

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3216

By: Lawson of the House

5 and

6 **Stanley** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to children; amending 10 O.S. 2011,
11 Section 601.6, as amended by Section 2, Chapter 257,
12 O.S.L. 2014 (10 O.S. Supp. 2019, Section 601.6),
13 which relates to the Office of Juvenile System
14 Oversight; directing monitoring of children and youth
15 service system; requiring annual inspections;
16 granting authority to conduct site visits; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.6, as
20 amended by Section 2, Chapter 257, O.S.L. 2014 (10 O.S. Supp. 2019,
21 Section 601.6), is amended to read as follows:

22 Section 601.6 A. The Office of Juvenile System Oversight shall
23 have the responsibility of investigating and reporting misfeasance
24 and malfeasance within the children and youth service system,
25 inquiring into areas of concern, investigating complaints filed with
26 the Office of Juvenile System Oversight, and ~~performing issue-~~

1 ~~specific systemic monitoring as directed by the Commission on~~
2 ~~Children and Youth of~~ the children and youth service system to
3 ascertain compliance with established responsibilities.

4 It shall be the duty of the Office of Juvenile System Oversight
5 to conduct ~~not less than one but not more than two~~ regular,
6 periodic, but not less than annual, unannounced inspections of
7 state-operated children's institutions and facilities and to review
8 the reports of the inspections of the State Fire Marshal and the
9 Department of Health and any agencies which accredit such
10 institutions and facilities.

11 B. The Office of Juvenile System Oversight shall:

12 1. Have the authority to examine and copy all records and
13 budgets pertaining to the children and youth service system ~~and to~~
14 ~~interview the residents of such facilities~~ and shall have access to
15 all facilities within the children and youth service system for the
16 purpose of conducting ~~systemic oversight and complaint~~
17 ~~investigations~~ site visits and speaking with the residents of such
18 facilities;

19 2. Have the authority to subpoena witnesses and hold public
20 hearings;

21 3. Establish, in accordance with the Dispute Resolution Act,
22 Sections 1801 through 1813 of Title 12 of the Oklahoma Statutes, a
23 voluntary program for foster parents to mediate complaints
24 concerning the rights of foster parents, as provided for in Section

1 1-9-119 of Title 10A of the Oklahoma Statutes, that relate to
2 certain actions, inactions or decisions of the Department of Human
3 Services, the Department of Juvenile Justice, or child-placing
4 agencies that may adversely affect the safety and well-being of
5 children in the custody of the state;

6 4. Receive any complaint alleging that an employee of the
7 Department of Human Services or a child-placing agency has
8 threatened a foster parent with removal of a child from the foster
9 parent, harassed a foster parent, or refused to place a child in a
10 licensed or certified foster home, or disrupted a child placement as
11 retaliation or discrimination towards a foster parent who has:

- 12 a. filed a grievance pursuant to Section 1-9-120 of Title
- 13 10A of the Oklahoma Statutes,
- 14 b. provided information to any state official or
- 15 Department employee, or
- 16 c. testified, assisted, or otherwise participated in an
- 17 investigation, proceeding, or hearing against the
- 18 Department or child-placing agency.

19 The Office of Juvenile System Oversight shall forward the
20 complaints to the Office of Client Advocacy for investigation
21 pursuant to subsection D of Section 1-9-112 of Title 10A of the
22 Oklahoma Statutes. The Office of Juvenile System Oversight shall
23 work with the Office of Client Advocacy to ensure the complaints are
24 investigated and resolved in accordance with the grievance

1 procedures provided in Section 1-9-120 of Title 10A of the Oklahoma
2 Statutes. The provisions of this paragraph shall not apply to any
3 complaint by a foster parent regarding the result of a criminal,
4 administrative, or civil proceeding for a violation of any law,
5 rule, or contract provision by that foster parent, or the action
6 taken by the Department or a child-placing agency in conformity with
7 the result of any such proceeding;

8 5. Issue reports to the Governor, Speaker of the House of
9 Representatives, President Pro Tempore of the Senate, Chief Justice
10 of the Supreme Court of the State of Oklahoma, any appropriate
11 prosecutorial agency, the director of the agency under
12 consideration, and other persons as necessary and appropriate; and

13 6. Provide recommendations to the Oklahoma Commission on
14 Children and Youth on or before May 1 of each year.

15 C. The Office of Juvenile System Oversight shall not release
16 information that would identify a person who makes a complaint to
17 the Office, unless a court of competent jurisdiction orders release
18 of the information for good cause shown.

19 SECTION 2. This act shall become effective November 1, 2020.
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21 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
22 SERVICES, dated 02/13/2020 - DO PASS, As Coauthored.
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