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February 27, 2019

AS AMENDED

SENATE BILL NO. 320

By: Boren of the Senate

and

Osburn of the House

[Oklahoma Commission on Children and Youth - membership, director, Children's Endowment Fund of Oklahoma and postadjudication review boards - Governor to appoint - term limitation - 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;

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

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

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

7 b. one statewide association of youth services,

8 c. the Oklahoma Bar Association,

9 d. the Oklahoma District Attorneys Association, and

10 e. a statewide court-appointed Special Advocate
11 Association;

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

14 5. One member representing business or industry, appointed by
15 the Governor;

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

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

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

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

4 10. One member who shall be appointed by the Governor who is
5 knowledgeable of, and has experience with, the Federal Indian Child
6 Welfare Act and the Oklahoma Indian Child Welfare Act.

7 B. The appointed members shall have had active experience in
8 services to children and youth and may serve four terms of two (2)
9 years each. ~~Any appointed member serving on the Commission on the~~
10 ~~effective date of this act shall be entitled to complete his or her~~
11 ~~term and shall be eligible to serve one additional term of two (2)~~
12 ~~years. Any person who served on the Commission prior to the~~
13 ~~effective date of this act shall be eligible to serve one additional~~
14 ~~term of two (2) years~~ A person appointed to fill the remainder of a
15 vacant term shall, upon completion of that term, be eligible to
16 serve four additional two-year terms. Terms shall coincide with the
17 fiscal year.

18 C. The Oklahoma Commission on Children and Youth shall provide
19 a monthly report on commission member attendance to the appointing
20 authorities.

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

23 Section 601.5. A. The Oklahoma Commission on Children and
24 Youth shall appoint a Director who shall be a person having

1 experience in the operation and administration of services to
2 children and youth. Such Director shall be appointed for a term of
3 two (2) years, and may be reappointed. Such Director may be
4 dismissed only for cause. The Director shall:

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

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

11 3. Formulate and recommend rules and regulations for approval
12 or rejection by the Commission;

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

15 5. Act as agent as authorized for the Commission in the
16 performance of its duties.

17 B. The Director may periodically convene issue-specific task
18 groups for the purpose of improving services for children and youth.
19 A copy of any report or recommendations which result from meetings
20 of a task group shall be provided to the Commission, Governor,
21 Speaker of the House of Representatives, President Pro Tempore of
22 the Senate and the director of each state agency affected by the
23 report or recommendations.

1 SECTION 3. AMENDATORY Section 1, Chapter 231, O.S.L.
2 2018 (10 O.S. Supp. 2018, Section 601.14), is amended to read as
3 follows:

4 Section 601.14. A. There is hereby created in the State
5 Treasury a fund for the Oklahoma Commission on Children and Youth to
6 be designated the "Children's Endowment Fund of Oklahoma". The fund
7 shall be a continuing fund, not subject to fiscal year limitations,
8 and shall consist of all monies received through donations or
9 interest earned by investment of monies in the fund. The fund shall
10 be invested by the State Treasurer in accordance with Section 89.2
11 of Title 62 of the Oklahoma Statutes.

12 B. Funds deposited into the Children's Endowment Fund of
13 Oklahoma and any earnings therefrom, including any interest,
14 dividends or realized capital gains from investment of monies in the
15 fund, shall be administered by the Oklahoma Commission on Children
16 and Youth ~~for the purpose of awarding~~ which is authorized to award
17 grants in order to stimulate further the public purpose of
18 stimulating a broad range of innovative programs, activities, ~~or~~
19 research or evaluation that will improve the well-being and reduce
20 the adverse childhood experiences of Oklahoma's children. The funds
21 shall not be used to expand existing services or to support ongoing
22 core services. The Commission may also direct the State Treasurer
23 to reinvest any earnings into the corpus of the fund.

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

3 ~~1. Establish~~

4 a. establish a Parent Partnership Board for the purpose
5 of informing the work of Oklahoma's child-serving
6 systems including the development and evaluation of
7 the grants, ~~and~~

8 ~~2. Establish,~~

9 b. establish criteria and procedures for awarding grants,
10 and

11 c. establish procedures for monitoring the grants
12 awarded.

13 2. The Commission may refer programs and initiatives funded by
14 grants awarded pursuant to this section to the Oklahoma State
15 Auditor for audits.

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

21 E. Monies from the fund may be expended by the Oklahoma
22 Commission on Children and Youth in accordance with the provisions
23 of this section upon warrants issued by the State Treasurer against
24

1 claims filed as prescribed by law with the Director of the Office of
2 Management and Enterprise Services for approval and payment.

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

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

8 Section 1116.2. A. There is hereby established a
9 postadjudication review board in each judicial district in the
10 state. Members and alternate members of the postadjudication review
11 boards shall be residents of or employed within the judicial
12 district in which the board serves and shall be appointed by the
13 Director of the Oklahoma Commission on Children and Youth after
14 consultation with judges in the judicial district having juvenile
15 docket responsibility, provided that in the event of a conflict of
16 interest or for any reason when circumstances or the appearances of
17 justice dictate, the Director of the Oklahoma Commission on Children
18 and Youth may transfer the appointment decision to the entire
19 Oklahoma Commission on Children and Youth whose decision shall be
20 final and further provided, that any aggrieved aspirant may appeal
21 the decision denying appointment by the Director of the Oklahoma
22 Commission on Children and Youth within five (5) days to the
23 Oklahoma Commission on Children and Youth whose decision shall be
24 final. The Oklahoma Commission on Children and Youth may establish

1 additional postadjudication review boards as needed for each county
2 within a judicial district.

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

12 C. Board members shall be appointed for a term of ~~three (3)~~
13 five (5) years. Members shall serve after the expiration of their
14 terms until their respective successors shall have been appointed.
15 Vacancies shall be filled for the duration of unexpired terms. The
16 review board members shall be appointed according to the following
17 guidelines:

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

22 2. Whenever possible, at least one member of the board shall be
23 an individual who has served as a foster parent, provided that no
24

1 person on the review board shall participate as a board member in
2 any review hearing in which the person is a party; and

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

7 D. Each postadjudication review board shall annually elect a
8 chair and shall notify the Commission on Children and Youth as to
9 the name and address of the chair. A list of the members of each
10 local board and its officers shall be filed with the Presiding Judge
11 of the judicial district and each judge within the district having
12 juvenile docket responsibility.

13 E. There shall be a rebuttable presumption that a person
14 participating in a judicial proceeding as a postadjudication review
15 board member or a postadjudication review advisory board or
16 postadjudication review board coordinator is acting in good faith.
17 When acting in good faith, a participant shall be immune from any
18 civil liability that might otherwise be incurred or imposed. Each
19 postadjudication review board shall meet as often as is necessary at
20 a place it designates to carry out the duties of the board
21 established by Section 1116.3 of this title. The review board shall
22 meet at least twice annually. Each review board shall be subject to
23 the provisions of the Oklahoma Open Meeting Act, except that the
24 actual case reviews shall be held in executive session; provided,

1 however, that upon the request of the board, members or prospective
2 members of other existing review boards, students or researchers may
3 attend and observe but not participate in board hearings subject to
4 restrictions and conditions imposed by the board. Members and
5 employees of the State Postadjudication Review Advisory Board who
6 are exercising their oversight responsibilities pursuant to Section
7 1116.6 of this title may attend and observe but not participate in
8 board hearings. All parties shall maintain confidentiality, and the
9 names of the children in placement shall not be published.

10 Temporary ad hoc review boards may be created in counties in which
11 there is no active review board. The Director of the Oklahoma
12 Commission on Children and Youth may appoint active or alternate
13 members of existing review boards to serve as members of local
14 boards that are unable to meet quorum requirements and to
15 temporarily constitute members of a new board where no current board
16 exists. A member appointed to temporary service shall be fully
17 qualified as provided by law, and such service shall terminate when
18 the basis for the appointment is remedied or upon the order of the
19 Director.

20 F. As a condition of membership thereto, members and alternates
21 of the postadjudication review boards shall attend the next
22 available orientation program after appointment to the board.
23 Failure to attend an orientation program, at the discretion of the
24 Commission on Children and Youth, may result in the removal of the

1 board member. Members of postadjudication review boards shall
2 attend the annual meeting or training programs or both such meeting
3 and training programs as are authorized and directed by the
4 Commission on Children and Youth.

5 G. Members of postadjudication review boards shall serve
6 without compensation, but shall be reimbursed for travel and
7 training expenses from monies appropriated by the Legislature for
8 such purposes, as provided by the State Travel Reimbursement Act.
9 The Commission on Children and Youth shall provide members of
10 postadjudication review boards with necessary operating supplies and
11 postage fees or members shall be reimbursed for these expenses.

12 H. The Commission on Children and Youth shall be responsible
13 for developing procedures for the removal of a member from a
14 postadjudication review board. The grounds for the removal of a
15 postadjudication review board member shall include but not be
16 limited to:

17 1. Failure to attend board meetings as required by the
18 Commission on Children and Youth;

19 2. Engaging in illegal conduct involving moral turpitude;

20 3. Engaging in conduct involving dishonesty, fraud, deceit, or
21 misrepresentation; or

22 4. Wrongful disclosure of information as provided by Section
23 1116.4 of this title.
24

1 I. Necessary staff assistance required by the postadjudication
2 review boards may be provided by the bailiff or bailiffs, or other
3 person designated by the court, of the judges with juvenile docket
4 responsibility in the judicial district. Upon the request of the
5 presiding judge, the Chief Justice of the Supreme Court may
6 authorize additional staff to be paid from local court funds to
7 assist the review board.

8 The Administrative Director of the Courts may include such
9 additional funding requests in the annual budget for the courts as
10 are necessary to provide staff and administrative support for the
11 review boards.

12 SECTION 5. This act shall become effective November 1, 2019.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 27, 2019 - DO PASS AS AMENDED
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