

# An Act

ENROLLED SENATE  
BILL NO. 537

By: Haste of the Senate

and

Miller of the House

An Act relating to children; amending 10 O.S. 2021, Section 600, which relates to definitions; removing definitions; modifying statutory reference; amending 10 O.S. 2021, Section 601.1, which relates to membership of Oklahoma Commission on Children and Youth; modifying membership of Commission; clarifying term limitation for certain members; requiring membership terms to coincide with fiscal year; amending 10 O.S. 2021, Section 601.5, which relates to Director of the Commission; conforming language; amending 10 O.S. 2021, Section 601.6a, which relates to Office of Planning and Coordination for Services to Children and Youth; modifying requirements relating to State Plan for Services to Children and Youth; specifying inclusions; conforming language; amending 10 O.S. 2021, Section 601.6b, which relates to State Plan for Services to Children and Youth; modifying and eliminating certain requirements relating to State Plan for Services to Children and Youth; extending time period of state plan; broadening recipients of state plan; amending 10 O.S. 2021, Section 601.14, which relates to Children's Endowment Fund of Oklahoma; modifying purpose of Children's Endowment Fund of Oklahoma; broadening purpose of Parent Partnership Board; expanding allowed expenses of available funds; authorizing certain compensation of Parent Partnership Board members; limiting expenditures of Children's Endowment Fund of Oklahoma; amending 10 O.S. 2021, Section 1116.6, which relates to Postadjudication Review Advisory Board; conforming language; amending 10 O.S. 2021, Section 1150.2, which relates to the

Child Death Review Board; conforming language; repealing 10 O.S. 2021, Section 601.9, which relates to evaluation and review of services to children and youth; and declaring an emergency.

SUBJECT: Children

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 600, is amended to read as follows:

Section 600. As used in Sections 601.1 through ~~601.12~~ 601.14 of this title:

1. "Children and youth service system" means health, mental health, social, rehabilitative assistance and educational services provided to children and youth by and through the courts and public and private agencies;

2. "Client" means a child or a family member of a child who is receiving services through the children and youth service system;

3. "Commission" means the Oklahoma Commission on Children and Youth;

4. "Community partnership board" means the local district planning and coordinating body for services to children and youth established pursuant to Section 601.11 of this title;

5. "Community partnership district" means the local planning and coordinating areas within the state established pursuant to Section 601.11 of this title;

6. "Homeless children and youth" means a person twenty-one (21) years of age or younger who is:

a. unaccompanied by a parent or guardian, and

- b. without shelter where appropriate care and supervision are available, or
- c. without a parent or guardian who is willing and able to provide shelter and care, or
- d. without a fixed, regular, or adequate nighttime residence. For the purposes of this paragraph, "fixed, regular, or adequate nighttime residence" shall not include a supervised publicly or privately operated shelter or institution designed to provide temporary living accommodations, transitional housing arrangements, living in hotels, temporary living arrangements with other people but without an opportunity for permanent residence or a residential lease, or a public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings; and

~~7. "Runaway" means an unmarried child less than eighteen (18) years of age who is absent from the home of a parent, guardian or other lawful placement without the consent of the parent, guardian or lawful custodian;~~

~~8. "State and state-supported services to children and youth" means services to children and youth, offered or provided by a public or private agency or organization, that are supported in whole or in part through state funds or federal funds administered by the state;~~

~~9. "State Plan for Services to Children and Youth" means the planning document required by Section ~~601.9~~ 601.6a of this title;~~  
~~and~~

~~10. "Youth at risk of homelessness" means a person twenty-one (21) years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future, including but not limited to youth exiting out of home placements, youth who previously were homeless, youth whose parents or guardians are or were previously homeless, youth who are exposed to abuse and neglect in their homes, youth who experience excessive conflict with their parents and runaways.~~

SECTION 2. AMENDATORY 10 O.S. 2021, 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~~ eighteen (18) 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;

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 10 O.S. 2021, Section 601.5, is amended to read as follows:

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

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

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

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

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

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

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

SECTION 4. AMENDATORY 10 O.S. 2021, Section 601.6a, is amended to read as follows:

Section 601.6a. The Office of Planning and Coordination for Services to Children and Youth shall:

1. Convene meetings of public and private agencies that provide services to children and youth for the purpose of facilitating and implementing joint planning and service coordination among said agencies;

2. Provide the community partnership boards with fiscal and other information related to the children and youth service system necessary to assist the partnership boards with the performance of their duties and responsibilities;

3. ~~Annually prepare, with the advice and assistance of the community partnership boards~~ Prepare, with the advice and assistance of the Parent Partnership Board and affected public and private agencies, ~~the~~ a State Plan for Services to Children and Youth for

the approval of the Commission. The State Plan for Services to Children and Youth shall include recommendations regarding the development and improvement of services provided to children and youth and such other information as may be required by the Commission;

4. Examine all plans, budgets and related documents pertaining to the planning, coordination and development of the children and youth service system;

5. Review, monitor and evaluate the children and youth service system regarding the development of services, progress towards effective joint planning and service coordination, and compliance with established state policies and goals; and

6. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chief Justice of the Supreme Court of the State of Oklahoma, public and private agencies, and such other persons as necessary and appropriate.

SECTION 5. AMENDATORY 10 O.S. 2021, Section 601.6b, is amended to read as follows:

Section 601.6b. A. ~~On or before July 1 of each year~~ July 1, 2023, and on or before July 1 of every third year thereafter, the Oklahoma Commission on Children and Youth shall transmit to the Director of the Office of Management and Enterprise Services ~~and to,~~ the director of each affected agency, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor a copy of the State Plan for Services to Children and Youth for the next three (3) fiscal year years.

B. ~~The Office of Planning and Coordination shall on or before January 1 of each year provide a written report to the Legislature on its expenditures to community partnership boards.~~

~~C.~~ The Office of Planning and Coordination, with the assistance of the Office of Management and Enterprise Services and affected agencies, may assemble topic-specific reports regarding services to children, youth, and families to include program descriptions, past and current expenditures, future budget requests, and a description

of program outcomes as directed by the Legislature or the Commission.

SECTION 6. AMENDATORY 10 O.S. 2021, Section 601.14, is amended to read as follows:

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

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

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

1. Establish a Parent Partnership Board for the purpose of informing the work of Oklahoma's child-serving systems ~~including the development and evaluation of the grants,~~ assisting members of the Commission and their respective entities with areas of concern, supporting the Commission in the process of developing and awarding grants supported by the Children's Endowment Fund of Oklahoma, and other activities upon request; and

2. Establish criteria and procedures for awarding grants supported by the Children's Endowment Fund of Oklahoma.



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

E. The Oklahoma Commission on Children and Youth may use available public or private funds to compensate members of the Parent Partnership Board for their time, reimburse for travel as provided by the State Travel Reimbursement Act, reimburse childcare expenses, and provide any materials and supplies necessary for carrying out their duties.

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

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

SECTION 7. AMENDATORY 10 O.S. 2021, Section 1116.6, is amended to read as follows:

Section 1116.6. A. There is hereby created a State Postadjudication Review Advisory Board which shall meet at least twice each calendar year. The Advisory Board shall have the duty of overseeing the implementation of the state postadjudication review program in coordination with the Oklahoma Commission on Children and Youth.

B. The Advisory Board shall consist of twenty-one (21) members appointed by the Governor as follows:

1. Eight of the members shall be members of the various review boards throughout the state;

2. Five of the members shall be judges of the district court;

3. Five of the members shall represent the general public and may be foster parents;

4. One of the members appointed after the effective date of this act shall be a foster parent representing foster parents who have a current contract with the Department of Human Services to provide foster care services;

5. One of the members appointed after the effective date of this act shall be a foster parent representing child-placing agencies which have current contracts with the Department to provide foster care services; and

6. One of the members appointed after the effective date of this act shall be a foster parent nominated by any local or statewide foster parent association.

The members shall serve at the pleasure of the Governor. The administrative heads of the divisions which have foster care responsibilities within the Department of Human Services and the Office of Juvenile Affairs or their designees shall serve as ex officio members of the Board.

C. The Director of the Oklahoma Commission on Children and Youth shall be the clerk of the Advisory Board.

The Advisory Board shall have the duty to:

1. Assist in the training of the members of the review boards;

2. Serve, in coordination with the Oklahoma Commission on Children and Youth, as a clearinghouse for reports and information concerning the foster care review program and the review boards as they relate to foster care;

3. Make recommendations to the courts, the Oklahoma Commission on Children and Youth, the Governor, the Legislature, the Department of Human Services, the Office of Juvenile Affairs, and other state agencies providing services to children regarding proposed statutory revisions, and amendments to court rules and procedures, and review and make recommendations on permanency planning, foster care and child welfare service delivery policies, guidelines, and procedures;

4. Work with both public and private agencies concerned with foster care and adoption exchanges to inform the public of the need for temporary and permanent homes and other services needed by deprived children; and

5. Specifically:

- a. identify, analyze, and recommend solutions to any issue concerning child welfare and foster care services within the child welfare delivery system,
- b. participate in the statewide planning and promotion of foster parent involvement in local planning for child welfare services, and
- c. develop recommendations concerning foster care training to improve the quality of foster care services.

D. The State Postadjudication Review Advisory Board may designate multidisciplinary committees on the local level to act as advocates for foster parents in order to assist in the resolution of specific complaints concerning foster care and to help facilitate the relationship between the Department of Human Services, the Office of Juvenile Affairs, child-placing agencies, and the foster parents.

E. The Oklahoma Commission on Children and Youth, with the assistance of the State Postadjudication Review Advisory Board, shall be responsible for developing and administering training procedures and rules for the administration of the state postadjudication review board system.

F. The State Postadjudication Review Advisory Board shall submit a report of the activities of the review boards, including the findings and recommendations of such review boards, to the Oklahoma Commission on Children and Youth on or before May 1 of each year.

~~G. The Oklahoma Commission on Children and Youth shall incorporate, as appropriate, the findings and recommendations of the~~

~~review boards in the annual report required by Section 601.9 of this title.~~

SECTION 8. AMENDATORY 10 O.S. 2021, Section 1150.2, is amended to read as follows:

Section 1150.2. A. There is hereby re-created until July 1, 2023, in accordance with the Oklahoma Sunset Law, the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of deaths and near deaths of children in this state;

2. Develop accurate statistical information and identification of deaths of children due to abuse and neglect;

3. Improve the ability to provide protective services to the surviving siblings of a child or children who die of abuse or neglect and who may be living in a dangerous environment;

4. Improve policies, procedures and practices within the agencies that serve children, including the child protection system;

5. Enter into agreements with local teams established by the Child Death Review Board to carry out such duties and responsibilities as the Child Death Review Board shall designate, including reviewing cases assigned by the Board in the geographical area for that local team. The Oklahoma Commission on Children and Youth, with the advice of the Child Death Review Board, shall promulgate rules as necessary for the implementation and administration of the provisions of this paragraph; and

6. Enter into agreements with other state, local, or private entities as necessary to carry out the duties of the Child Death Review Board including, but not limited to, conducting joint reviews with the Domestic Violence Fatality Review Board on domestic violence cases involving child death or child near-death incidents.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases involving the death or near death of a child subject to specific, in-depth review by the Board. As used in this section, the term "near death" means a child is in serious or critical condition, as certified by a physician, as a result of abuse or neglect;

2. Conduct a specific case review of those cases where the cause of death or near death is or may be related to abuse or neglect of a child;

3. Establish and maintain statistical information related to the deaths and near deaths of children including, but not limited to, demographic and medical diagnostic information;

4. Establish procedures for obtaining initial information regarding near deaths of children from the Department of Human Services and law enforcement agencies;

5. Review the policies, practices, and procedures of the child protection system and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of the system;

6. Review the extent to which the state child protection system is coordinated with foster care and adoption programs and evaluate whether the state is efficiently discharging its child protection responsibilities under the federal Child Abuse Prevention and Treatment Act state plan;

7. As necessary and appropriate, for the protection of the siblings of a child who dies and whose siblings are deemed to be living in a dangerous environment, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

8. Request and obtain a copy of all records and reports pertaining to a child whose case is under review including, but not limited to:

a. the report of the medical examiner,

b. hospital records,

- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,
- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,
- k. emergency medical service records,
- l. files of the Department of Human Services, and
- m. records in the possession of the Domestic Violence Fatality Review Board when conducting a joint review pursuant to paragraph 6 of subsection A of this section.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board, its local boards or their members, not authorized by law, may maintain an action for damages, costs and attorney fees;

9. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or

discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

10. Conduct reviews of specific cases of deaths and near deaths of children and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second-opinion autopsies;

11. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or state employee, or any problem within the child protective services system discovered by the Board while performing its duties;

12. Recommend, when appropriate, amendment of the cause or manner of death listed on the death certificate; and

13. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act.

C. The review and discussion of individual cases of death or near death of a child shall be conducted in executive session and in compliance with the confidentiality requirements of Section 1-6-102 of Title 10A of the Oklahoma Statutes. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of its remedial measure and recommended by the Board, as the result of a review of an individual case of the death or near death of a child, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. 1. The Board shall submit an annual statistical report on the incidence and causes of death and near death of children in this state for which the Board has completed its review during the past calendar year, including its recommendations, to the Oklahoma Commission on Children and Youth on or before May 1 of each year. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of deaths and near deaths of children, the extent to which the state child protection system is coordinated with foster care and adoption programs, and an evaluation of whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

2. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into ~~the annual Commission report and~~ the State Plan for Services to Children and Youth.

SECTION 9. REPEALER 10 O.S. 2021, Section 601.9, is hereby repealed.

SECTION 10. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.



Passed the Senate the 10th day of May, 2022.

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

Passed the House of Representatives the 28th day of April, 2022.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_