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April 5, 2021

ENGROSSED HOUSE
BILL NO. 2313

By: Lawson and Davis of the
House

and

Haste of the Senate

An Act relating to children; amending 10 O.S. 2011, Section 601.6, as amended by Section 2, Chapter 257, O.S.L. 2014 (10 O.S. Supp. 2020, Section 601.6), which relates to the Office of Juvenile System Oversight; directing monitoring of children and youth service system; requiring annual inspections; granting authority to conduct site visits; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.6, as amended by Section 2, Chapter 257, O.S.L. 2014 (10 O.S. Supp. 2020, Section 601.6), is amended to read as follows:

Section 601.6. A. The Office of Juvenile System Oversight shall have the responsibility of investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the Office of Juvenile System Oversight, and performing ~~issue-specific systemic monitoring as directed by the Commission on~~

~~Children and Youth of~~ the children and youth service system to ascertain compliance with established responsibilities.

It shall be the duty of the Office of Juvenile System Oversight to conduct ~~not less than one but not more than two~~ regular, periodic, but not less than annual, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the State Fire Marshal, ~~and~~ the State Department of Health and any agencies which accredit such institutions and facilities. OJSO shall conduct periodic inspections of privately operated children's facilities on a periodic basis or as needed.

B. The Office of Juvenile System Oversight shall:

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

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

3. Establish, in accordance with the Dispute Resolution Act, Sections 1801 through 1813 of Title 12 of the Oklahoma Statutes, a voluntary program for foster parents to mediate complaints

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

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

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

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

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

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

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

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

20 SECTION 2. This act shall become effective November 1, 2021.

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
22 April 5, 2021 - DO PASS
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