

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SUBCOMMITTEE RECOMMENDATION

FOR ENGROSSED

SENATE BILL NO. 320

By: Boren of the Senate

and

Osburn of the House

SUBCOMMITTEE RECOMMENDATION

An Act relating to children; amending 10 O.S. 2011, Sections 601.1, 601.5, Section 1, Chapter 231, O.S.L. 2018, and 1116.2 (10 O.S. Supp. 2018, Section 601.14), which relate to the Oklahoma Commission on Children and Youth; increasing membership of Commission; directing Governor to appoint member; clarifying term limitation for certain members; requiring membership terms to coincide with fiscal year; removing duty of Director to receive Commission advice and approval in hiring staff; modifying purpose of Children's Endowment Fund of Oklahoma; requiring Commission to promulgate rules for specified purpose; authorizing program referrals to State Auditor; allowing certain percentage of funds to be used; limiting expenditures of Children's Endowment Fund of Oklahoma; increasing term length for postadjudication review board members; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.1, is amended to read as follows:

Section 601.1 A. There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of ~~nineteen~~ (19) twenty (20) members. The membership shall include:

1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, the Administrator of the Oklahoma Health Care Authority, the Director of the State Department of Rehabilitation Services, and the Chair of the SJR 13 Oversight Committee;

2. The Executive Director of the Office of Juvenile Affairs;

3. Five members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:

a. the Oklahoma Children's Agencies and Residential Enterprises,

b. one statewide association of youth services,

c. the Oklahoma Bar Association,

d. the Oklahoma District Attorneys Association, and

e. a statewide court-appointed Special Advocate Association;

4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;

1 5. One member representing business or industry, appointed by
2 the Governor;

3 6. One member who is the parent of a child with special needs,
4 appointed by the Speaker of the House of Representatives;

5 7. One member with a demonstrated interest in improving
6 children's services who is not employed by a state agency or a
7 private organization that receives state funds, appointed by the
8 President Pro Tempore of the Senate;

9 8. One member who represents a community partnership board to
10 be elected pursuant to the guidelines established by the Oklahoma
11 Commission on Children and Youth; ~~and~~

12 9. One member who shall be appointed by the Governor from a
13 list of three names submitted by the Post Adjudication Review Board;
14 and

15 10. One member who shall be appointed by the Governor who is
16 knowledgeable of, and has experience with, the federal Indian Child
17 Welfare Act and the Oklahoma Indian Child Welfare Act.

18 B. The appointed members shall have had active experience in
19 services to children and youth and may serve four terms of two (2)
20 years each. ~~Any appointed member serving on the Commission on the~~
21 ~~effective date of this act shall be entitled to complete his or her~~
22 ~~term and shall be eligible to serve one additional term of two (2)~~
23 ~~years. Any person who served on the Commission prior to the~~
24 ~~effective date of this act shall be eligible to serve one additional~~

1 ~~term of two (2) years~~ A person appointed to fill the remainder of a
2 vacant term shall, upon completion of that term, be eligible to
3 serve four additional two-year terms. Terms shall coincide with the
4 fiscal year.

5 C. The Oklahoma Commission on Children and Youth shall provide
6 a monthly report on commission member attendance to the appointing
7 authorities.

8 SECTION 2. AMENDATORY 10 O.S. 2011, Section 601.5, is
9 amended to read as follows:

10 Section 601.5 A. The Oklahoma Commission on Children and Youth
11 shall appoint a Director who shall be a person having experience in
12 the operation and administration of services to children and youth.
13 Such Director shall be appointed for a term of two (2) years, and
14 may be reappointed. Such Director may be dismissed only for cause.
15 The Director shall:

16 1. Employ such staff as may be necessary to perform the duties
17 of the Commission, ~~with the advice and approval of the Commission;~~

18 2. Prepare the State Plan for Services to Children and Youth,
19 the Annual Report required by Section 601.9 of this title, other
20 reports as necessary and appropriate and an annual budget for the
21 approval of the Commission;

22 3. Formulate and recommend rules and regulations for approval
23 or rejection by the Commission;

1 4. Serve as chief executive officer of the Oklahoma Commission
2 on Children and Youth; and

3 5. Act as agent as authorized for the Commission in the
4 performance of its duties.

5 B. The Director may periodically convene issue-specific task
6 groups for the purpose of improving services for children and youth.
7 A copy of any report or recommendations which result from meetings
8 of a task group shall be provided to the Commission, Governor,
9 Speaker of the House of Representatives, President Pro Tempore of
10 the Senate and the director of each state agency affected by the
11 report or recommendations.

12 SECTION 3. AMENDATORY Section 1, Chapter 231, O.S.L.
13 2018 (10 O.S. Supp. 2018, Section 601.14), is amended to read as
14 follows:

15 Section 601.14 A. There is hereby created in the State
16 Treasury a fund for the Oklahoma Commission on Children and Youth to
17 be designated the "Children's Endowment Fund of Oklahoma". The fund
18 shall be a continuing fund, not subject to fiscal year limitations,
19 and shall consist of all monies received through donations or
20 interest earned by investment of monies in the fund. The fund shall
21 be invested by the State Treasurer in accordance with Section 89.2
22 of Title 62 of the Oklahoma Statutes.

23 B. Funds deposited into the Children's Endowment Fund of
24 Oklahoma and any earnings therefrom, including any interest,

1 dividends or realized capital gains from investment of monies in the
2 fund, shall be administered by the Oklahoma Commission on Children
3 and Youth ~~for the purpose of awarding~~ which is authorized to award
4 ~~grants in order to stimulate~~ further the public purpose of
5 stimulating a broad range of innovative programs, activities, ~~or~~
6 research or evaluation that will improve the well-being and reduce
7 the adverse childhood experiences of Oklahoma's children. The funds
8 shall not be used to expand existing services or to support ongoing
9 core services. The Commission may also direct the State Treasurer
10 to reinvest any earnings into the corpus of the fund.

11 C. 1. The Oklahoma Commission on Children and Youth shall
12 promulgate rules to:

13 ~~1. Establish~~

14 a. establish a Parent Partnership Board for the purpose
15 of informing the work of Oklahoma's child-serving
16 systems including the development and evaluation of
17 the grants, ~~and~~

18 ~~2. Establish,~~

19 b. establish criteria and procedures for awarding grants,
20 and

21 c. establish procedures for monitoring the grants
22 awarded.
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1 2. The Commission may refer programs and initiatives funded by
2 grants awarded pursuant to this section to the Oklahoma State
3 Auditor for audits.

4 D. The Oklahoma Commission on Children and Youth ~~shall~~ may use
5 up to ten percent (10%) of the funds deposited in the Children's
6 Endowment Fund of Oklahoma ~~to be available to the Commission~~ in any
7 given fiscal year to provide administration, oversight, training or
8 evaluation of the grantees.

9 E. Monies from the fund may be expended by the Oklahoma
10 Commission on Children and Youth in accordance with the provisions
11 of this section upon warrants issued by the State Treasurer against
12 claims filed as prescribed by law with the Director of the Office of
13 Management and Enterprise Services for approval and payment.

14 F. Notwithstanding any other provision of law, funds deposited
15 in the Children's Endowment Fund of Oklahoma shall only be expended
16 as provided in this section.

17 SECTION 4. AMENDATORY 10 O.S. 2011, Section 1116.2, is
18 amended to read as follows:

19 Section 1116.2 A. There is hereby established a
20 postadjudication review board in each judicial district in the
21 state. Members and alternate members of the postadjudication review
22 boards shall be residents of or employed within the judicial
23 district in which the board serves and shall be appointed by the
24 Director of the Oklahoma Commission on Children and Youth after

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

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

23 C. Board members shall be appointed for a term of ~~three (3)~~
24 five (5) years. Members shall serve after the expiration of their

1 terms until their respective successors shall have been appointed.

2 Vacancies shall be filled for the duration of unexpired terms. The
3 review board members shall be appointed according to the following
4 guidelines:

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

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

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

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

23 E. There shall be a rebuttable presumption that a person
24 participating in a judicial proceeding as a postadjudication review

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

1 temporarily constitute members of a new board where no current board
2 exists. A member appointed to temporary service shall be fully
3 qualified as provided by law, and such service shall terminate when
4 the basis for the appointment is remedied or upon the order of the
5 Director.

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

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

22 H. The Commission on Children and Youth shall be responsible
23 for developing procedures for the removal of a member from a
24 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 5. This act shall become effective November 1, 2019.

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