

1 ENGROSSED SENATE
2 BILL NO. 907

By: Rosino of the Senate

3 and

4 Lawson of the House
5

6 An Act relating to legal representation for children
7 and parents; creating the Family Representation and
8 Advocacy Act; providing short title; defining term;
9 establishing the Family Representation and Advocacy
10 Program within the Administrative Office of the
11 Courts; stating purpose of Program; requiring certain
12 request for proposals; requiring submission of bids
13 pursuant to the Oklahoma Central Purchasing Act;
14 establishing duties and responsibilities of Program;
15 requiring employment of executive director;
16 establishing qualifications for executive director;
17 establishing duties of executive director; providing
18 authority for Program to enter into certain
19 contracts; establishing qualifications for counsel
20 providing services to the Program; requiring
21 equitable service through judicial districts;
22 requiring adequate compensation for counsel and
23 interdisciplinary contractors; authorizing certain
24 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;
requiring certain annual report; providing for
codification; and providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 801 of Title 10, unless there is
3 created a duplication in numbering, reads as follows:

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

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

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

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

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

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

18 C. There is hereby created within the Administrative Office of
19 the Courts the Family Representation and Advocacy Program. The
20 purpose of the Family Representation and Advocacy Program shall be
21 to ensure uniform and high quality legal representation for children
22 and indigent parents, legal guardians, and Indian custodians in
23 deprived child actions brought by the state pursuant to the
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1 provisions of Section 1-1-101 et seq. of Title 10A of the Oklahoma
2 Statutes.

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

13 E. Through the activities of the central office, the Family
14 Representation and Advocacy Program shall work cooperatively
15 statewide with judicial districts and attorneys by contracting with,
16 training, compensating, and supporting legal counsel for the
17 children, indigent parents, legal guardians, and Indian custodians
18 appointed by the court pursuant to Section 1-4-306 of Title 10A of
19 the Oklahoma Statutes. The Family Representation and Advocacy
20 Program shall have the responsibility to ensure that all parents,
21 legal guardians, and Indian custodians who are entitled to court-
22 appointed counsel and all children are appointed counsel who have
23 the training, support, and access to resources to provide uniform
24 and high quality legal representation. The central office shall not

1 provide direct legal representation to clients except in selected
2 appeals. Nothing in this subsection shall preclude the appointment
3 of a guardian ad litem pursuant to Section 1-8-108 of Title 10A of
4 the Oklahoma Statutes.

5 F. An executive director for the Family Representation and
6 Advocacy Program shall be employed by the eligible organization and
7 approved by the Administrative Office of the Courts or any board
8 established pursuant to subsection K of this section. The executive
9 director shall have at least ten (10) years of experience as a
10 licensed attorney prior to appointment, be licensed to practice law
11 in this state at the time of appointment and be familiar with the
12 unique demands of representing children, parents, legal guardians,
13 Indian custodians in deprived child cases in this state. The
14 executive director shall serve full time and shall not engage in
15 private practice of law outside of the Program. The executive
16 director shall hire all staff including employees of the central
17 office, contract attorneys or other legal providers eligible for
18 appointment pursuant to Section 1-4-306 of Title 10A of the Oklahoma
19 Statutes, and interdisciplinary contractors required to implement
20 the Family Representation and Advocacy Act. The executive director
21 shall submit budget requests and shall report quarterly to the
22 Administrative Office of the Courts or any board established
23 pursuant to subsection K of this section.

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

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

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

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

21 J. The Family Representation and Advocacy Program shall ensure
22 that counsel and interdisciplinary contractors are adequately
23 compensated based on available appropriations and other funding
24 received and are provided access to resources in order to deliver

1 high quality legal representation. The Program is authorized to
2 annually review the performance of the attorneys, interdisciplinary
3 contractors, and entities with which the eligible organization
4 contracts, with the goal of helping them achieve and maintain high-
5 quality performance. The Program shall ensure that review measures
6 preserve client confidentiality and avoid conflicts of interest.

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

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

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

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

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

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

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

18 E. An annual report issued by the Administrative Office of the
19 Courts outlining performance measures for the Family Representation
20 and Advocacy Program and recommendations for ongoing appropriations
21 shall be transmitted to the Governor, the President Pro Tempore of
22 the Oklahoma Senate and the Speaker of the House of Representatives
23 no later than December 31 of each year.

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

1 Passed the Senate the 21st day of March, 2023.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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9 Presiding Officer of the House
10 of Representatives