

SB 1612

Senate Bill No. 1612
As Amended

SENATE BILL NO. 1612 - By: Anderson and Johnson (Constance) of the Senate and McDaniel (Jeannie) of the House.

[children - creating the Advisory Council for Children of Incarcerated Parents - codification - effective date - emergency]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.20 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Advisory Council for Children of Incarcerated Parents to develop, recommend, implement, and advise the Legislature and other policymakers of measures that promote the safety and well-being of children whose parents are incarcerated.

B. The advisory council shall be composed of nineteen (19) members as follows:

- 1. The Director of the Department of Human Services, or designee;
- 2. The Executive Director of the Office of Juvenile Affairs, or designee;
- 3. The State Commissioner of Health, or designee;

- 1 4. The Commissioner of Mental Health and Substance Abuse
2 Services, or designee;
- 3 5. The Director of the Department of Corrections, or designee;
- 4 6. The State Superintendent of Public Instruction, or designee;
- 5 7. The Director of the Oklahoma Commission on Children and
6 Youth, or designee;
- 7 8. The Executive Director of the District Attorneys Council, or
8 designee;
- 9 9. A judge with experience in both criminal and juvenile
10 proceedings to be appointed by the President Pro Tempore of the
11 Senate;
- 12 10. A representative of an association of sheriffs and police
13 chiefs in the state to be appointed by the President Pro Tempore of
14 the Senate;
- 15 11. A representative of a program in the eastern part of the
16 state that provides girls an opportunity to visit their incarcerated
17 mothers and to participate in mother-daughter meetings to be
18 appointed by the Speaker of the House of Representatives;
- 19 12. A member of the Post-Adjudication Review Board to be
20 appointed by the Speaker of the House of Representatives;
- 21 13. A representative of the Department of Commerce to be
22 appointed by the Governor;

1 14. A representative from the University of Oklahoma with
2 expertise in the area of incarcerated individuals and their children
3 to be appointed by the President Pro Tempore of the Senate;

4 15. A representative from Oklahoma State University with
5 expertise in the area of incarcerated individuals and their children
6 to be appointed by the Speaker of the House of Representatives;

7 16. A representative of a community planning agency from the
8 northeast quadrant of the state to be appointed by the President Pro
9 Tempore of the Senate;

10 17. A representative of the faith community to be appointed by
11 the Speaker of the House of Representatives;

12 18. A representative of an Indian tribe to be appointed by the
13 Governor; and

14 19. A representative of the Governor's office to be appointed
15 by the Governor.

16 C. The advisory council shall have seven subcommittees as
17 follows:

- 18 1. Safety protocols;
- 19 2. Data collection;
- 20 3. Outreach and education;
- 21 4. Economic supports;
- 22 5. Research;
- 23 6. Resource clearinghouse; and

1 7. Review of existing legislation affecting children of
2 incarcerated parents.

3 D. The advisory council shall:

4 1. Develop and submit to the Governor, the President Pro
5 Tempore of the Senate, and the Speaker of the House of
6 Representatives a state plan no later than February 1, 2011, that
7 identifies and coordinates services to children of incarcerated
8 parents with the primary goal of promoting their safety and well-
9 being; and

10 2. Provide oversight of the implementation of the state plan
11 and responses to recommendations made by the advisory council.

12 E. The state plan developed by the advisory council shall
13 reflect the goals, outcomes, and recommendations of the seven
14 subcommittees established in subsection C of this section.

15 F. The advisory council's actions shall reflect the following
16 principles which support Oklahoma children living without one or
17 both parents due to incarceration:

18 1. A child of an incarcerated parent deserves to be kept safe
19 and informed at the time of the parent's arrest;

20 2. A child of an incarcerated parent deserves to be heard when
21 decisions are made about the child;

22 3. A child of an incarcerated parent deserves to be considered
23 when decisions are made about the incarcerated parent;

1 4. A child of an incarcerated parent deserves to be well cared
2 for in the parent's absence;

3 5. A child of an incarcerated parent deserves to speak with,
4 see, and touch the incarcerated parent during visitations as deemed
5 appropriate and in the best interest of the child;

6 6. A child of an incarcerated parent deserves support as he or
7 she struggles with the parent's incarceration;

8 7. A child of an incarcerated parent deserves not to be judged,
9 blamed, or labeled because of the parent's incarceration; and

10 8. Unless limited by the court, a child of an incarcerated
11 parent deserves to have a relationship with the parent until he or
12 she becomes eighteen (18) years of age.

13 G. The advisory council shall elect a chair and vice chair at
14 the first meeting.

15 H. The advisory council shall meet at least once monthly.

16 I. Staff support for the advisory council shall be provided by
17 the Oklahoma Commission on Children and Youth.

18 J. Members of the advisory council shall serve without
19 compensation, but shall be reimbursed **by their appointing authority**
20 for necessary travel expenses incurred in the performance of their
21 duties in accordance with the State Travel Reimbursement Act.

22 K. The advisory council is authorized to solicit, receive, and
23 pool funds from the federal government, any political subdivisions

1 of the state, or any individual, foundation, or corporation, and may
2 expend those funds for purposes that are consistent with this
3 section.

4 L. The advisory council may make use of any resources, both
5 public and private, that will provide information and analysis that
6 assists in executing its statutory mission.

7 SECTION 2. This act shall become effective July 1, 2010.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-2-10 - DO PASS,
13 As Amended and Coauthored.