

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 320

By: Boren

AS INTRODUCED

An Act relating to the Oklahoma Commission on Children and Youth; 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 membership, director, Children's Endowment Fund of Oklahoma and postadjudication review boards; increasing membership of Commission; requiring Governor to appoint certain member; clarifying term limitation on certain member; requiring terms to coincide with fiscal year; modifying certain duty of Director; modifying purpose of certain funds; requiring promulgation of rules for specified purpose; authorizing certain referrals to State Auditor; making use of certain funds for specified purposes permissive; clarifying permissible expenditure of certain funds; increasing length of term of certain 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~~ twenty (20) members. The membership shall include:

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

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

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

- 11            a. the Oklahoma Children's Agencies and Residential
- 12                Enterprises,
- 13            b. one statewide association of youth services,
- 14            c. the Oklahoma Bar Association,
- 15            d. the Oklahoma District Attorneys Association, and
- 16            e. a statewide court-appointed Special Advocate
- 17                Association;

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

20        5. One member representing business or industry, appointed by  
21 the Governor;

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

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

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

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

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

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

1 C. The Oklahoma Commission on Children and Youth shall provide  
2 a monthly report on commission member attendance to the appointing  
3 authorities.

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

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

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

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

18 3. Formulate and recommend rules and regulations for approval  
19 or rejection by the Commission;

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

22 5. Act as agent as authorized for the Commission in the  
23 performance of its duties.  
24  
25

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

8 SECTION 3. AMENDATORY Section 1, Chapter 231, O.S.L.  
9 2018 (10 O.S. Supp. 2018, Section 601.14), is amended to read as  
10 follows:

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

19 B. Funds deposited into the Children's Endowment Fund of  
20 Oklahoma and any earnings therefrom, including any interest,  
21 dividends or realized capital gains from investment of monies in the  
22 fund, shall be administered by the Oklahoma Commission on Children  
23 and Youth ~~for the purpose of awarding~~ which is authorized to award  
24 ~~grants in order to~~ further the public purpose of ~~stimulate~~

1 stimulating a broad range of innovative programs, activities, ~~or~~  
2 research or evaluation that will improve the well-being and reduce  
3 the adverse childhood experiences of Oklahoma's children. The funds  
4 shall not be used to expand existing services or to support ongoing  
5 core services. The Commission may also direct the State Treasurer  
6 to reinvest any earnings into the corpus of the fund.

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

9 ~~1. Establish~~

10 a. establish a Parent Partnership Board for the purpose  
11 of informing the work of Oklahoma's child-serving  
12 systems including the development and evaluation of  
13 the grants; ~~and~~

14 ~~2. Establish~~

15 b. establish criteria and procedures for awarding grants,  
16 and  
17 c. establish procedures for monitoring the grants  
18 awarded.

19 2. The Commission may refer programs and initiatives funded by  
20 grants awarded pursuant to this section to the Oklahoma State  
21 Auditor for audits.

22 D. The Oklahoma Commission on Children and Youth ~~shall~~ may use  
23 up to ten percent (10%) of the funds deposited in the Children's  
24 Endowment Fund of Oklahoma ~~to be available to the Commission~~ in any

1 given fiscal year to provide administration, oversight, training or  
2 evaluation of the grantees.

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

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

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

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

23 1. One member shall be a person who has training or experience  
24 in issues concerning child welfare, or a person who has demonstrated



1 an interest in children through voluntary community service or  
2 professional activities;

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

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

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

17 E. There shall be a rebuttable presumption that a person  
18 participating in a judicial proceeding as a postadjudication review  
19 board member or a postadjudication review advisory board or  
20 postadjudication review board coordinator is acting in good faith.  
21 When acting in good faith, a participant shall be immune from any  
22 civil liability that might otherwise be incurred or imposed. Each  
23 postadjudication review board shall meet as often as is necessary at  
24 a place it designates to carry out the duties of the board

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

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

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

17 H. The Commission on Children and Youth shall be responsible  
18 for developing procedures for the removal of a member from a  
19 postadjudication review board. The grounds for the removal of a  
20 postadjudication review board member shall include but not be  
21 limited to:

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

24 2. Engaging in illegal conduct involving moral turpitude;

1       3. Engaging in conduct involving dishonesty, fraud, deceit, or  
2 misrepresentation; or

3       4. Wrongful disclosure of information as provided by Section  
4 1116.4 of this title.

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

12       The Administrative Director of the Courts may include such  
13 additional funding requests in the annual budget for the courts as  
14 are necessary to provide staff and administrative support for the  
15 review boards.

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

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