

SB 659

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 659
As Amended

SENATE BILL NO. 659 - By: Justice of the Senate and Steele of the House.

[children - postadjudication review boards - effective date]

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

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

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 district in which the board serves and shall be appointed by the Director of the Oklahoma Commission on Children and Youth after consultation with judges in the judicial district having juvenile docket responsibility, provided that in the event of a conflict of interest or for any reason when circumstances or the appearances of justice dictate, the Director of the Oklahoma Commission on Children and Youth may transfer the appointment decision to the entire Oklahoma Commission on Children and Youth whose decision shall be

1 final and further provided, that any aggrieved aspirant may appeal
2 the decision denying appointment by the Director of the Oklahoma
3 Commission on Children and Youth within five (5) days to the
4 Oklahoma Commission on Children and Youth whose decision shall be
5 final. The Oklahoma Commission on Children and Youth may establish
6 additional postadjudication review boards as needed for each county
7 within a judicial district.

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

17 C. Board members shall be appointed for a term of three (3)
18 years. Members shall serve after the expiration of their terms
19 until their respective successors shall have been appointed.
20 Vacancies shall be filled for the duration of unexpired terms. The
21 review board members shall be appointed according to the following
22 guidelines:

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

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

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

13 D. Each postadjudication review board shall annually elect a
14 ~~chairperson~~ chair and shall notify the Commission on Children and
15 Youth as to the name and address of the ~~chairman~~ chair. A list of
16 the members of each local board and its officers shall be filed with
17 the Presiding Judge of the judicial district and each judge within
18 the district having juvenile docket responsibility.

19 E. There shall be a rebuttable presumption that a person
20 participating in a judicial proceeding as a postadjudication review
21 board member or a post adjudication review advisory board or post
22 adjudication review board coordinator is acting in good faith. When
23 acting in good faith, a participant shall be immune from any civil

1 liability that might otherwise be incurred or imposed. Each
2 postadjudication review board shall meet as often as is necessary at
3 a place it designates to carry out the duties of the board
4 established by Section 1116.3 of this title. The review board shall
5 meet at least twice annually. Each review board shall be subject to
6 the provisions of the Oklahoma Open Meeting Act, except that the
7 actual case reviews shall be held in executive session ~~and the names~~
8 ~~of the children in placement shall not be published;~~ provided,
9 however, that upon the request of the board, members or prospective
10 members of other existing review boards, students or researchers may
11 attend and observe but not participate in board hearings subject to
12 restrictions and conditions imposed by the board. Members and
13 employees of the State Postadjudication Review Advisory Board who
14 are exercising their oversight responsibilities pursuant to Section
15 1116.6 of this title may attend and observe but not participate in
16 board hearings. All parties shall maintain confidentiality, and the
17 names of the children in placement shall not be published.
18 Temporary ad hoc review boards may be created in counties in which
19 there is no active review board. The Director of the Oklahoma
20 Commission on Children and Youth may appoint active or alternate
21 members of existing review boards to serve as members of local
22 boards that are unable to meet quorum requirements and to
23 temporarily constitute members of a new board where no current board

1 exists. A member appointed to temporary service shall be fully
2 qualified as provided by law, and such service shall terminate when
3 the basis for the appointment is remedied or upon the order of the
4 Director.

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

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

21 H. The Commission on Children and Youth shall be responsible
22 for developing procedures for the removal of a member from a
23 postadjudication review board. The grounds for the removal of a

1 postadjudication review board member shall include but not be
2 limited to:

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
23 PASS, As Amended and Coauthored.