

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3468

                              By: Lawson of the House

5   and

6   **Rosino** of the Senate

7  
8  
9                               AS INTRODUCED

10           **[ children - enacting the Parent Representation Act;**  
11                   **creating the Parent Representation Program -**  
12                   **creating the Parent Representation Program**  
13                   **Revolving Fund - requiring issuance of annual**  
14                   **report - effective date ]**

15  
16  
17   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18           SECTION 1.       NEW LAW       A new section of law to be codified  
19   in the Oklahoma Statutes as Section 702 of Title 10, unless there is  
20   created a duplication in numbering, reads as follows:

21           This act shall be known and may be cited as the "Parent  
22   Representation Act".  
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1       SECTION 2.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 703 of Title 10, unless there is  
3 created a duplication in numbering, reads as follows:

4       A. There is hereby created within an agency to be selected by  
5 the Oklahoma Supreme Court's Uniform Representation of Children and  
6 Parents in Cases Involving Abuse and Neglect Oversight Committee the  
7 Parent Representation Program. The purpose of the Parent  
8 Representation Program shall be to ensure uniform and high-quality  
9 legal representation for indigent parents, legal guardians, and  
10 custodians in deprived child actions brought by the state pursuant  
11 to the provisions of Section 1-1-101 et seq. of Title 10A of the  
12 Oklahoma Statutes.

13       B. From funds appropriated or otherwise available for the  
14 purpose of implementing the Parent Representation Act, an agency to  
15 be selected by the Oklahoma Supreme Court's Uniform Representation  
16 of Children and Parents in Cases Involving Abuse and Neglect  
17 Oversight Committee shall issue a request for proposals and contract  
18 with an eligible organization to administer the Parent  
19 Representation Program through the establishment of a central office  
20 for the state. The Parent Representation Program through the  
21 activities of the central office shall work statewide cooperatively  
22 with judicial districts and attorneys by contracting with, training,  
23 compensating, and supporting legal counsel for the parents, legal  
24 guardians, and custodians appointed by the court pursuant to Section

1 1-4-306 of Title 10A of the Oklahoma Statutes. The Parent  
2 Representation Program shall have the responsibility to ensure that  
3 all parents, legal guardians, and custodians who are entitled to  
4 court-appointed counsel are appointed counsel who have the training,  
5 support, and access to resources to provide uniform and high-quality  
6 legal representation. The central office shall not provide direct  
7 legal representation to clients except in selected appeals.

8 C. An executive director for the Parent Representation Program  
9 shall be employed by the eligible organization and approved by the  
10 Parent Representation Program Board. The executive director must  
11 have at least ten (10) years of experience as a licensed attorney  
12 prior to appointment, be licensed to practice law in Oklahoma at the  
13 time of appointment, and be familiar with the unique demands of  
14 representing parents, legal guardians, and custodians in deprived  
15 child cases in Oklahoma. The executive director shall devote  
16 himself or herself full time to the performance of his or her duties  
17 as executive director and shall not engage in private practice of  
18 law. The executive director, on behalf of the Parent Representation  
19 Program, shall hire all staff, including employees of the central  
20 office and contract attorneys or other legal providers eligible for  
21 appointment pursuant to Section 1-4-306 of Title 10A of the Oklahoma  
22 Statutes and interdisciplinary contractors required to implement the  
23 Parent Representation Act. The executive director shall submit  
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1 budget requests and shall report quarterly to the Parent  
2 Representation Program Board.

3 D. The Parent Representation Program shall have authority to  
4 contract with any type of legal entity, including, but not limited  
5 to, law firms, legal services programs, law school clinics, and  
6 individual attorneys as needed. In addition, the Parent  
7 Representation Program shall have authority to contract with and  
8 compensate social workers, parent advocates, and parent mentors to  
9 provide interdisciplinary assistance to the attorneys representing  
10 indigent parents, legal guardians, and custodians in the deprived  
11 child proceedings.

12 E. The Parent Representation Program shall ensure that all  
13 counsel are members of the Oklahoma Bar Association in good standing  
14 and are adequately trained. The Parent Representation Program shall  
15 provide uniform and high-quality training in collaboration with the  
16 State of Oklahoma Children's Court Improvement Program, the Oklahoma  
17 Bar Association, local bar associations, and other relevant state  
18 and national organizations to all attorneys who represent parents,  
19 legal guardians, and custodians in deprived child proceedings. The  
20 Parent Representation Program shall verify that contracted attorneys  
21 providing legal representation to parents, legal guardians, and  
22 custodians meet the standards of practice as approved by the  
23 Oklahoma Supreme Court and caseload limits as developed and  
24 recommended by the Uniform Representation of Children and Parents in

1 Cases Involving Abuse and Neglect Oversight Committee created by the  
2 Oklahoma Supreme Court. In addition, the Parent Representation  
3 Program shall ensure that all interdisciplinary contractors are  
4 provided with uniform and evidence-based training, resources, and  
5 support.

6 F. The Parent Representation Program shall ensure that all  
7 areas of the state are equitably served and, based on the  
8 appropriations available, shall prioritize those judicial districts  
9 where attorneys are unavailable for court appointments or are  
10 minimally compensated. The Parent Representation Program shall  
11 determine where additional attorneys are needed within the state's  
12 judicial districts and shall develop additional resources.

13 G. The Parent Representation Program shall ensure that counsel  
14 and interdisciplinary contractors are adequately compensated based  
15 on available appropriations and other funding received and are  
16 provided access to resources in order to deliver high-quality legal  
17 representation. The Parent Representation Program is authorized to  
18 annually review the performance of the attorneys, interdisciplinary  
19 contractors, and entities with which the eligible organization  
20 contracts, with the goal of helping them to achieve and maintain  
21 high-quality performance. The Parent Representation Program shall  
22 ensure that review measures preserve client confidentiality and  
23 avoid conflicts of interest.

SECTION 3. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 704 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of establishing and providing oversight for the Parent Representation Program, there is hereby created the Parent Representation Program Board within an agency to be selected by the Oklahoma Supreme Court's Uniform Representation of Children and Parents in Cases Involving Abuse and Neglect Oversight Committee. The Board shall consist of twelve (12) members as follows:

1. One member appointed, initially for a one-year term, by the President Pro Tempore of the Oklahoma State Senate;

2. One member appointed, initially for a one-year term, by the Speaker of the Oklahoma House of Representatives;

3. Three members appointed by the Chief Justice of the Oklahoma Supreme Court, one each initially to be appointed for one-, two-, and three-year terms, one of whom shall be a retired district or associate district court judge who served in the juvenile division of any Oklahoma district court;

4. Three members appointed by the president of the Oklahoma Bar Association, one each initially to be appointed for one-, two-, and three-year terms who shall be attorneys with at least five (5) years of experience in representing parents and children in deprived child proceedings;

1        5. One member of the Juvenile Justice Oversight and Advisory  
2 Committee to be appointed by the Committee, initially for a two-year  
3 term;

4        6. The project director for the State of Oklahoma Children's  
5 Court Improvement Program, or a designee, to be appointed initially  
6 for a two-year term;

7        7. One member appointed by the Department of Mental Health and  
8 Substance Abuse Services who shall be a parent with lived experience  
9 with the child welfare system, to be appointed initially for a  
10 three-year term; and

11       8. One member appointed by the Oklahoma Commission on Children  
12 and Youth who shall be a parent with lived experience with the child  
13 welfare system, to be appointed initially for a three-year term.

14       Members shall serve three-year staggered terms, and each member  
15 shall serve until a qualified successor is appointed. A vacancy  
16 shall be filled for the remainder of the term in the same manner as  
17 a regular appointment. Members may be reappointed to successive  
18 terms. Members of the Board shall receive no compensation for their  
19 services on the Board but may be reimbursed pursuant to the State  
20 Travel Reimbursement Act.

21       B. The Parent Representation Program Board shall:

22       1. Annually elect one member to serve as chair and one member  
23 to serve as vice-chair;  
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1       2. Meet not less than quarterly and may meet more frequently as  
2 necessary, as determined by the chair. Seven members shall  
3 constitute a quorum;

4       3. Review proposals by eligible organizations received by an  
5 agency to be selected by the Oklahoma Supreme Court's Uniform  
6 Representation of Children and Parents in Cases Involving Abuse and  
7 Neglect Oversight Committee pursuant to Section 2 of this act and  
8 recommend to an agency to be selected by the Oklahoma Supreme  
9 Court's Uniform Representation of Children and Parents in Cases  
10 Involving Abuse and Neglect Oversight Committee an eligible  
11 organization to administer the Parent Representation Program;

12       4. Exercise oversight on behalf of an agency to be selected by  
13 the Oklahoma Supreme Court's Uniform Representation of Children and  
14 Parents in Cases Involving Abuse and Neglect Oversight Committee  
15 over the selected eligible organization and may take such action as  
16 deemed necessary to ensure proper administration of the Parent  
17 Representation Program;

18       5. Work cooperatively with the eligible organization to provide  
19 governance to the Parent Representation Program, to provide fiscal  
20 oversight of the general operating budget of the program's central  
21 office, to participate in funding decisions relating to the  
22 provision and expansion of parent counsel and the interdisciplinary  
23 contractors within the state, based on annual appropriations and  
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1 funds received, and to assist with the duties of the program's  
2 central office concerning parent counsel training, as needed;

3 6. Prepare the rules, standards, training requirements for  
4 attorneys and interdisciplinary contractors, and guidelines  
5 necessary to carry out the responsibilities of the Parent  
6 Representation Program for the approval of and promulgation by an  
7 agency to be selected by the Oklahoma Supreme Court's Uniform  
8 Representation of Children and Parents in Cases Involving Abuse and  
9 Neglect Oversight Committee; and

10 7. Prepare annually and distribute to an agency to be selected  
11 by the Oklahoma Supreme Court's Uniform Representation of Children  
12 and Parents in Cases Involving Abuse and Neglect Oversight Committee  
13 budget requests and a report detailing expenditures of funds for the  
14 operating expenses of the Parent Representation Program, activity  
15 data, and performance measures from implementation of the program  
16 within the selected judicial districts. An agency to be selected by  
17 the Oklahoma Supreme Court's Uniform Representation of Children and  
18 Parents in Cases Involving Abuse and Neglect Oversight Committee  
19 shall distribute the proposed budget and the report to the Speaker  
20 of the House of Representatives and the President Pro Tempore of the  
21 Senate, who shall distribute the proposed budget and the report to  
22 the appropriate committee chairs of the respective chambers.

23 C. As used in this section, "eligible organization" means an  
24 entity that:

1        1. Is organized as a not-for-profit corporation that is tax  
2 exempt pursuant to the provisions of paragraph (3) of subsection (c)  
3 of Section 501 of the United States Internal Revenue Code of 1986,  
4 as amended;

5        2. Has as its primary purpose the furnishing of legal  
6 assistance to eligible clients in civil matters;

7        3. Renders legal services to eligible clients in pre- and post-  
8 petition deprived child proceedings; and

9        4. Is incorporated pursuant to any applicable laws in this  
10 state.

11        SECTION 4.        NEW LAW        A new section of law to be codified  
12 in the Oklahoma Statutes as Section 705 of Title 10, unless there is  
13 created a duplication in numbering, reads as follows:

14        A. There is hereby created in the State Treasury a revolving  
15 fund for an agency to be selected by the Oklahoma Supreme Court's  
16 Uniform Representation of Children and Parents in Cases Involving  
17 Abuse and Neglect Oversight Committee to be designated the "Parent  
18 Representation Program Revolving Fund". The fund shall be a  
19 continuing fund, not subject to fiscal year limitations, and shall  
20 consist of all monies received by an agency to be selected by the  
21 Oklahoma Supreme Court's Uniform Representation of Children and  
22 Parents in Cases Involving Abuse and Neglect Oversight Committee for  
23 indigent parent legal and interdisciplinary representation services  
24 to be provided by the Parent Representation Program. The revolving

1 fund shall include funds appropriated to the fund, federal funds,  
2 gifts, donations, and grants. All monies accruing to the credit of  
3 said fund are hereby appropriated and may be budgeted and expended  
4 by an agency to be selected by the Oklahoma Supreme Court's Uniform  
5 Representation of Children and Parents in Cases Involving Abuse and  
6 Neglect Oversight Committee pursuant to the recommendations of the  
7 Parent Representation Program Board for the purpose of administering  
8 the Parent Representation Program and for the provision of legal and  
9 interdisciplinary services to indigent parents by and through the  
10 Parent Representation Program. By January 31, 2023, and by January  
11 31 of each year thereafter, an agency to be selected by the Oklahoma  
12 Supreme Court's Uniform Representation of Children and Parents in  
13 Cases Involving Abuse and Neglect Oversight Committee shall disperse  
14 funds from the Parent Representation Program Revolving Fund to the  
15 contracted eligible organization.

16 B. An agency to be selected by the Oklahoma Supreme Court's  
17 Uniform Representation of Children and Parents in Cases Involving  
18 Abuse and Neglect Oversight Committee shall allocate and expend  
19 funds from the Parent Representation Program Revolving Fund as  
20 recommended by the Parent Representation Program Board to provide  
21 for the necessary operating costs of the Parent Representation  
22 Program, including court-appointed legal and interdisciplinary  
23 representation to indigent parents, legal guardians, or custodians  
24 in proceedings governed by the Oklahoma Children's Code, to the

1 extent that funds are available from the Parent Representation  
2 Program Revolving Fund. An agency to be selected by the Oklahoma  
3 Supreme Court's Uniform Representation of Children and Parents in  
4 Cases Involving Abuse and Neglect Oversight Committee shall allocate  
5 and expend these funds pursuant to the contract with the eligible  
6 organization. An agency to be selected by the Oklahoma Supreme  
7 Court's Uniform Representation of Children and Parents in Cases  
8 Involving Abuse and Neglect Oversight Committee may charge an  
9 administrative fee for administering the contract.

10 C. The eligible organization that contracts to operate and  
11 manage the Parent Representation Program to provide legal and  
12 interdisciplinary services shall maintain books and records in  
13 accordance with generally accepted accounting principles. The books  
14 and records shall account for the receipt and expenditure of all  
15 funds paid pursuant to contract. Books and records shall be  
16 maintained for a period of five (5) years from the close of the  
17 fiscal year of the contract period. The State Auditor and Inspector  
18 shall audit each organization annually. The necessary expense of  
19 each audit, including, but not limited to, the cost of typing,  
20 printing, and binding, shall be paid from funds of the organization.

21 D. An agency to be selected by the Oklahoma Supreme Court's  
22 Uniform Representation of Children and Parents in Cases Involving  
23 Abuse and Neglect Oversight Committee may use up to two and one-half  
24 percent (2.5%) of the funds deposited in the Parent Representation

1 Program Revolving Fund available to the Committee in any given  
2 fiscal year to provide financial support staff, financial data entry  
3 staff and facilities, and operating assistance for the Parent  
4 Representation Program Board.

5 E. An annual report issued by an agency to be selected by the  
6 Oklahoma Supreme Court's Uniform Representation of Children and  
7 Parents in Cases Involving Abuse and Neglect Oversight Committee to  
8 the Oklahoma Legislature outlining performance measures for the  
9 Parent Representation Defense Program and recommendations for  
10 ongoing appropriations shall be transmitted to the Oklahoma  
11 Legislature no later than December 31 of each year.

12 SECTION 5. This act shall become effective November 1, 2022.

13  
14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
15 03/03/2022 - DO PASS, As Amended and Coauthored.

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