

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1382

By: Talley of the House

and

Hall of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to children; amending 10 O.S. 2021,
12 Sections 1116.2 and 1116.6, which relate to
13 postadjudication review boards; removing requirement
14 that review board shall be subject to the Oklahoma
15 Open Meeting Act; requiring certain information be
16 included in certain report; amending 25 O.S. 2021,
17 Section 304, as amended by Section 1, Chapter 123,
18 O.S.L. 2022 (25 O.S. Supp. 2023, Section 304), which
19 relates to the Oklahoma Open Meeting Act; providing
20 exception; and providing an effective date.

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

22 SECTION 1. AMENDATORY 10 O.S. 2021, Section 1116.2, is
23 amended to read as follows:

24 Section 1116.2 A. There is hereby established a
 postadjudication review board in each judicial district in the
 state. Members and alternate members of the postadjudication review

1 boards shall be residents of or employed within the judicial
2 district in which the board serves and shall be appointed by the
3 Director of the Oklahoma Commission on Children and Youth after
4 consultation with judges in the judicial district having juvenile
5 docket responsibility, provided that in the event of a conflict of
6 interest or for any reason when circumstances or the appearances of
7 justice dictate, the Director of the Oklahoma Commission on Children
8 and Youth may transfer the appointment decision to the entire
9 Oklahoma Commission on Children and Youth whose decision shall be
10 final and further, provided, that any aggrieved aspirant may appeal
11 the decision denying appointment by the Director of the Oklahoma
12 Commission on Children and Youth within five (5) days to the
13 Oklahoma Commission on Children and Youth whose decision shall be
14 final. The Oklahoma Commission on Children and Youth may establish
15 additional postadjudication review boards as needed for each county
16 within a judicial district.

17 B. A postadjudication review board for each judicial district
18 shall consist of at least five (5) members. Alternate review board
19 members may be appointed to serve in the absence of a regularly
20 appointed board ~~member~~ members. Alternate board members shall be
21 appointed in the same manner as regularly appointed board members.
22 On and after September 1, 1991, currently serving board members
23 shall serve until appointments are made by the Commission on
24 Children and Youth. The Commission on Children and Youth shall

1 complete initial appointments to the review boards no later than
2 June 30, 1992.

3 C. Board members shall be appointed for a term of three (3)
4 years. Members shall serve after the expiration of their terms
5 until their respective successors shall have been appointed.
6 Vacancies shall be filled for the duration of unexpired terms. The
7 review board members shall be appointed according to the following
8 guidelines:

9 1. One member shall be a person who has training or experience
10 in issues concerning child welfare, or a person who has demonstrated
11 an interest in children through voluntary community service or
12 professional activities;

13 2. Whenever possible, at least one member of the board shall be
14 an individual who has served as a foster parent, provided that no
15 person on the review board shall participate as a board member in
16 any review hearing in which the person is a party; and

17 3. No more than one person employed by any child welfare agency
18 or juvenile court may be appointed to a board at the same time,
19 provided such person shall not participate in any review hearing in
20 which the person is professionally involved.

21 D. Each postadjudication review board shall annually elect a
22 chair and shall notify the Commission on Children and Youth as to
23 the name and address of the chair. A list of the members of each
24 local board and its officers shall be filed with the Presiding Judge

1 of the judicial district and each judge within the district having
2 juvenile docket responsibility.

3 E. There shall be a rebuttable presumption that a person
4 participating in a judicial proceeding as a postadjudication review
5 board member or a postadjudication review advisory board or
6 postadjudication review board coordinator is acting in good faith.
7 When acting in good faith, a participant shall be immune from any
8 civil liability that might otherwise be incurred or imposed. Each
9 postadjudication review board shall meet as often as is necessary at
10 a place it designates to carry out the duties of the board
11 established by Section 1116.3 of this title. The review board shall
12 meet at least twice annually. ~~Each review board shall be subject to~~
13 ~~the provisions of the Oklahoma Open Meeting Act, except that the~~
14 ~~actual case reviews shall be held in executive session; provided,~~
15 ~~however, that upon~~ Upon the request of the board, members or
16 prospective members of other existing review boards, students or
17 researchers may attend and observe but not participate in board
18 hearings subject to restrictions and conditions imposed by the
19 board. Members and employees of the State Postadjudication Review
20 Advisory Board who are exercising their oversight responsibilities
21 pursuant to Section 1116.6 of this title may attend and observe but
22 not participate in board hearings. All parties shall maintain
23 confidentiality, and the names of the children in placement shall
24 not be published. Temporary ad hoc review boards may be created in

1 counties in which there is no active review board. The Director of
2 the Oklahoma Commission on Children and Youth may appoint active or
3 alternate members of existing review boards to serve as members of
4 local boards that are unable to meet quorum requirements and to
5 temporarily constitute members of a new board where no current board
6 exists. A member appointed to temporary service shall be fully
7 qualified as provided by law, and such service shall terminate when
8 the basis for the appointment is remedied or upon the order of the
9 Director.

10 F. As a condition of membership thereto, members and alternates
11 of the postadjudication review boards shall attend the next
12 available orientation program after appointment to the board.
13 Failure to attend an orientation program, at the discretion of the
14 Commission on Children and Youth, may result in the removal of the
15 board member. Members of postadjudication review boards shall
16 attend the annual meeting or training programs or both such meeting
17 and training programs as are authorized and directed by the
18 Commission on Children and Youth.

19 G. Members of postadjudication review boards shall serve
20 without compensation, but shall be reimbursed for travel and
21 training expenses from monies appropriated by the Legislature for
22 such purposes, as provided by the State Travel Reimbursement Act.
23 The Commission on Children and Youth shall provide members of
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1 postadjudication review boards with necessary operating supplies and
2 postage fees or members shall be reimbursed for these expenses.

3 H. The Commission on Children and Youth shall be responsible
4 for developing procedures for the removal of a member from a
5 postadjudication review board. The grounds for the removal of a
6 postadjudication review board member shall include but not be
7 limited to:

8 1. Failure to attend board meetings as required by the
9 Commission on Children and Youth;

10 2. Engaging in illegal conduct involving moral turpitude;

11 3. Engaging in conduct involving dishonesty, fraud, deceit, or
12 misrepresentation; or

13 4. Wrongful disclosure of information as provided by Section
14 1116.4 of this title.

15 I. Necessary staff assistance required by the postadjudication
16 review boards may be provided by the bailiff or bailiffs, or other
17 person designated by the court, of the judges with juvenile docket
18 responsibility in the judicial district. Upon the request of the
19 presiding judge, the Chief Justice of the Supreme Court may
20 authorize additional staff to be paid from local court funds to
21 assist the review board.

22 The Administrative Director of the Courts may include such
23 additional funding requests in the annual budget for the courts as
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1 are necessary to provide staff and administrative support for the
2 review boards.

3 SECTION 2. AMENDATORY 10 O.S. 2021, Section 1116.6, is
4 amended to read as follows:

5 Section 1116.6 A. There is hereby created a State
6 Postadjudication Review Advisory Board which shall meet at least
7 twice each calendar year. The Advisory Board shall have the duty of
8 overseeing the implementation of the state postadjudication review
9 program in coordination with the Oklahoma Commission on Children and
10 Youth.

11 B. The Advisory Board shall consist of twenty-one (21) members
12 appointed by the Governor as follows:

13 1. Eight of the members shall be members of the various review
14 boards throughout the state;

15 2. Five of the members shall be judges of the district court;

16 3. Five of the members shall represent the general public and
17 may be foster parents;

18 4. One of the members appointed after the effective date of
19 this act shall be a foster parent representing foster parents who
20 have a current contract with the Department of Human Services to
21 provide foster care services;

22 5. One of the members appointed after the effective date of
23 this act shall be a foster parent representing child-placing
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1 agencies which have current contracts with the Department to provide
2 foster care services; and

3 6. One of the members appointed after the effective date of
4 this act shall be a foster parent nominated by any local or
5 statewide foster parent association.

6 The members shall serve at the pleasure of the Governor. The
7 administrative heads of the divisions which have foster care
8 responsibilities within the Department of Human Services and the
9 Office of Juvenile Affairs or their designees shall serve as ex
10 officio members of the Board.

11 C. The Director of the Oklahoma Commission on Children and
12 Youth shall be the clerk of the Advisory Board.

13 The Advisory Board shall have the duty to:

14 1. Assist in the training of the members of the review boards;

15 2. Serve, in coordination with the Oklahoma Commission on
16 Children and Youth, as a clearinghouse for reports and information
17 concerning the foster care review program and the review boards as
18 they relate to foster care;

19 3. Make recommendations to the courts, the Oklahoma Commission
20 on Children and Youth, the Governor, the Legislature, the Department
21 of Human Services, the Office of Juvenile Affairs, and other state
22 agencies providing services to children regarding proposed statutory
23 revisions, and amendments to court rules and procedures, and review
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1 and make recommendations on permanency planning, foster care and
2 child welfare service delivery policies, guidelines, and procedures;

3 4. Work with both public and private agencies concerned with
4 foster care and adoption exchanges to inform the public of the need
5 for temporary and permanent homes and other services needed by
6 deprived children; and

7 5. Specifically:

8 a. identify, analyze, and recommend solutions to any
9 issue concerning child welfare and foster care
10 services within the child welfare delivery system,

11 b. participate in the statewide planning and promotion of
12 foster parent involvement in local planning for child
13 welfare services, and

14 c. develop recommendations concerning foster care
15 training to improve the quality of foster care
16 services.

17 D. The State Postadjudication Review Advisory Board may
18 designate multidisciplinary committees on the local level to act as
19 advocates for foster parents in order to assist in the resolution of
20 specific complaints concerning foster care and to help facilitate
21 the relationship between the Department of Human Services, the
22 Office of Juvenile Affairs, child-placing agencies, and the foster
23 parents.

1 E. The Oklahoma Commission on Children and Youth, with the
2 assistance of the State Postadjudication Review Advisory Board,
3 shall be responsible for developing and administering training
4 procedures and rules for the administration of the state
5 postadjudication review board system.

6 F. The State Postadjudication Review Advisory Board shall
7 submit a report of the activities of the review boards, including
8 the findings and recommendations of such review boards, to the
9 Oklahoma Commission on Children and Youth on or before May 1 of each
10 year. The report shall include, but not be limited to, the
11 following:

- 12 1. The location of each review board;
- 13 2. The names of the members of each board;
- 14 3. The number of cases reviewed by each board; and
- 15 4. The recommendation categories made by each board.

16 G. The Oklahoma Commission on Children and Youth shall
17 incorporate, as appropriate, the findings and recommendations of the
18 review boards in the annual report required by Section 601.9 of this
19 title.

20 SECTION 3. AMENDATORY 25 O.S. 2021, Section 304, as
21 amended by Section 1, Chapter 123, O.S.L. 2022 (25 O.S. Supp. 2023,
22 Section 304), is amended to read as follows:

23 Section 304. As used in the Oklahoma Open Meeting Act:
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1 1. "Public body" means the governing bodies of all
2 municipalities located within this state, boards of county
3 commissioners of the counties in this state, boards of public and
4 higher education in this state and all boards, bureaus, commissions,
5 agencies, trusteeships, authorities, councils, committees, public
6 trusts or any entity created by a public trust including any
7 committee or subcommittee composed of any of the members of a public
8 trust or other legal entity receiving funds from the Rural Economic
9 Action Plan Fund as authorized by Section 2007 of Title 62 of the
10 Oklahoma Statutes, task forces or study groups in this state
11 supported in whole or in part by public funds or entrusted with the
12 expending of public funds, or administering public property, and
13 shall include all committees or subcommittees of any public body.
14 Public body shall not include the state judiciary, the Council on
15 Judicial Complaints when conducting, discussing, or deliberating any
16 matter relating to a complaint received or filed with the Council,
17 the Legislature, or administrative staffs of public bodies
18 including, but not limited to, faculty meetings and athletic staff
19 meetings of institutions of higher education when those staffs are
20 not meeting with the public body, or entry-year assistance
21 committees. Furthermore, public body shall not include the
22 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
23 of the Oklahoma Statutes, in Section ~~2 of this act~~ 10-115 of Title
24 43A of the Oklahoma Statutes, and in subsection C of Section 1-502.2

1 of Title 63 of the Oklahoma Statutes or any school board meeting for
2 the sole purpose of considering recommendations of a
3 multidisciplinary team and deciding the placement of any child who
4 is the subject of the recommendations. Furthermore, public body
5 shall not include meetings conducted by stewards designated by the
6 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
7 3A of the Oklahoma Statutes when the stewards are officiating at
8 races or otherwise enforcing rules of the Commission. Furthermore,
9 public body shall not include the board of directors of a Federally
10 Qualified Health Center or the postadjudication review boards
11 provided for in Sections 1116.2 and 1116.3 of Title 10 of the
12 Oklahoma Statutes;

13 2. "Meeting" means the conduct of business of a public body by
14 a majority of its members being personally together or, as
15 authorized by Section 307.1 of this title, together pursuant to a
16 videoconference. Meeting shall not include informal gatherings of a
17 majority of the members of the public body when no business of the
18 public body is discussed;

19 3. "Regularly scheduled meeting" means a meeting at which the
20 regular business of the public body is conducted;

21 4. "Special meeting" means any meeting of a public body other
22 than a regularly scheduled meeting or emergency meeting;

23 5. "Emergency meeting" means any meeting called for the purpose
24 of dealing with an emergency. For purposes of the Oklahoma Open

1 Meeting Act, an emergency is defined as a situation involving injury
2 to persons or injury and damage to public or personal property or
3 immediate financial loss when the time requirements for public
4 notice of a special meeting would make such procedure impractical
5 and increase the likelihood of injury or damage or immediate
6 financial loss;

7 6. "Continued or reconvened meeting" means a meeting which is
8 assembled for the purpose of finishing business appearing on an
9 agenda of a previous meeting. For the purposes of the Oklahoma Open
10 Meeting Act, only matters on the agenda of the previous meeting at
11 which the announcement of the continuance is made may be discussed
12 at a continued or reconvened meeting;

13 7. "Videoconference" means a conference among members of a
14 public body remote from one another who are linked by interactive
15 telecommunication devices or technology and/or technology permitting
16 both visual and auditory communication between and among members of
17 the public body and/or between and among members of the public body
18 and members of the public. During any videoconference, both the
19 visual and auditory communications functions shall attempt to be
20 utilized; and

21 8. "Teleconference" means a conference among members of a
22 public body remote from one another who are linked by
23 telecommunication devices and/or technology permitting auditory
24 communication between and among members of the public body and/or

1 between and among members of the public body and members of the
2 public.

3 SECTION 4. This act shall become effective November 1, 2024.
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5 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
6 SERVICES, dated 02/14/2024 - DO PASS, As Amended and Coauthored.
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