

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 907

By: Rosino of the Senate

and

Lawson of the House

COMMITTEE SUBSTITUTE

An Act relating to legal representation for children and parents; creating the Family Representation and Advocacy Act; providing short title; defining term; establishing the Family Representation and Advocacy Program within the Administrative Office of the Courts; stating purpose of Program; requiring certain request for proposals; requiring submission of bids pursuant to the Oklahoma Central Purchasing Act; establishing duties and responsibilities of Program; requiring employment of executive director; establishing qualifications for executive director; establishing duties of executive director; providing authority for Program to enter into certain contracts; establishing qualifications for counsel providing services to the Program; requiring equitable service through judicial districts; requiring adequate compensation for counsel and interdisciplinary contractors; authorizing certain annual review; authorizing creation of advisory board for certain purposes; creating the Family Representation and Advocacy Program Revolving Fund; stating purpose of Fund; directing disbursement of funds; authorizing certain administrative fee; requiring maintenance of certain books and records; authorizing certain annual audits; authorizing use of percentage of funds for staff and operations;

1 requiring certain annual report; providing for  
2 codification; and providing an effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 801 of Title 10, unless there is  
7 created a duplication in numbering, reads as follows:

8 A. This act shall be known and may be cited as the "Family  
9 Representation and Advocacy Act".

10 B. As used in this act, "eligible organization" means an entity  
11 that:

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

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

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

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

22 C. There is hereby created within the Administrative Office of  
23 the Courts the Family Representation and Advocacy Program. The  
24 purpose of the Family Representation and Advocacy Program shall be

1 to ensure uniform and high quality legal representation for children  
2 and indigent parents, legal guardians, and Indian custodians in  
3 deprived child actions brought by the state pursuant to the  
4 provisions of Section 1-1-101 et seq. of Title 10A of the Oklahoma  
5 Statutes.

6 D. From funds appropriated or otherwise available for the  
7 purpose of implementing the Family Representation and Advocacy Act,  
8 the Administrative Office of the Court shall issue a request for  
9 proposals and contract with an eligible organization to administer  
10 the Family Representation and Advocacy Program through the  
11 establishment of a central office for the state. The contract shall  
12 be the result of the request for proposals issued by the  
13 Administrative Office of the Courts and submission of competitive  
14 bids by eligible organizations pursuant to the Oklahoma Central  
15 Purchasing Act.

16 E. Through the activities of the central office, the Family  
17 Representation and Advocacy Program shall work cooperatively  
18 statewide with judicial districts and attorneys by contracting with,  
19 training, compensating, and supporting legal counsel for the  
20 children, indigent parents, legal guardians, and Indian custodians  
21 appointed by the court pursuant to Section 1-4-306 of Title 10A of  
22 the Oklahoma Statutes. The Family Representation and Advocacy  
23 Program shall have the responsibility to ensure that all parents,  
24 legal guardians, and Indian custodians who are entitled to court-

1 appointed counsel and all children are appointed counsel who have  
2 the training, support, and access to resources to provide uniform  
3 and high quality legal representation. The central office shall not  
4 provide direct legal representation to clients except in selected  
5 appeals. Nothing in this subsection shall preclude the appointment  
6 of a guardian ad litem pursuant to Section 1-8-108 of Title 10A of  
7 the Oklahoma Statutes.

8 F. An executive director for the Family Representation and  
9 Advocacy Program shall be employed by the eligible organization and  
10 approved by the Administrative Office of the Courts or any board  
11 established pursuant to subsection K of this section. The executive  
12 director shall have at least ten (10) years of experience as a  
13 licensed attorney prior to appointment, be licensed to practice law  
14 in this state at the time of appointment and be familiar with the  
15 unique demands of representing children, parents, legal guardians,  
16 Indian custodians in deprived child cases in this state. The  
17 executive director shall serve full time and shall not engage in  
18 private practice of law outside of the Program. The executive  
19 director shall hire all staff including employees of the central  
20 office, 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  
23 the Family Representation and Advocacy Act. The executive director  
24 shall submit budget requests and shall report quarterly to the

1 Administrative Office of the Courts or any board established  
2 pursuant to subsection K of this section.

3 G. The Family Representation and Advocacy Program shall have  
4 authority to contract with any type of legal entity including but  
5 not limited to law firms, legal services programs, Office of Public  
6 Defender, law school clinics, and individual attorneys as needed.  
7 The Program shall have authority to contract with and compensate  
8 social workers, parent and youth advocates, and peer mentors to  
9 provide interdisciplinary assistance to the attorneys representing  
10 children, indigent parents, legal guardians, Indian custodians in  
11 the deprived child proceedings. The existing Offices of Public  
12 Defender shall continue to provide representation for children in  
13 deprived child proceedings and continue to be funded as set forth in  
14 Section 138.4 of Title 19 of the Oklahoma Statutes. The Offices of  
15 the Public Defender may elect to contract with the Family  
16 Representation and Advocacy Program for additional funds to provide  
17 additional staff and resources in the representation of the  
18 children.

19 H. The Family Representation and Advocacy Program shall ensure  
20 that all counsel are members of the Oklahoma Bar Association in good  
21 standing and are adequately trained. The Program shall provide  
22 uniform and high quality training in collaboration with the State of  
23 Oklahoma Children's Court Improvement Program, the Oklahoma Bar  
24 Association, local bar associations, and other relevant state and

1 national organizations to all attorneys who are appointed to  
2 represent children, parents, legal guardians, and Indian custodians  
3 in deprived child proceedings. The Program shall contractually  
4 require and verify that the attorneys providing legal representation  
5 to children, indigent parents, legal guardians, and Indian  
6 custodians comply with the Oklahoma Standards of Practice for  
7 Attorneys Representing Parents in Deprived Child Proceedings, the  
8 Oklahoma Standards of Practice for Attorneys Representing Children  
9 in Deprived Child Proceedings, and caseload limits as developed and  
10 approved by the Uniform Representation of Children and Parents in  
11 Cases Involving Abuse and Neglect Oversight Committee created by the  
12 Oklahoma Supreme Court. The Family Representation and Advocacy  
13 Program shall ensure that all interdisciplinary contractors are  
14 provided with uniform and evidence-based training, resources, and  
15 support.

16 I. The Family Representation and Advocacy Program shall ensure  
17 that all areas of the state are equitably served and, based on the  
18 appropriations available, shall prioritize judicial districts where  
19 attorneys are unavailable for court appointments or are minimally  
20 compensated. The Program shall determine where additional attorneys  
21 are needed within the state's judicial districts and shall develop  
22 additional resources.

23 J. The Family Representation and Advocacy Program shall ensure  
24 that counsel and interdisciplinary contractors are adequately

1 compensated based on available appropriations and other funding  
2 received and are provided access to resources in order to deliver  
3 high quality legal representation. The Program is authorized to  
4 annually review the performance of the attorneys, interdisciplinary  
5 contractors, and entities with which the eligible organization  
6 contracts, with the goal of helping them achieve and maintain high-  
7 quality performance. The Program shall ensure that review measures  
8 preserve client confidentiality and avoid conflicts of interest.

9 K. The Oklahoma Supreme Court may direct the Administrative  
10 Office of the Courts to establish an advisory board to exercise  
11 oversight over the Family Representation and Advocacy Program and  
12 the selected eligible organization, and to make recommendations and  
13 take such actions as deemed necessary to ensure proper  
14 administration of the Program.

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 802 of Title 10, unless there is  
17 created a duplication in numbering, reads as follows:

18 A. There is hereby created in the State Treasury a revolving  
19 fund for the Administrative Office of the Courts to be designated  
20 the "Family Representation and Advocacy Program Revolving Fund".  
21 The fund shall be a continuing fund, not subject to fiscal year  
22 limitations, and shall consist of all monies received by the  
23 Administrative Office of the Courts for child and indigent parent,  
24 legal guardian, and Indian custodian legal and interdisciplinary

1 representation services to be provided by the Family Representation  
2 and Advocacy Program. The revolving fund shall include funds  
3 appropriated to the fund, federal funds, gifts, donations, and  
4 grants. All monies accruing to the credit of the fund are hereby  
5 appropriated and may be budgeted and expended by the Administrative  
6 Office of the Courts for the purpose of administering the Family  
7 Representation and Advocacy Program and for the provision of legal  
8 and interdisciplinary services to indigent parents and children by  
9 and through the Family Representation and Advocacy Program. By  
10 January 31, 2024, and by January 31 of each year thereafter, the  
11 Administrative Office of the Courts shall disburse funds from the  
12 Family Representation and Advocacy Program Revolving Fund to the  
13 contracted eligible organization.

14 B. The Administrative Office of the Courts shall allocate and  
15 expend funds from the Family Representation and Advocacy Program  
16 Revolving Fund to provide for the necessary operating costs of the  
17 Family Representation and Advocacy Program including court-appointed  
18 legal and interdisciplinary representation to children, indigent  
19 parents, legal guardians, or Indian custodians in proceedings  
20 governed by the Oklahoma Children's Code, to the extent that funds  
21 are available from the Family Representation and Advocacy Program  
22 Revolving Fund. The Administrative Office of the Courts shall  
23 allocate and expend these funds pursuant to the contract with the  
24 eligible organization. The Administrative Office of the Courts may



1 charge an administrative fee as provided in Subsection D of this  
2 Section for administering the contract.

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

14 D. The Administrative Office of the Courts may use up to two  
15 and one-half percent (2.5%) of the funds deposited in the Family  
16 Representation and Advocacy Program Revolving Fund in any given  
17 fiscal year to provide financial support staff, financial data entry  
18 staff and facilities, and operating assistance for the Family  
19 Representation Program Advisory Board.

20 E. An annual report issued by the Administrative Office of the  
21 Courts outlining performance measures for the Family Representation  
22 and Advocacy Program and recommendations for ongoing appropriations  
23 shall be transmitted to the Governor, the President Pro Tempore of  
24

1 the Oklahoma Senate and the Speaker of the House of Representatives  
2 no later than December 31 of each year.

3 SECTION 3. This act shall become effective November 1, 2023.  
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