provide~~ providing staff, technical assistance and other assistance as necessary and appropriate to ~~the district and regional~~ county planning and coordination boards.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 601.5, is amended to read as follows:

Section 601.5 A. The Oklahoma Commission on Children and Youth shall appoint a Director 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.

B. 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~~ 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 6. AMENDATORY 10 O.S. 1991, Section 601.6, is amended to read as follows:

Section 601.6 A. 1. The Office of Juvenile System Oversight within the Oklahoma Commission on Children and Youth shall have the responsibility of:

- a. investigating and reporting misfeasance and malfeasance within the children and youth service system,
- b. inquiring into areas of concern,
- c. investigating complaints filed with the Office of Juvenile System Oversight, and
- d. monitoring the children and youth service system to ascertain compliance with established responsibilities.

2. 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 State Department of Health, and any other 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, any appropriate state licensing entity, the director of the agency under consideration, and such other persons as necessary and appropriate. Reports of the Office of Juvenile System Oversight which contain information which identifies a child who is a reported victim of child abuse or neglect shall not be made available to the public; and

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

SECTION 7. AMENDATORY 10 O.S. 1991, Section 601.6a, is amended to read as follows:

Section 601.6a ~~The Office of Planning and Coordination for Services to Children and Youth~~ Oklahoma Commission on Children and Youth shall:

1. Convene meetings of public and private agencies that provide services to children and youth for the purpose of facilitating and implementing joint planning and service coordination among ~~said~~ such agencies;

2. Provide ~~the Oklahoma Planning and Coordinating Council for Services to Children and Youth with~~ fiscal and other information related to the children and youth service system as necessary ~~to assist said Council with the performance of its duties and responsibilities;~~

3. ~~Annually prepare, with the advice and assistance~~ Oversee implementation of ~~the Council and affected public and private agencies,~~ the State Plan for Services to Children and Youth ~~for the approval of the Commission;~~

4. Examine all plans, budgets and related documents pertaining to the planning, coordination and development of the children and youth service system;

5. Review, monitor and evaluate the children and youth service system regarding the development of services, progress towards effective joint planning and service coordination, and compliance with established state policies and goals; and

6. 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, public and private agencies, and ~~such other persons~~ others as necessary and appropriate.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 601.6b, is amended to read as follows:

Section 601.6b A. Beginning July 1, ~~1991~~ 1997, and on or before July 1 of each year thereafter, the Oklahoma Commission on

~~Children and Youth shall transmit to the Director of State Finance and to the director of each affected agency a copy of initiate procedures for developing the State Plan for Services to Children and Youth for the next fiscal year.~~

~~B. The Director of the Office of State Finance, in accordance with procedures mutually agreed upon by the Office of State Finance and the Commission, shall regularly compile and transmit to the Office of Planning and Coordination for Services to Children and Youth, by agency and appropriate service category, past, current and projected expenditures, budget requests, and other fiscal information related to state and state-supported services to children, youth and families.~~

~~C. Beginning on September 1, 1991, and on or before September 1 of each year thereafter, the Director of State Finance shall compile, in a form agreed upon by the Office of State Finance and the Commission, and provide to the Office of Planning and Coordination for Services to Children and Youth copies of the budget requests for the next fiscal year by state agencies that provide services to children, youth and families. The Office of Planning and Coordination for Services to Children and Youth shall review said budget requests and report to the Commission, the Governor, the Director of State Finance, and each affected agency director the extent to which the budget requests conform with or differ from the goals and priorities established in the State Plan for Services to Children and Youth, including but not limited to, specific areas of conformity or nonconformity The Commission shall promulgate rules governing the process for developing the State Plan which shall include, but not be limited to:~~

~~1. Procedures for ensuring input into the State Plan by county planning and coordination boards; and~~

~~2. Procedures for review and forwarding of county planning and coordination board recommendations to affected state agencies.~~

~~D. C. The Office of Planning and Coordination Commission shall annually monitor and evaluate the implementation of the goals, priorities and recommendations included in the State Plan for Services to Children and Youth and shall make reports and provide information to the ~~Commission~~ Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the ~~chairmen of the appropriations committees of the Legislature~~ Joint Legislative Oversight Committee for the State Plan for Services to Children and Youth and the administrative head of each affected agency ~~directors~~ as necessary and appropriate ~~to provide assistance for the implementation of said Plan.~~~~

SECTION 9. AMENDATORY 10 O.S. 1991, Section 601.9, is amended to read as follows:

Section 601.9 A. The Oklahoma Commission on Children and Youth shall, ~~with the assistance of the Oklahoma Planning and Coordinating Council for Services to Children and Youth,~~ evaluate and review the development and quality of services to children and youth pursuant to the State Plan for Services to Children and Youth and shall:

~~1.~~ publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chief Justice of the Supreme Court of the State of Oklahoma, and ~~to the chief administrative officer~~ head of each agency affected by the report. Such report shall include activities of the Commission, recommendations for ~~the~~ further development and improvement of services to children and youth, and an estimate of budget and program needs, and by agency for such services.

~~2. Beginning July 1, 1991, and on or before July 1 of each year thereafter, the~~ B. 1. The Commission shall publish a and distribute the State Plan for Services to Children and Youth for the next succeeding fiscal year to each county planning and coordination board.

2. The Oklahoma Commission on Children and Youth shall consult with the state agencies with duties and responsibilities related to Children and Youth in the design, pursuant to recommendations received from county planning and coordination boards, of the State Plan for Services to Children and Youth. The State Plan shall:

- a. identify and establish goals and priorities for services for children and youth, and the estimated costs of implementing ~~said~~ such goals and priorities,
- b. show by agency previous and current expenditures for state and state-supported services to children and youth,
- c. include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development and collaborative funding of the children and youth service system, and
- d. be distributed, as provided by paragraph 1 in subsection A of this section, and ~~shall be made~~ available to the general public.

SECTION 10. AMENDATORY 10 O.S. 1991, Section 601.11, as amended by Section 188, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Section 601.11), is amended to read as follows:

Section 601.11 A. There are hereby created ~~regional and district~~ county planning and coordination boards for services to children and youth:

~~1. Each district board shall be composed of representatives of public and private agencies and organizations, representatives of local health departments and private individuals in accordance with the guidelines established by the Oklahoma Commission on Children and Youth. Each district board shall include but not be limited to representatives of the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, local school districts,~~

~~representatives of private child and family services and programs within the district and representatives of other private agencies and organizations;~~

~~2. The membership of each regional board shall be composed of the elected representatives of each of the district boards within the respective regions~~

~~B. The Commission on Children and Youth shall designate regional planning and coordination areas for services to children and youth within the state and shall designate local district planning and coordination areas within each region.~~

~~C. Selection of a coordinator and membership of regional and district boards shall be determined as follows:~~

~~1. Each regional and district board shall elect a coordinator from among its membership. The elected coordinators shall serve two-year terms and may be reelected;~~

~~2. Membership shall be in accordance with the bylaws of the district board and guidelines of the Commission. The members of the district boards shall serve a two-year term and may be reappointed;~~

~~3. Each district board shall elect two individuals from among its membership, one to serve as its representative on the regional board for that area and one to serve as an alternate representative. Said representative may be, but shall not be required to be, the coordinator for that district; and~~

~~4. Each regional board shall elect an individual from among its membership to serve as its representative on the Oklahoma Planning and Coordinating Council for Services to Children and Youth. Said representative may be, but shall not be required to be, the coordinator for that region.~~

~~D. B. The Oklahoma Commission on Children and Youth shall:~~

~~1. Establish guidelines for the election of coordinators of the regional and district boards;~~

~~2. Establish guidelines for the composition of the membership of the district county planning and coordination boards for services to children and youth~~ which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process; provided, however, such guidelines shall provide that no more than twenty-five percent (25%) of the members of such boards may be individuals employed by a state agency or a private agency that contracts with a state agency;

2. Appoint members of the county planning and coordination boards pursuant to the provisions of paragraph 1 of this subsection;

3. Establish guidelines for the involvement of county boards in coordination, preparation and implementation of the regional and district plans State Plan for children and youth services Services to Children and Youth; and

4. Provide administrative support and technical assistance to the ~~regional and district~~ county planning and coordination boards as otherwise provided ~~by~~ in Section 600 et seq. of this act title.

~~E. C.~~ Nothing in Section 600 et seq. of this act title shall prohibit local municipalities or ~~counties~~ neighborhoods from establishing planning and ~~coordinating~~ coordination bodies for services to children and youth and providing information and recommendations to the ~~regional and district~~ county planning and coordination boards ~~established~~ created by this section.

SECTION 11. AMENDATORY 10 O.S. 1991, Section 601.12, is amended to read as follows:

Section 601.12 A. 1. Each ~~regional and district~~ county planning and coordination board for services to children and youth shall prepare and implement a plan for children and youth services, and for the development and coordination of such services within ~~its region or district~~ such county.

2. Such boards shall, to the maximum extent possible, combine private and public efforts in order to meet the needs of children

and youth and their families and maximize use of existing services to children and youth in the county. Where possible, the boards shall make use of existing private services as a means of reducing the need for additional contracted services.

3. The ~~regional and district~~ county plans shall be transmitted to the ~~Office of Planning and Coordination for Services to Oklahoma Commission on Children and Youth~~ and shall be reviewed by ~~said Office and the Council~~ Commission for forwarding to affected state agencies for use in the preparation of the State Plan for Services to Children and Youth ~~and other reports and recommendations of said Office and the Council.~~

B. Each ~~regional and district~~ county board shall ~~develop~~ include in its plan a written statement clearly identifying its operating procedures, purpose, overall responsibilities and ~~method~~ methods of meeting ~~these~~ its responsibilities related to the State Plan.

C. The ~~district~~ county plan shall include, but not be limited to:

1. A description of programs currently serving children and youth, ~~including~~ which includes information on the impact and cost effectiveness of such programs, ~~cost effectiveness~~ and sources of funding;

2. A brief description of a continuum of programs and services ~~which would be necessary for that comprise~~ a comprehensive approach ~~for~~ to the development and coordination of services to children and youth ~~as well as a brief description of such programs and services;~~

3. A ~~plan for~~ locally coordinated funding plan for such programs and services, which shall be reviewed by the Commission and forwarded to the directors of affected agencies for incorporation in their respective agency budget plans;

4. A description of steps required to be taken in meeting meet such identified needs, including ~~the~~ coordination and integration of

services to avoid ~~unnecessary~~ duplication and ~~cost~~ unnecessary costs, and alternative funding strategies for meeting such needs ~~through the~~ including, but not limited to, reallocation of existing resources, utilization of volunteers, contracting with local ~~universities~~ educational entities and local government ~~or~~ entities, and utilization of private agency funding;

~~4.~~ 5. A description of barriers to ~~the accomplishment of~~ a comprehensive approach to the development and coordination of services to children and youth; and

~~5.~~ 6. Recommendations for any necessary changes that can be accomplished administratively or ~~which~~ that may require legislative action.

D. The ~~regional~~ county plan shall include and incorporate the components listed in subsection C of this section ~~and the plans prepared by each district within the region.~~ ~~The regional plan and~~ shall be reviewed by the ~~district~~ county boards ~~within the region~~ prior to the transmission of the ~~regional~~ plan to the ~~Office of Planning and Coordination for Services to Children and Youth Commission.~~

SECTION 12. REPEALER 10 O.S. 1991, Sections 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995 and 601.8, as amended by Section 187, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1996, Sections 601.7 and 601.8), are hereby repealed.

SECTION 13. This act shall become effective November 1, 1997.

46-1-1179 CJ