

1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 3133

By: Steele, Rousselot, Nelson,  
Ownbey and Peterson of the  
House

and

Treat of the Senate

9 [ children - amending 10 O.S., Section 601.3 -  
Oklahoma Commission on Children and Youth - amending  
10 10A O.S., Section 1-9-112 - Department of Human  
Services Office of Client Advocacy - Oklahoma  
11 Commission on Children and Youth - effective date ]

12  
13 AMENDMENT NO. 1. Page 1, strike the enacting clause

14 Passed the Senate the 16th day of April, 2012.

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16 \_\_\_\_\_  
Presiding Officer of the Senate

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18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2012.

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21 \_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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8 ( children - amending 10 O.S., Section 601.3 -  
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11 Human Services Office of Client Advocacy - Oklahoma  
12 Commission on Children and Youth -  
13 effective date )

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15  
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.3, is  
18 amended to read as follows:

19 Section 601.3 The Oklahoma Commission on Children and Youth is  
20 hereby authorized and directed to:

21 1. Establish and maintain the Office of Planning and  
22 Coordination for Services to Children and Youth;

23 2. Establish and maintain the Office of Juvenile System  
24 Oversight;

1 3. Designate community partnership districts for services to  
2 children and youth and, within the limitations of available funds,  
3 whether appropriated or otherwise available, provide staff,  
4 technical assistance and other assistance as necessary and  
5 appropriate to the district boards; ~~and~~

6 4. Establish a system of certification in accordance with the  
7 Child Care Facilities Licensing Act for the shelters managed and  
8 operated by the Department of Human Services pursuant to Section  
9 7004-3.1 of this title; and

10 5. Effective November 1, 2012, employ administrative law judges  
11 whose primary area of responsibility shall be to preside over  
12 administrative hearings of the Department of Human Services Office  
13 of Client Advocacy concerning child welfare and foster care  
14 complaints or allegations. Any administrative law judge employed by  
15 the Department on November 1, 2012, shall be transferred to the  
16 Commission and shall retain all benefits, accrued leave and salary.

17 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-9-112, is  
18 amended to read as follows:

19 Section 1-9-112. A. 1. The Commission for Human Services is  
20 authorized and directed to establish the Office of Client Advocacy  
21 within the Department of Human Services and to employ personnel  
22 necessary to carry out the purposes of this section and the duties  
23 listed in this section. Personnel may be dismissed only for cause.  
24 Effective November 1, 2012, any administrative law judge employed by

1 the Department for the purpose of presiding over Office of Client  
2 Advocacy administrative hearings concerning child welfare and foster  
3 care complaints or allegations shall be transferred to the Oklahoma  
4 Commission on Children and Youth and shall be employees of the  
5 Commission as provided in Section 601.3 of Title 10 of the Oklahoma  
6 Statutes.

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

17       3. The duties and responsibilities of the Advocate General are  
18 to:

- 19           a. supervise personnel assigned to the Office of Client  
20           Advocacy,
- 21           b. monitor and review grievance procedures and hearings,
- 22           c. establish and maintain a fair, simple, and expeditious  
23           system for resolution of grievances of:

24

1 (1) all children in the custody of the Department of  
2 Human Services regarding:

3 (a) the substance or application of any written  
4 or unwritten policy or rule of the  
5 Department or agent of the Department, or

6 (b) any decision or action by an employee or  
7 agent of the Department, or of any child in  
8 the custody of the Department,

9 (2) foster parents relating to the provision of  
10 foster care services pursuant to this section and  
11 Section 1-9-117 of this title, and

12 (3) all persons receiving services from the  
13 Developmental Disabilities Services Division of  
14 the Department of Human Services,

15 d. investigate allegations of abuse, neglect, sexual  
16 abuse, and sexual exploitation, as those terms are  
17 defined in the Oklahoma Children's Code, by a person  
18 responsible for a child, regardless of custody:

19 (1) residing outside their own homes other than  
20 children in foster care or children in the  
21 custody of the Office of Juvenile Affairs and  
22 placed in an Office of Juvenile Affairs secure  
23 facility,  
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1 (2) in a day treatment program as defined in Section  
2 175.20 of Title 10 of the Oklahoma Statutes, and  
3 submit a report of the results of the  
4 investigation to the appropriate district  
5 attorney and to the State Department of Health,  
6 (3) receiving services from a community services  
7 worker as that term is defined in Section 1025.1  
8 of Title 56 of the Oklahoma Statutes, and  
9 (4) residing in a state institution listed in Section  
10 1406 of Title 10 of the Oklahoma Statutes,

11 e. establish a system for investigating allegations of  
12 misconduct, by a person responsible for a child, not  
13 rising to the level of abuse, neglect, sexual abuse,  
14 or sexual exploitation with regard to any child or  
15 resident listed in subparagraph d of this paragraph,

16 f. coordinate any hearings or meetings of Departmental  
17 administrative review committees conducted as a result  
18 of unresolved grievances or as a result of  
19 investigations,

20 g. make recommendations to the Director, and provide  
21 regular or special reports regarding grievance  
22 procedures, hearings and investigations to the  
23 Director, the Commission, the Office of Juvenile  
24

1 System Oversight and other appropriate persons as  
2 necessary,

3 h. forward to the Office of Juvenile Systems Oversight,  
4 for the information of the Director of that office, a  
5 copy of the final report of any grievance which is not  
6 resolved in the favor of the complainant,

7 i. perform such other duties as required by the Director  
8 of the Department or the Commission, and

9 j. develop policies and procedures as necessary to  
10 implement the duties and responsibilities assigned to  
11 the Office of Client Advocacy.

12 B. The Office of Client Advocacy shall make a complete written  
13 report of their investigations. The investigation report, together  
14 with its recommendations, shall be submitted to the appropriate  
15 district attorney's office.

16 C. 1. Except as otherwise provided by the Oklahoma Children's  
17 Code, the reports required by Section 1-2-101 of this title or any  
18 other information acquired pursuant to the Oklahoma Children's Code  
19 shall be confidential and may be disclosed only as provided in  
20 Section 1-2-108 of this title and the Oklahoma Children's Code.

21 2. Except as otherwise provided by the Oklahoma Children's  
22 Code, any violation of the confidentiality requirements of the  
23 Oklahoma Children's Code shall, upon conviction, be a misdemeanor  
24

1 punishable by up to six (6) months in jail, by a fine of Five  
2 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

3 3. Any records or information disclosed as provided by this  
4 subsection shall remain confidential. The use of any information  
5 shall be limited to the purpose for which disclosure is authorized.  
6 Rules promulgated by the Commission for Human Services shall provide  
7 for disclosure of relevant information concerning Office of Client  
8 Advocacy investigations to persons or entities acting in an official  
9 capacity with regard to the subject of the investigation.

10 4. Nothing in this section shall be construed as prohibiting  
11 the Office of Client Advocacy or the Department from disclosing such  
12 confidential information as may be necessary to secure appropriate  
13 care, treatment, or protection of a child alleged to be abused or  
14 neglected.

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

22 a. filed a grievance pursuant to Section 1-9-120 of this  
23 title,  
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1           b.    provided information to any state official or  
2                    Department employee, or

3           c.    testified, assisted, or otherwise participated in an  
4                    investigation, proceeding, or hearing against the  
5                    Department or child-placing agency.

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

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

15          SECTION 3.   This act shall become effective November 1, 2012.  
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1 Passed the House of Representatives the 13th day of March, 2012.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

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9 Presiding Officer of the Senate