

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 659

By: Justice of the Senate

and

Steele of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to children; amending 10 O.S. 2001,
11 Section 1116.2, as last amended by Section 1, Chapter
12 124, O.S.L. 2006 (10 O.S. Supp. 2008, Section
13 1116.2), which relates to postadjudication review
14 boards; limiting certain liability; authorizing
15 certain person to attend certain board hearings;
16 authorizing temporary members to certain boards;
17 stating requirements for certain members; making
18 language gender neutral; and providing an effective
19 date.

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

21 SECTION 1. AMENDATORY 10 O.S. 2001, Section 1116.2, as
22 last amended by Section 1, Chapter 124, O.S.L. 2006 (10 O.S. Supp.
23 2008, Section 1116.2), is amended to read as follows:

24 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

1 district in which the board serves and shall be appointed by the
2 Director of the Oklahoma Commission on Children and Youth after
3 consultation with judges in the judicial district having juvenile
4 docket responsibility, provided that in the event of a conflict of
5 interest or for any reason when circumstances or the appearances of
6 justice dictate, the Director of the Oklahoma Commission on Children
7 and Youth may transfer the appointment decision to the entire
8 Oklahoma Commission on Children and Youth whose decision shall be
9 final and further provided, that any aggrieved aspirant may appeal
10 the decision denying appointment by the Director of the Oklahoma
11 Commission on Children and Youth within five (5) days to the
12 Oklahoma Commission on Children and Youth whose decision shall be
13 final. The Oklahoma Commission on Children and Youth may establish
14 additional postadjudication review boards as needed for each county
15 within a judicial district.

16 B. A postadjudication review board for each judicial district
17 shall consist of at least five (5) members. Alternate review board
18 members may be appointed to serve in the absence of a regularly
19 appointed board member. Alternate board members shall be appointed
20 in the same manner as regularly appointed board members. On and
21 after September 1, 1991, currently serving board members shall serve
22 until appointments are made by the Commission on Children and Youth.
23 The Commission on Children and Youth shall complete initial
24 appointments to the review boards no later than June 30, 1992.

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

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

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

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

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

1 E. There shall be a rebuttable presumption that a person
2 participating in a judicial proceeding as a postadjudication review
3 board member or a postadjudication review advisory board or
4 postadjudication review board coordinator is acting in good faith.
5 When acting in good faith, a participant shall be immune from any
6 civil liability that might otherwise be incurred or imposed. Each
7 postadjudication review board shall meet as often as is necessary at
8 a place it designates to carry out the duties of the board
9 established by Section 1116.3 of this title. The review board shall
10 meet at least twice annually. Each review board shall be subject to
11 the provisions of the Oklahoma Open Meeting Act, except that the
12 actual case reviews shall be held in executive session ~~and the names~~
13 ~~of the children in placement shall not be published; provided,~~
14 however, that upon the request of the board, members or prospective
15 members of other existing review boards, students or researchers may
16 attend and observe but not participate in board hearings subject to
17 restrictions and conditions imposed by the board. Members and
18 employees of the State Postadjudication Review Advisory Board who
19 are exercising their oversight responsibilities pursuant to Section
20 1116.6 of this title may attend and observe but not participate in
21 board hearings. All parties shall maintain confidentiality, and the
22 names of the children in placement shall not be published.
23 Temporary ad hoc review boards may be created in counties in which
24 there is no active review board. The Director of the Oklahoma

1 Commission on Children and Youth may appoint active or alternate
2 members of existing review boards to serve as members of local
3 boards that are unable to meet quorum requirements and to
4 temporarily constitute members of a new board where no current board
5 exists. A member appointed to temporary service shall be fully
6 qualified as provided by law, and such service shall terminate when
7 the basis for the appointment is remedied or upon the order of the
8 Director.

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

18 G. Members of postadjudication review boards shall serve
19 without compensation, but shall be reimbursed for travel and
20 training expenses from monies appropriated by the Legislature for
21 such purposes, as provided by the State Travel Reimbursement Act.
22 The Commission on Children and Youth shall provide members of
23 postadjudication review boards with necessary operating supplies and
24 postage fees or members shall be reimbursed for these expenses.

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

- 6 1. Failure to attend board meetings as required by the
7 Commission on Children and Youth;
- 8 2. Engaging in illegal conduct involving moral turpitude;
- 9 3. Engaging in conduct involving dishonesty, fraud, deceit, or
10 misrepresentation; or
- 11 4. Wrongful disclosure of information as provided by Section
12 1116.4 of this title.

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

20 The Administrative Director of the Courts may include such
21 additional funding requests in the annual budget for the courts as
22 are necessary to provide staff and administrative support for the
23 review boards.

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SECTION 2. This act shall become effective November 1, 2009.

52-1-7553 SD 03/31/09