

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE  
SUBSTITUTE FOR ENGROSSED  
HOUSE BILL NO. 1298

By: Gilbert of the House

and

Cain of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; amending Section 1, Chapter 396, O.S.L. 1999, as amended by Section 1, Chapter 374, O.S.L. 2000, Section 2, Chapter 396, O.S.L. 1999, as amended by Section 2, Chapter 374, O.S.L. 2000, Section 3, Chapter 396, O.S.L. 1999, as amended by Section 3, Chapter 374, O.S.L. 2000, Section 4, Chapter 396, O.S.L. 1999, as amended by Section 4, Chapter 374, O.S.L. 2000, Section 5, Chapter 396, O.S.L. 1999, Section 38, Chapter 374, O.S.L. 2000 and Section 10, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 2000, Sections 7007-1.1, 7007-1.2, 7007-1.3, 7007-1.4, 7007-1.5, 7004-1.6 and 7210), which relate to the Oklahoma Children's Code; amending 10 O.S. 1991, Section 1116.4, as amended by Section 3, Chapter 72, O.S.L. 1993 (10 O.S. Supp. 2000, Section 1116.4), which relates to delinquent, dependent and disabled children; extending date of termination for the Child Welfare System Reform Review Committee; updating language; adding and deleting certain purposes; deleting, modifying and adding terms; removing out-of-date language; providing for certain information; adding certain items to the Independent Living Act; specifying purposes; providing for eligibility; making certain individuals eligible for certain medical services under certain conditions; directing Oklahoma Health Care Authority to submit certain State Medicaid Plan Amendment for certain individuals under certain circumstances; specifying certain conditions in the recruitment of foster and adoptive parents for certain children in foster care; updating language; providing certain opportunities for certain persons to become foster or adoptive parents; setting conditions for certain placement or adoption of certain children; establishing the Judicial Coordination Advisory Study Panel; providing termination date; specifying purpose; providing for certain plan; providing for certain grant funding application for certain entities; providing for membership, appointments and qualifications; setting certain time limits; providing for appointments of cochairs; providing for vacancies; providing for meetings; providing for duties and responsibilities; requiring a report; providing for staffing; providing for travel reimbursement; providing for immunity from

civil liability for postadjudication review board members; amending Section 1, Chapter 231, O.S.L. 1995 (10 O.S. Supp. 2000, Section 175.20), which relates to day treatment programs; clarifying language; amending 10 O.S. 1991, Section 1403.3, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 25, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7004-3.4), which relates to grievance procedures with the Office of Client Advocacy; providing for development of certain policies and procedures by certain entity; amending Section 11, Chapter 389, O.S.L. 1997, as amended by Section 12, Chapter 396, O.S.L. 1999 (10 O.S. Supp. 2000, Section 7204.1), which relates to certain allegations against certain entities by foster parents; clarifying language; amending 10 O.S. 1991, Sections 60.26, as amended by Section 12, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 and 60.29, as renumbered by Section 59, Chapter 366, O.S.L. 1997, and as amended by Section 38, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 2000, Sections 7510-1.2 and 7510-1.5), which relates to the Oklahoma Adoption Code; modifying definitions relating to subsidized adoptions; limiting amount of adoption subsidies; amending 56 O.S. 1991, Section 168, as last amended by Section 1, Chapter 170, O.S.L. 1995 (56 O.S. Supp. 2000, Section 168), which relates to appeal process; clarifying review process by certain persons; providing for final decision and exception; amending Section 3, Chapter 414, O.S.L. 1997, as last amended by Section 16, Chapter 1, O.S.L. 1999 (56 O.S. 2000, Section 230.52), which relates to minimum mandatory requirements for Temporary Assistance for Needy Families (TANF) program; providing for certain exemption allowed by federal law; amending Section 4 of Enrolled House Bill No. 1241 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Youth Suicide Prevention Act; providing for membership composition, appointments and election of certain officers; providing for responsibilities and duties; providing for report and recommendations; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 396, O.S.L. 1999, as amended by Section 1, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7007-1.1), is amended to read as follows:

Section 7007-1.1 A. The Legislature hereby establishes to continue until June 30, ~~2001~~ 2004, the Child Welfare System Reform Review Committee. The Committee shall undertake a thorough study of

the policies, procedures and statutes governing Oklahoma's child abuse and child welfare system and shall recommend necessary revisions to this system.

B. All departments, officers, agencies and employees of this state shall cooperate with the Child Welfare System Reform Review Committee in carrying out its duties and responsibilities, including providing any information, records and reports as may be requested by the Committee.

SECTION 2. AMENDATORY Section 2, Chapter 396, O.S.L. 1999, as amended by Section 2, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7007-1.2), is amended to read as follows:

Section 7007-1.2 A. The Child Welfare System Reform Review Committee shall consist of ~~the following~~ twenty-two (22) members including:

1. One member who is the Chair of the Human Services Committee of the Oklahoma House of Representatives;

2. One member who is the Chair of the Human Resources Committee of the Oklahoma State Senate;

3. Three members who are judges having juvenile docket responsibilities, appointed by the Juvenile Justice Oversight Committee of the Supreme Court;

4. Two members who are district attorneys having knowledge and experience in actions concerning deprived children, appointed by the District Attorneys Council;

5. One member who serves on a post-adjudication review board, appointed by the State Post-Adjudication Review Advisory Board;

6. One member who serves as a foster parent and who has a current contract with the Department of Human Services to provide foster care services, appointed by the Foster Care Association of Oklahoma;

7. One member who serves as a Court-Appointed Special Advocate, appointed by the Oklahoma CASA Association;

8. Three members appointed by the Speaker of the House of Representatives of whom:

- a. one member represents a child-placing agency that has a current contract with the Department of Human Services to provide foster care services,
- b. one person is a child advocate having current knowledge and experience concerning Oklahoma's child welfare system, and
- c. one person represents a local unit on aging interested in grandparents' concerns;

9. Three members appointed by the President Pro Tempore of the Senate of whom:

- a. one person is a member of the Governor's Task Force on Children in Custody,
- b. one person is a child advocate having current knowledge of Oklahoma's child welfare system, and
- c. one person is a practicing attorney in the area of child welfare and who is an active member of the Family Law Section of the Oklahoma Bar Association;

10. Three members appointed by the Governor of whom:

- a. one is a person from the law enforcement community who is currently working with a multidisciplinary child abuse team,
- b. one person is a practicing public defender or employee of the Office of Public Defender who represents parents who is knowledgeable in deprived actions or termination of parental rights actions and is an active member of the Family Law Section of the Oklahoma Bar Association, and
- c. one person is a practicing attorney in the area of child welfare and who is an active member of the Family Law Section of the Oklahoma Bar Association;

11. Ex officio members of the Child Welfare System Reform Review Committee shall also include the following:

- a. the Director of the Department of Human Services, or designee,
- b. the State Commissioner of Health, or designee, and
- c. the Director of the Oklahoma Commission on Children and Youth, or designee.

B. Members of the Committee shall serve until June 30, ~~2001~~ 2004. Any vacancies in the membership of the Committee shall be filled for the unexpired term in the same manner as the original appointment.

C. The Committee may divide into subcommittees in furtherance of its purposes.

SECTION 3. AMENDATORY Section 3, Chapter 396, O.S.L. 1999, as amended by Section 3, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7007-1.3), is amended to read as follows:

Section 7007-1.3 A. 1. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member of the Child Welfare System Reform Review Committee to serve as cochairs who shall serve until June 30, ~~2001~~ 2004.

2. If a vacancy occurs in such office, a new cochair shall be appointed from the Committee in the same manner as the original appointment.

3. Other officers may be elected to serve the Committee for terms of office as may be designated by the Committee members. A majority of members present shall represent a quorum and a majority present may act for the Committee.

B. The Committee may meet at least one time per month and at such other times as may be set by the cochairs of the Committee.

C. Members of the Committee shall receive no salary; however, all members of the Committee shall be reimbursed for their actual and necessary travel expenses as follows:

1. Legislative members of the Committee shall receive reimbursement from the house in which they serve pursuant to Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative Committee members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act; and

3. Any other Committee member shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Legislative Service Bureau.

SECTION 4. AMENDATORY Section 4, Chapter 396, O.S.L. 1999, as amended by Section 4, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7007-1.4), is amended to read as follows:

Section 7007-1.4 A. The purposes of the Child Welfare System Reform Review Committee shall be to conduct a systematic review and study of all policies, procedures and Oklahoma Statutes concerning the child welfare system, and to update, reform and recodify, as necessary, any statutes and programs encompassed in the system. The duties of the Committee in preparing recommendations shall be ~~as follows~~ the following:

1. To consolidate similar statutes;

2. To repeal or modify obsolete or duplicate statutes or any statutes which shall have been declared unconstitutional by court decision;

3. To recommend changes in Title 10 and Title 63 of the Oklahoma Statutes concerning the child welfare system;

4. To clarify and update any existing statutory language;

5. To recodify those sections of law which relate to child welfare reform when such recodification will improve the location, use, application and appropriateness of those sections of law; and

6. To perform any other acts necessary to complete the purposes of the Committee, including, but not limited to:

- a. the feasibility of videotaping or audiotaping a child alleged to be severely physically or sexually abused at the investigatory stage,
- b. studying whether parents or custodians of a child should be given a Miranda-type warning during a child abuse investigation,
- c. examining the fair and impartial hearing procedure for foster parents provided by the Department of Human Services and the Department of Juvenile Justice,
- d. examining sibling visitation rights,
- e. examining how to improve representation of abused and neglected children in the court system,
- f. prohibiting homosexuals from adopting children,
- g. recognizing rights of relatives, including grandparents or other relatives who have physical custody of children related to them within the third degree of consanguinity or affinity standing in loco parentis to such children in deprived or nondeprived cases,
- h. ~~involving the following entities in the establishment of a professional foster parent curriculum for use in a community college or vo-tech setting:~~
  - ~~(1) higher education,~~
  - ~~(2) vo-tech,~~
  - ~~(3) State Department of Education,~~
  - ~~(4) a trainer who is a foster parent approved by the Department of Human Services,~~
  - ~~(5) a trainer who is a therapeutic foster parent approved by the Department of Human Services, and~~

- ~~(6) a behavioral health specialist with experience in the area of child abuse and neglect,~~
- ~~i.~~ determining the feasibility of abolishing the two percent (2%) cap on enrollment for therapeutic foster children in a school district,
  - ~~j.~~ i. studying the feasibility of increasing foster care provider rates,
  - ~~k.~~ j. reviewing prevention programs and determining if adequate funding exists to provide statewide services and resources,
  - ~~l.~~ k. ~~determining the feasibility and impact of increasing funding levels to the Child Abuse Training Coordination Council to provide more educational training to professionals involved in child abuse prevention, investigation and prosecution,~~
  - ~~m.~~ l. studying child abuse and neglect assessment and investigation procedures to determine if certain procedures need to be modified or refined,
  - ~~n.~~ m. establishing a policy to encourage district attorneys' offices to assign an experienced attorney to a deprived child proceeding and to allow an assistant district attorney and a public defender assigned to a deprived child proceeding to receive equal pay commensurate with experience,
  - ~~o.~~ n. determining methods for improving the quality of legal representation available to children adjudicated deprived including, but not limited to, a requirement that an attorney who is involved in a deprived child proceeding shall annually attend at least six (6) hours of related training, to be made available at a nominal and reasonable cost, in order to be eligible to receive compensation from the local court,

~~p.~~ n. studying, in conjunction with the Juvenile Justice Oversight Committee of the Supreme Court, the feasibility of:

(1) establishing uniform court rules and procedures for use in deprived proceedings, and

(2) drafting a statute to deem a parent an "interested" or "necessary" party in a deprived child proceeding when that parent is not accused of causing the deprivation of the child,

~~q.~~ o. evaluating and making recommendations regarding the use of the term "dependence" in Section 7001-1.3 of this title and "chemically dependent" in Section 7103 of this title, ~~and~~

~~r.~~ p. reviewing statutes related to mandatory reporting of child abuse, and

q. any other issues concerning the child welfare and juvenile justice systems.

B. 1. The staff of the Committee shall be responsible for drafting recommended legislation in accordance with current legislative drafting procedures.

2. The Committee shall prepare a ~~final~~ preliminary draft of recommended changes, and shall submit its recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor by February 15, ~~2001~~ 2003 and a final draft of recommended changes shall be submitted February 15, 2004.

SECTION 5. AMENDATORY Section 5, Chapter 396, O.S.L. 1999 (10 O.S. Supp. 2000, Section 7007-1.5), is amended to read as follows:

Section 7007-1.5 A. The Oklahoma House of Representatives and the Oklahoma State Senate shall provide, as may be necessary, staff assistance to the Child Welfare System Reform Review Committee as necessary to assist the Committee in the performance of its duties.

B. All departments, officers, agencies and employees of this state shall provide information, as may be necessary, to assist the Child Welfare System Review Committee in the performance of its duties.

SECTION 6. AMENDATORY Section 38, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7004-1.6), is amended to read as follows:

Section 7004-1.6 A. This section and Section ~~39~~ 3230 of ~~this act~~ Title 70 of the Oklahoma Statutes shall be known and may be cited as the "Independent Living Act".

B. The purpose of the Independent Living Act shall be:

1. To ensure that eligible individuals who have been or are in the foster care program of the Department of Human Services due to abuse or neglect receive the protection and support necessary to allow the individuals to become self reliant and productive citizens through the provision requisite services that include, but are not limited to, housing, medical coverage and education; and

2. To break the cycle of abuse and neglect that obligates the state to assume custody of children.

C. Individuals eligible for services pursuant to the Independent Living Act include any individual up to twenty-one (21) years of age who has been in the custody of the Department of Human Services or a federally recognized Indian tribe due to abuse or neglect for any nine (9) of the twenty-four (24) months after the individual's sixteenth birthday and before the individual's eighteenth birthday.

D. Individuals who are eligible for services pursuant to the Independent Living Act and who are between eighteen (18) and twenty-one (21) years of age shall be eligible, when funds become available, for Medicaid coverage, provided such individuals were also in the custody of the Department of Human Services or a federally recognized Indian tribe on the date they reached eighteen

(18) years of age. The Legislature directs the Oklahoma Health Care Authority to submit a State Medicaid Plan Amendment to the federal Health Care Financing Administration to provide medical coverage for such individuals to become effective fiscal year 2003.

SECTION 7. AMENDATORY Section 10, Chapter 353, O.S.L. 1996 (10 O.S. Supp. 2000, Section 7210), is amended to read as follows:

Section 7210. A. The Department of Human Services, the Department of Juvenile Justice, and each child-placing agency shall make special efforts to recruit foster placement for children in their custody from suitable relatives and kin of the child, and ~~from among families of the same minority racial or minority ethnic heritage of the child; provided~~ shall make diligent efforts to recruit foster and adoptive families that reflect the ethnic and racial diversity of children for whom foster and adoptive homes are needed. Provided, however, no child shall be delayed in being placed or removed from any placement in order to place the child in a family of the same minority racial or minority ethnic heritage, unless it is determined to be in the best interests of the child. ~~Special~~ person shall be denied the opportunity to become a foster or adoptive parent on the basis of the race, color, or national origin of the person, or of the child involved. No child shall be delayed or denied placement into foster care or adoption on the basis of the race, color, or national origin of the adoptive or foster parent, or of the child involved.

B. Diligent efforts to recruit shall include, but shall not be limited to, contracting and working with community organizations and religious organizations, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the Department of Human Services, the Department of Juvenile Justice and the child-placing agency.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Legislature hereby establishes to continue until June 30, 2002, the Judicial Coordination Advisory Study Panel. The Study Panel shall develop a comprehensive plan for court systems across Oklahoma to apply for federal funds as authorized pursuant to the Strengthening Abuse and Neglect Courts Act of 2000.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Judicial Coordination Advisory Study Panel shall consist of the following fourteen (14) members:

1. Nine members representing various rural and metropolitan areas across Oklahoma and who are judges having juvenile docket responsibilities, appointed by the Juvenile Justice Oversight Committee of the Supreme Court;

2. One member who serves as a court-appointed special advocate, appointed by the Oklahoma Court-Appointed Special Advocate Association;

3. The Director of the Administrative Office of the Courts, or designee;

4. The Director of the Department of Human Services, or designee;

5. The Director of the Oklahoma Commission on Children and Youth, or designee; and

6. The Executive Director of the Office of Juvenile Affairs, or designee.

B. 1. Appointments to the Judicial Coordination Advisory Study Panel shall be made as soon as possible after the effective date of this act. The Study Panel shall call its first meeting as soon as possible after the appointments are made.

2. Members of the Judicial Coordination Advisory Study Panel shall elect two cochairs from its membership to serve until June 30, 2002.

3. Vacancy in such office shall be filled in the same manner as the original appointment. A majority of the members of the Study Panel shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Study Panel.

C. Members of the Judicial Coordination Advisory Study Panel shall receive no compensation for serving on the Study Panel, but shall receive travel reimbursement as follows:

1. State agency members of the Study Panel shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act; and

2. Any other Study Panel members shall receive reimbursement pursuant to the State Travel Reimbursement Act from funds of the Legislative Service Bureau.

D. The Study Panel may divide into subcommittees in furtherance of its purposes. Staffing shall be provided by the respective agencies of the Study Panel.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7007-1.8 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The purposes of the Judicial Coordination Advisory Study Panel shall be to develop a comprehensive plan for court systems throughout Oklahoma to apply for federal funds authorized in the Strengthening Abuse and Neglect Courts Act of 2000, which provides:

1. Competitive grant funding for automated case tracking systems;

2. Competitive grant funding for backlogged abuse and neglect cases; and

3. Competitive grant funding for expansion of court-appointed special advocates (CASA) in underserved areas.

B. The duties of the Study Panel shall include, but not be limited to:

1. Providing information concerning federal grant application;
2. Developing a process by which court systems can apply for federal grant funding;
3. Identifying interested court systems applying for such federal funding;
4. Monitoring the progress of court systems applications for federal grant funding; and
5. Documenting federal grant funding awards made to court systems in Oklahoma.

C. The Judicial Coordination Advisory Study Panel shall issue a report concerning the comprehensive plan developed, and a listing of the court systems in Oklahoma awarded federal funding, pursuant to the Strengthening Abuse and Neglect Courts Act of 2000, to the Legislature and the Governor on or before February 15, 2002.

SECTION 11. AMENDATORY 10 O.S. 1991, Section 1116.4, as amended by Section 3, Chapter 72, O.S.L. 1993 (10 O.S. Supp. 2000, Section 1116.4), is amended to read as follows:

Section 1116.4 No member of 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.

Any person participating in a judicial proceeding as a postadjudication review board member shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

SECTION 12. AMENDATORY Section 1, Chapter 231, O.S.L. 1995 (10 O.S. Supp. 2000, Section 175.20), is amended to read as follows:

Section 175.20 A. ~~As used in Sections 1 through 4 of this act~~ 603.4 and 7102 of this title and the Oklahoma Children's Code, "day treatment program" means nonresidential, partial hospitalization programs, day treatment programs, and day hospital programs in which children and adolescents are placed for psychiatric or psychological treatment. Day treatment programs shall serve children and adolescents who are experiencing severe psychiatric symptoms, disturbances of conduct, decompensating conditions affecting mental health, or severe developmental delays that seriously impair their capacity to function age-appropriately in their daily lives and that place them at risk of inpatient hospital, residential or other institutional care. Day treatment programs shall provide mental health ambulatory, active treatment programs that shall include therapeutic, coordinated and structured clinical services in a stable, therapeutic milieu, with the goal of preventing the need for or reducing the length of inpatient or institutional care, and

reintegrating of the child into the school and the community. A day treatment program shall not mean an alternative school or alternative education program as such terms are defined in rules promulgated by the State Board of Education.

B. All day treatment programs shall adopt:

1. A patient and family bill of rights;

2. Grievance procedures for reporting complaints or grievances to the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Office of ~~the Advocate General~~ Client Advocacy, and that are appropriate for the complaint or grievance; and

3. Policies governing the use of force, which shall be in compliance with the provisions of Section ~~1403.2~~ 7004-3.3 of ~~Title 10 of the Oklahoma Statutes~~ this title.

C. The Commission for Human Services shall promulgate rules governing participation of a foster care family in the treatment of a child and in family therapy with a child when the child is in foster care.

SECTION 13. AMENDATORY 10 O.S. 1991, Section 1403.3, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 25, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7004-3.4), is amended to read as follows:

Section 7004-3.4 A. The Commission for Human Services shall establish and maintain a fair, simple and expeditious system for resolution of grievances of all children in the custody of the Department of Human Services regarding the substance or application of any written or unwritten policy or rule of the Department or of an agent of the Department or any decision or action by an employee or an agent of the Department, or of any child in the custody of the Department.

B. The Commission is authorized and directed to establish the Office of Client Advocacy within the Department and to employ such

personnel as may be necessary to carry out the purposes of subsection A of this section and the duties listed in this subsection. Such personnel may be dismissed only for cause.

1. The chief administrative officer of the Office of Client Advocacy shall be the Advocate General, who shall be an attorney selected from a list of three names submitted by the Oklahoma Commission on Children and Youth. The Advocate General shall be a member of the Oklahoma Bar Association and shall have a minimum of three (3) years' experience as an attorney. The compensation of the Advocate General shall be no less than that of the classification of Attorney III as established in the Merit System of Personnel Administration classification and compensation plan, but shall be an unclassified position.

2. The duties and responsibilities of the Advocate General are as follows:

- a. supervise personnel assigned to the Office of Client Advocacy,
- b. monitor and review grievance procedures and hearings,
- c. investigate unresolved grievances of children in the custody of the Department, and staff grievances on behalf of any such child,
- d. investigate grievances of foster parents related to the provision of foster care services pursuant to this section and Section 7204.1 of this title,
- e. investigate allegations of abuse or neglect of children, regardless of custody, residing outside their own homes other than children in foster care,
- f. investigate allegations of abuse or neglect of any child in a day treatment program as defined in Section 175.20 of this title, and submit a report of the results of the investigation to the appropriate

district attorney and to the State Department of Health,

- g. coordinate any hearings or meetings of Departmental administrative review committees conducted as a result of unresolved grievances or as a result of investigations,
- h. make recommendations to the Director, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Director, the Commission, the Office of Juvenile System Oversight and other appropriate persons as necessary,
- i. forward to the Office of Juvenile Systems Oversight, for the information of the Director of that office, a copy of the final report of any grievance which is not resolved in the favor of the complainant, ~~and~~
- j. perform such other duties as required by the Director of the Department or the Commission, and
- k. develop policies and procedures as necessary to implement the duties and responsibilities assigned to the Office of Client Advocacy.

C. The Department shall promptly report to the appropriate district attorney any act or omission committed by an agent or employee of a public or private residential home, institution, facility or day treatment program as defined in Section 175.20 of this title, or allowed to be perpetrated or committed by any such person, upon a child receiving services in a day treatment program or residing outside the child's own home, other than a child in foster care, when such act or omission, upon conviction, would constitute a criminal offense. Copies of all such reports shall be forwarded to the Attorney General.

D. 1. The Office of Client Advocacy shall investigate any complaint alleging an employee of the Department or of a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 7213 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not apply to any complaint by a foster parent regarding the result of a criminal, administrative or civil proceeding for a violation of any law, rule or contract provision by that foster parent, or the action taken by the Department or a child-placement agency in conformity with the result of any such proceeding.

3. The Office of Client Advocacy shall at all times be granted access to any foster home or any child-placing agency which is certified, authorized or funded by the Department.

SECTION 14. AMENDATORY Section 11, Chapter 389, O.S.L. 1997, as amended by Section 12, Chapter 396, O.S.L. 1999 (10 O.S. Supp. 2000, Section 7204.1), is amended to read as follows:

Section 7204.1 A. 1. A foster parent may report to the Office of ~~Advocate-Defender~~ Client Advocacy of the Department of Human Services an allegation that an employee of the Department or of a child-placing agency has threatened the foster parent with removal of a child from the foster parent, harassed or refused to place a child in a licensed or certified foster home, or disrupted a child

placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 7213 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not be construed to include any complaints from foster parents resulting from administrative, civil or criminal action taken by the employee or Department or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

3. A reporter shall not be relieved of the duty to report incidents pursuant to the Oklahoma Child Abuse Reporting and Prevention Act.

4. The Advocate General shall establish rules and procedures for evaluating reports of complaints pursuant to paragraph 1 of this subsection and for conducting an investigation of such reports.

B. 1. The Office of ~~Advocate-Defender~~ Client Advocacy shall prepare and maintain written records from the reporting source that shall contain the following information to the extent known at the time the report is made:

- a. the names and addresses of the child and the person responsible for the child's welfare,
- b. the nature of the complaint, and
- c. the names of the persons or agencies responsible for the allegations contained in the complaint.

2. Any investigation conducted by the Office of ~~Advocate-Defender~~ Client Advocacy pursuant to such information shall not duplicate and shall be separate from the investigation mandated by

the Oklahoma Child Abuse Reporting and Prevention Act or other investigation of the Department having notice and hearing requirements.

3. At the request of the reporter, the Office of ~~Advocate~~ Defender Client Advocacy shall keep the identity of the reporter strictly confidential from the operation of the Department, until the Advocate General determines what recommendations shall be made to the Commission for Human Services and to the Director of the Department of Human Services.

C. The Commission shall ensure that a person making a report in good faith under this section is not adversely affected solely on the basis of having made such report.

D. Any person who knowingly and willfully makes a false or frivolous report or complaint or a report that the person knows lacks factual foundation, pursuant to the provisions of this section, may be subject to loss of foster parent certification or licensure status.

SECTION 15. AMENDATORY 10 O.S. 1991, Section 60.26, as amended by Section 12, Chapter 297, O.S.L. 1996, and as renumbered by Section 59, Chapter 366, O.S.L. 1997 (10 O.S. Supp. 2000, Section 7510-1.2), is amended to read as follows:

Section 7510-1.2 As used in the Subsidized Adoption Act:  
"Child", "child" means a minor who ~~is~~:

1. ~~In~~ Has been removed from his or her home as a result of:
  - a. a judicial determination to the effect that remaining in the home would be contrary to the child's welfare,  
or
  - b. a voluntary placement by the parents if there has been a judicial determination within the first one hundred eighty (180) days of the placement that the placement is in the best interest of the child in the court-ordered custody of a public or licensed private

nonprofit child-placing agency or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act at the time of the adoptive placement;

2. ~~Legally~~ Is legally free for adoption; and

3. ~~In~~ Is in special circumstances because the child is not likely to be adopted by reason of one or more of the following conditions:

- a. physical or mental disability,
- b. emotional disturbance,
- c. recognized high risk of physical or mental disease,
- d. age,
- e. sibling relationship,
- f. racial or ethnic factors, or
- g. any combination of these conditions.

SECTION 16. AMENDATORY 10 O.S. 1991, Section 60.29, as renumbered by Section 59, Chapter 366, O.S.L. 1997, and as amended by Section 38, Chapter 415, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7510-1.5), is amended to read as follows:

Section 7510-1.5 A. 1. When a parent or parents are found and approved for adoption of a child who is certified as eligible for subsidy, and before the final decree of adoption is issued, there must be a written agreement between the family entering into the subsidized adoption and the Department of Human Services.

2. Adoption subsidies in individual cases may commence with the adoption placement or at the appropriate time after the adoption decree, and shall be based on the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing.

3. The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child ~~under~~:

- a. under traditional foster family care, not therapeutic foster care, or, ~~in~~
- b. in the case of a special service, the reasonable fee for the service rendered.

B. When a child is determined to have a causative, preexisting condition which was not identified or known prior to the legal adoption and which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization, an adoption subsidy may be approved. Upon the approval of the subsidy, the adoptive parents shall also be entitled to receive retroactive subsidy payments for the two (2) months prior to the date such subsidy was approved.

C. Any child who met the requirements of the provisions of Section 7510-1.2 of this title, and was determined eligible for Oklahoma adoption assistance payments with respect to a prior adoption, and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, shall be eligible for Oklahoma adoption assistance payments with respect to any subsequent adoption.

D. 1. When subsidies are for more than one (1) year, the adoptive parent or parents shall present an annual sworn certification that the adopted child remains under their care and that the conditions that caused the child to be certified continue to exist.

2. The adoptive parent or parents shall at all times keep the Department of Human Services informed of circumstances which would make them ineligible for such assistance payments or eligible for assistance payments in a different amount.

3. The Department of Human Services is authorized and directed to make a review of each subsidy annually to assure that the parents are fulfilling their contract obligations.

4. No payment may be made to any parents with respect to any child who has attained the age of eighteen (18) years, except where the state determines that the child has a physical or mental handicap which warrants the continuation of assistance until the child reaches the age of twenty-one (21) years.

5. Termination or modification of the subsidy agreement may be requested by the adoptive parent or parents at any time.

6. No payment may be made to adoptive parents if the Department determines that the parents are no longer legally responsible for the support of the child or that the child is no longer receiving any support from such parents.

E. A child who is a resident of this state when eligibility for subsidy is certified shall remain eligible and receive subsidy, if necessary for adoption, regardless of the domicile or residence of the adopting parent or parents at the time of application for adoption, placement, legal decree of adoption or thereafter.

F. All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the provisions of the Oklahoma Adoption Code.

SECTION 17. AMENDATORY 56 O.S. 1991, Section 168, as last amended by Section 1, Chapter 170, O.S.L. 1995 (56 O.S. Supp. 2000, Section 168), is amended to read as follows:

Section 168. A. Any applicant or recipient adversely affected by a decision of the Department of Human Services on benefits or services provided pursuant to the provisions of this title, shall be afforded an opportunity for a hearing pursuant to the provisions of subsection B of this section after such applicant or recipient has been notified of the adverse decision of the Department.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision, the Department shall hold a hearing pursuant to the provisions of Section 310 of Title 75 of the Oklahoma Statutes.

2. The record of the hearing shall include but shall not be limited to:

- a. all pleadings, motions, and intermediate rulings,
- b. evidence received or considered,
- c. any decision, opinion, or report by the officer presiding at the hearing, and
- d. all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

3. Oral proceedings shall be electronically recorded by the Department. Any party may request a copy of the tape recording of their administrative hearing or may request a transcription of the tape recording to comply with any federal or state law.

4. The decision issued pursuant to this subsection shall be the final decision of the Department unless appealed pursuant to subsection C of this section.

C. Any decision of the Department after such a hearing pursuant to subsection B of this section shall be subject to review by the Director of Human Services upon a timely request for review by the applicant ~~or~~, recipient or Department staff. The Director shall issue a decision after review or may refer review of the hearing decision to the Commission for Human Services. The referral shall be based on criteria established by the Commission. ~~A hearing decision of the Department shall be final and binding unless a review is requested pursuant to the provisions of this subsection.~~ The Director's decision ~~may~~ shall be final unless appealed ~~to the district court in which the applicant or recipient resides within~~

~~thirty (30) days of the date of the Director's decision~~ as provided by the provisions of subsection D of this section.

D. Any applicant or recipient under this title aggrieved by a decision of the Director rendered pursuant to this section may petition the district court in which the applicant or recipient resides for a judicial review of the decision pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes. A copy of the petition shall be served by mail upon the General Counsel of the Department.

SECTION 18. AMENDATORY Section 3, Chapter 414, O.S.L. 1997, as last amended by Section 16, Chapter 1, O.S.L. 1999 (56 O.S. Supp. 2000, Section 230.52), is amended to read as follows:

Section 230.52 A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the Commission for Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years, subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

2. Single parents receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of twenty (20) hours per week during the month. Two-parent families receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of thirty-five (35) hours per week during the month;

3. A recipient must be engaged in one or more of the work activities set out in paragraph 4 of this subsection as soon as required by the Department of Human Services pursuant to the TANF program, but not later than twenty-four (24) months after

certification of the application for assistance, unless the person is exempt from work requirements under rules promulgated by the Commission pursuant to the STARS;

4. The Department shall develop and describe categories of approved work activities for the TANF program recipients in accordance with this paragraph. Work activities that qualify in meeting the requirements include, but are not limited to:

- a. (1) unsubsidized employment which is full-time employment or part-time employment that is not directly supplemented by federal or state funds,
- (2) subsidized private sector employment which is employment in a private for-profit enterprise or a private not-for-profit enterprise that is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department, and
- (3) subsidized public sector employment which is employment by an agency of a federal, state, or local governmental entity which is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department.

Subsidized hourly employment or unsubsidized hourly employment pursuant to this subparagraph shall only be approved by the Department as work activity if such employment is subject to:

- (a) the federal minimum wage requirements pursuant to the Fair Labor Standards Act of 1938, as amended,

- (b) the federal Social Security tax and Medicare tax, and
  - (c) regulations promulgated pursuant to the federal Occupational Safety and Health Act of 1970 and rules promulgated by the State Department of Labor pursuant thereto,
- b. a program of work experience,
- c. on-the-job training,
- d. assisted job search which may include supervised or unsupervised job-seeking activities,
- e. job readiness assistance which may include, but is not limited to:
  - (1) orientation in the work environment and basic job-seeking and job retention skills,
  - (2) instruction in completing an application for employment and writing a resume, and
  - (3) instruction in conducting oneself during a job interview, including appropriate dress,
- f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer employment to a recipient who successfully completes the training. Job skills training includes, but is not limited to, customized training designed to meet the needs of a specific employer or a specific industry,
- g. community service programs which are job-training activities provided in areas where sufficient public or private sector employment is not available. Such activities are linked to both education or training and activities that substantially enhance a recipient's employability,

- h. literacy and adult basic education programs,
- i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,
- j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or General Equivalency Degree, and
- k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

5. Single, custodial parents with a child up to one (1) year of age may be exempt from work activities for a lifetime total exemption of twelve (12) months;

6. In order to receive assistance, unmarried teen parents of a minor child at least twelve (12) weeks of age must participate in educational activities or work activities approved by the state;

7. For single-parent families, except for teen parents, educational activities, other than vocational-technical training, do not count toward meeting the required twenty (20) hours of work activity. For two-parent families, educational activities, except vocational-technical training, do not count toward meeting the required thirty-five (35) hours of work activity;

8. A teen parent must live at home or in an approved, adult-supervised setting as specified in Section 230.55 of this title to receive TANF assistance;

9. A recipient must comply with immunization requirements established pursuant to the TANF program;

10. A recipient shall be subject to the increment in benefits for additional children established by Section 230.58 of this title;

11. The following recipient resources are exempt from resource determination criteria:

- a. an automobile with an equity allowance of not more than Five Thousand Dollars (\$5,000.00) pursuant to Section 230.53 of this title,
- b. individual development accounts established pursuant to the Family Savings Initiative Act, or individual development accounts established prior to November 1, 1998, pursuant to the provisions of Section 230.54 of this title in an amount not to exceed Two Thousand Dollars (\$2,000.00),
- c. the equity value of funeral arrangements owned by a recipient that does not exceed the limitation specified by Section 165 of this title, and
- d. earned income disregards not to exceed One Hundred Twenty Dollars (\$120.00) and one-half (1/2) of the remainder of the earned income;

12. An applicant who applies and is otherwise eligible to receive TANF benefits but who has resided in this state less than twelve (12) months shall be subject to Section 230.57 of this title;

13. The recipient shall enter into a personal responsibility agreement with the Department for receipt of assistance pursuant to Section 230.65 of this title;

14. a. As a condition of participating in the STARS, all recipients are deemed to have given authorization for the release of any and all information necessary to allow all state and federal agencies to meet the program needs of the recipient.
- b. The recipient shall be provided a release form to sign in order to obtain the required information. Failure to sign the release form may result in case closure; and

15. The recipient shall comply with all other conditions and requirements of the STARS, and rules of the Commission promulgated pursuant thereto.

B. 1. Agencies of this state involved in providing services to recipients pursuant to the STARS shall exchange information as necessary for each agency to accomplish objectives and fulfill obligations created or imposed by the STARS and rules promulgated pursuant thereto.

2. Information received pursuant to the STARS shall be maintained by the applicable agency and, except as otherwise provided by this subsection, shall be disclosed only in accordance with any confidentiality provisions applicable to the agency originating the information.

3. The various agencies of the state shall execute operating agreements to facilitate information exchanges pursuant to the STARS.

C. In implementing the TANF program, the Department shall:

1. Provide assistance to aliens pursuant to Section 230.73 of this title;

2. Provide for the closure of the TANF case when the adult recipient refuses to cooperate with agreed upon work activities or other case requirements pursuant to the TANF program;

3. Provide for the sanctioning of parents who do not require their minor children to attend school; and

4. Deny temporary assistance to fugitive felons.

D. In order to ensure that the needy citizens of this state are receiving necessary benefits, the Department shall maintain a listing of all recipients receiving public assistance. The listing shall reflect each recipient's income, social security number, and the programs in which the recipient is participating including, but not limited to, TANF, food stamps, child care, and medical assistance.

E. The Department is hereby authorized to establish a grant diversion program and emergency assistance services.

SECTION 19. AMENDATORY Section 4 of Enrolled House Bill No. 1241 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 4. A. There is hereby created until January 1, 2005, a Youth Suicide Prevention Council. The Council shall assist with the implementation of the Youth Suicide Prevention Act.

B. The Youth Suicide Prevention Council shall be composed of ~~twenty (20)~~ twenty-one (21) members as follows:

1. One member of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;

2. One member of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate;

3. Two representatives of the Department of Mental Health and Substance Abuse Services appointed by the Commissioner of Mental Health and Substance Abuse Services;

4. Two representatives of the State Department of Health appointed by the State Commissioner of Health;

5. One representative of the State Department of Education appointed by the State Superintendent of Public Instruction;

6. One representative of the Office of Juvenile Affairs appointed by the Director of the Office of Juvenile Affairs;

7. One representative of the Oklahoma Commission on Children and Youth appointed by the Director of the Oklahoma Commission on Children and Youth;

8. Two survivors of attempted youth suicide or other youth who have had experience with attempted suicide or suicide, one each appointed by the President Pro Tempore of the Senate and the speaker of the House of Representatives;

9. Two survivors of suicide, including, but not limited to, parents or other family members of youths who committed suicide, to be appointed by the President Pro Tempore of the Senate;

10. One teacher and one school counselor each to be appointed by the Speaker of the House of Representatives;

11. Two licensed mental health professionals who work in the area of suicide prevention, appointed by the Governor;

12. One child psychiatrist who is licensed pursuant to the laws of this state appointed by the President Pro Tempore of the Senate; and

13. Three members of the clergy, one each appointed by the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Governor.

C. The Commissioner of Mental Health and Substance Abuse Services, or a designee, shall convene the initial meeting of the Council, at which time the Council shall elect a chair and vice-chair from among its membership. Staff assistance to the Council shall be provided by the Department of Mental Health and Substance Abuse Services and the State Department of Health. Members of the Council shall receive no compensation for their service on the Council but shall be reimbursed by the appointing authority for travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

D. The responsibilities of the Council shall include, but not be limited to, the following:

1. Collaborate with community partnership boards established pursuant to Section 601.11 of Title 10 of the Oklahoma Statutes and other community-level planning bodies to assist in the development and coordination of local resources and building community capacity to address the issue of youth suicide;

2. Provide technical assistance to schools and communities with respect to the best practices in the identification and treatment of children, youth and young adults at risk for committing suicide;

3. Identify and promote strategies to prevent suicide among children, youth and young adults; and

4. Promote public awareness of the problem of youth suicide and the efforts being made in Oklahoma to reduce morbidity and mortality associated with suicide.

E. The Council shall submit a report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Commissioner of Mental Health and Substance Abuse Services and the State Commissioner of Health no later than December 1 of each year. The report shall provide an update of activities and progress in implementing the provisions of the Youth Suicide Prevention Act, and offer policy and legislative recommendations.

SECTION 20. 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.

48-1-7268          ASK          6/12/15