

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3468

By: Lawson

AS INTRODUCED

An Act relating to children; enacting the Parent Representation Act; creating the Parent Representation Program; providing purpose of program; directing 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 to expend funds for certain purposes; directing the Parent Representation Program to work with certain entities and individuals for certain purposes; providing duties and responsibilities; providing exception; directing employment and approval of executive director; providing qualification requirements; providing duties of the executive director; granting authority to contract with certain entities for certain purposes; requiring the Parent Representation Program to provide training to contractors; creating the Parent Representation Program Board; directing appointment of members; providing for terms of membership; providing duties of Board; defining term; creating the Parent Representation Program Revolving Fund; placing the fund with 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; establishing fund characteristics; authorizing budgeting and expenditure of funds for certain purposes; requiring organization to maintain books and records; requiring annual audit; providing use for certain funds; requiring issuance of annual report; providing for codification; and providing an effective date.

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

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

5 This act shall be known and may be cited as the "Parent
6 Representation Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 703 of Title 10, unless there is
9 created a duplication in numbering, reads as follows:

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

19 B. From funds appropriated or otherwise available for the
20 purpose of implementing the Parent Representation Act, an agency to
21 be selected by the Oklahoma Supreme Court's Uniform Representation
22 of Children and Parents in Cases Involving Abuse and Neglect
23 Oversight Committee shall issue a request for proposals and contract
24 with an eligible organization to administer the Parent

1 Representation Program through the establishment of a central office
2 for the state. The Parent Representation Program through the
3 activities of the central office shall work statewide cooperatively
4 with judicial districts and attorneys by contracting with, training,
5 compensating, and supporting legal counsel for the parents, legal
6 guardians, and custodians appointed by the court pursuant to Section
7 1-4-306 of Title 10A of the Oklahoma Statutes. The Parent
8 Representation Program shall have the responsibility to ensure that
9 all parents, legal guardians, and custodians who are entitled to
10 court-appointed counsel are appointed counsel who have the training,
11 support, and access to resources to provide uniform and high-quality
12 legal representation. The central office shall not provide direct
13 legal representation to clients except in selected appeals.

14 C. An executive director for the Parent Representation Program
15 shall be employed by the eligible organization and approved by the
16 Parent Representation Program Board. The executive director must
17 have at least ten (10) years of experience as a licensed attorney
18 prior to appointment, be licensed to practice law in Oklahoma at the
19 time of appointment, and be familiar with the unique demands of
20 representing parents, legal guardians, and custodians in deprived
21 child cases in Oklahoma. The executive director shall devote
22 himself or herself full time to the performance of his or her duties
23 as executive director and shall not engage in private practice of
24 law. The executive director, on behalf of the Parent Representation

1 Program, shall hire all staff, including employees of the central
2 office and contract attorneys or other legal providers eligible for
3 appointment pursuant to Section 1-4-306 of Title 10A of the Oklahoma
4 Statutes and interdisciplinary contractors required to implement the
5 Parent Representation Act. The executive director shall submit
6 budget requests and shall report quarterly to the Parent
7 Representation Program Board.

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

17 E. The Parent Representation Program shall ensure that all
18 counsel are members of the Oklahoma Bar Association in good standing
19 and are adequately trained. The Parent Representation Program shall
20 provide uniform and high-quality training in collaboration with the
21 State of Oklahoma Children's Court Improvement Program, the Oklahoma
22 Bar Association, local bar associations, and other relevant state
23 and national organizations to all attorneys who represent parents,
24 legal guardians, and custodians in deprived child proceedings. The

1 Parent Representation Program shall verify that contracted attorneys
2 providing legal representation to parents, legal guardians, and
3 custodians meet the standards of practice as approved by the
4 Oklahoma Supreme Court and caseload limits as developed and
5 recommended by the Uniform Representation of Children and Parents in
6 Cases Involving Abuse and Neglect Oversight Committee created by the
7 Oklahoma Supreme Court. In addition, the Parent Representation
8 Program shall ensure that all interdisciplinary contractors are
9 provided with uniform and evidence-based training, resources, and
10 support.

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

18 G. The Parent Representation Program shall ensure that counsel
19 and interdisciplinary contractors are adequately compensated based
20 on available appropriations and other funding received and are
21 provided access to resources in order to deliver high-quality legal
22 representation. The Parent Representation Program is authorized to
23 annually review the performance of the attorneys, interdisciplinary
24 contractors, and entities with which the eligible organization

1 contracts, with the goal of helping them to achieve and maintain
2 high-quality performance. The Parent Representation Program shall
3 ensure that review measures preserve client confidentiality and
4 avoid conflicts of interest.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 704 of Title 10, unless there is
7 created a duplication in numbering, reads as follows:

8 A. For the purpose of establishing and providing oversight for
9 the Parent Representation Program, there is hereby created the
10 Parent Representation Program Board within 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
13 Committee. The Board shall consist of twelve (12) members as
14 follows:

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

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

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

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

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

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

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

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

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

3 B. The Parent Representation Program Board shall:

4 1. Annually elect one member to serve as chair and one member
5 to serve as vice-chair;

6 2. Meet not less than quarterly and may meet more frequently as
7 necessary, as determined by the chair. Seven members shall
8 constitute a quorum;

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

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

23 5. Work cooperatively with the eligible organization to provide
24 governance to the Parent Representation Program, to provide fiscal

oversight of the general operating budget of the program's central office, to participate in funding decisions relating to the provision and expansion of parent counsel and the interdisciplinary contractors within the state, based on annual appropriations and funds received, and to assist with the duties of the program's central office concerning parent counsel training, as needed;

6. Prepare the rules, standards, training requirements for attorneys and interdisciplinary contractors, and guidelines necessary to carry out the responsibilities of the Parent Representation Program for the approval of and promulgation by 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; and

7. Prepare annually and distribute to 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 budget requests and a report detailing expenditures of funds for the operating expenses of the Parent Representation Program, activity data, and performance measures from implementation of the program within the selected judicial districts. 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 shall distribute the proposed budget and the report to the Speaker of the House of Representatives and the President Pro Tempore of the

Senate, who shall distribute the proposed budget and the report to the appropriate committee chairs of the respective chambers.

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

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

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

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

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

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

A. There is hereby created in the State Treasury a revolving fund for 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 to be designated the "Parent Representation Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by 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 for indigent parent legal and interdisciplinary representation services to be provided by the Parent Representation Program. The revolving fund shall include funds appropriated to the fund, federal funds, gifts, donations, and grants. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by 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 pursuant to the recommendations of the Parent Representation Program Board for the purpose of administering the Parent Representation Program and for the provision of legal and interdisciplinary services to indigent parents by and through the Parent Representation Program. By January 31, 2023, and by January 31 of each year thereafter, 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 shall disperse funds from the Parent Representation Program Revolving Fund to the contracted eligible organization.

B. 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 shall allocate and expend funds from the Parent Representation Program Revolving Fund as recommended by the Parent Representation Program Board to provide

1 for the necessary operating costs of the Parent Representation
2 Program, including court-appointed legal and interdisciplinary
3 representation to indigent parents, legal guardians, or custodians
4 in proceedings governed by the Oklahoma Children's Code, to the
5 extent that funds are available from the Parent Representation
6 Program Revolving Fund. An agency to be selected by the Oklahoma
7 Supreme Court's Uniform Representation of Children and Parents in
8 Cases Involving Abuse and Neglect Oversight Committee shall allocate
9 and expend these funds pursuant to the contract with the eligible
10 organization. An agency to be selected by the Oklahoma Supreme
11 Court's Uniform Representation of Children and Parents in Cases
12 Involving Abuse and Neglect Oversight Committee may charge an
13 administrative fee for administering the contract.

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

1 D. An agency to be selected by the Oklahoma Supreme Court's
2 Uniform Representation of Children and Parents in Cases Involving
3 Abuse and Neglect Oversight Committee may use up to two and one-half
4 percent (2.5%) of the funds deposited in the Parent Representation
5 Program Revolving Fund available to the Committee in any given
6 fiscal year to provide financial support staff, financial data entry
7 staff and facilities, and operating assistance for the Parent
8 Representation Program Board.

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

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

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