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April 9, 2024

ENGROSSED HOUSE
BILL NO. 1382

By: Talley of the House

and

Hall of the Senate

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

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

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

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 boards shall be residents of or employed within the judicial district in which the board serves and shall be appointed by the Director of the Oklahoma Commission on Children and Youth after consultation with judges in the judicial district having juvenile

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

13 B. A postadjudication review board for each judicial district
14 shall consist of at least five (5) members. Alternate review board
15 members may be appointed to serve in the absence of a regularly
16 appointed board ~~member~~ members. Alternate board members shall be
17 appointed in the same manner as regularly appointed board members.
18 On and after September 1, 1991, currently serving board members
19 shall serve until appointments are made by the Commission on
20 Children and Youth. The Commission on Children and Youth shall
21 complete initial appointments to the review boards no later than
22 June 30, 1992.

23 C. Board members shall be appointed for a term of three (3)
24 years. Members shall serve after the expiration of their terms

1 until their respective successors shall have been appointed.

2 Vacancies shall be filled for the duration of unexpired terms. The
3 review board members shall be appointed according to the following
4 guidelines:

5 1. One member shall be a person who has training or experience
6 in issues concerning child welfare, or a person who has demonstrated
7 an interest in children through voluntary community service or
8 professional activities;

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

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

17 D. Each postadjudication review board shall annually elect a
18 chair and shall notify the Commission on Children and Youth as to
19 the name and address of the chair. A list of the members of each
20 local board and its officers shall be filed with the Presiding Judge
21 of the judicial district and each judge within the district having
22 juvenile docket responsibility.

23 E. There shall be a rebuttable presumption that a person
24 participating in a judicial proceeding as a postadjudication review

1 board member or a postadjudication review advisory board or
2 postadjudication review board coordinator is acting in good faith.
3 When acting in good faith, a participant shall be immune from any
4 civil liability that might otherwise be incurred or imposed. Each
5 postadjudication review board shall meet as often as is necessary at
6 a place it designates to carry out the duties of the board
7 established by Section 1116.3 of this title. The review board shall
8 meet at least twice annually. ~~Each review board shall be subject to~~
9 ~~the provisions of the Oklahoma Open Meeting Act, except that the~~
10 ~~actual case reviews shall be held in executive session; provided,~~
11 ~~however, that upon~~ Upon the request of the board, members or
12 prospective members of other existing review boards, students or
13 researchers may attend and observe but not participate in board
14 hearings subject to restrictions and conditions imposed by the
15 board. Members and employees of the State Postadjudication Review
16 Advisory Board who are exercising their oversight responsibilities
17 pursuant to Section 1116.6 of this title may attend and observe but
18 not participate in board hearings. All parties shall maintain
19 confidentiality, and the names of the children in placement shall
20 not be published. Temporary ad hoc review boards may be created in
21 counties in which there is no active review board. The Director of
22 the Oklahoma Commission on Children and Youth may appoint active or
23 alternate members of existing review boards to serve as members of
24 local boards that are unable to meet quorum requirements and to

1 temporarily constitute members of a new board where no current board
2 exists. A member appointed to temporary service shall be fully
3 qualified as provided by law, and such service shall terminate when
4 the basis for the appointment is remedied or upon the order of the
5 Director.

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

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

22 H. The Commission on Children and Youth shall be responsible
23 for developing procedures for the removal of a member from a
24 postadjudication review board. The grounds for the removal of a

1 postadjudication review board member shall include but not be
2 limited to:

- 3 1. Failure to attend board meetings as required by the
4 Commission on Children and Youth;
- 5 2. Engaging in illegal conduct involving moral turpitude;
- 6 3. Engaging in conduct involving dishonesty, fraud, deceit, or
7 misrepresentation; or
- 8 4. Wrongful disclosure of information as provided by Section
9 1116.4 of this title.

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

17 The Administrative Director of the Courts may include such
18 additional funding requests in the annual budget for the courts as
19 are necessary to provide staff and administrative support for the
20 review boards.

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

23 Section 1116.6 A. There is hereby created a State
24 Postadjudication Review Advisory Board which shall meet at least

1 twice each calendar year. The Advisory Board shall have the duty of
2 overseeing the implementation of the state postadjudication review
3 program in coordination with the Oklahoma Commission on Children and
4 Youth.

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

7 1. Eight of the members shall be members of the various review
8 boards throughout the state;

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

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

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

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

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

23 The members shall serve at the pleasure of the Governor. The
24 administrative heads of the divisions which have foster care

1 responsibilities within the Department of Human Services and the
2 Office of Juvenile Affairs or their designees shall serve as ex
3 officio members of the Board.

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

6 The Advisory Board shall have the duty to:

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

8 2. Serve, in coordination with the Oklahoma Commission on
9 Children and Youth, as a clearinghouse for reports and information
10 concerning the foster care review program and the review boards as
11 they relate to foster care;

12 3. Make recommendations to the courts, the Oklahoma Commission
13 on Children and Youth, the Governor, the Legislature, the Department
14 of Human Services, the Office of Juvenile Affairs, and other state
15 agencies providing services to children regarding proposed statutory
16 revisions, and amendments to court rules and procedures, and review
17 and make recommendations on permanency planning, foster care and
18 child welfare service delivery policies, guidelines, and procedures;

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

23 5. Specifically:
24

- a. identify, analyze, and recommend solutions to any issue concerning child welfare and foster care services within the child welfare delivery system,
- b. participate in the statewide planning and promotion of foster parent involvement in local planning for child welfare services, and
- c. develop recommendations concerning foster care training to improve the quality of foster care services.

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

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

F. The State Postadjudication Review Advisory Board shall submit a report of the activities of the review boards, including the findings and recommendations of such review boards, to the

Oklahoma Commission on Children and Youth on or before May 1 of each year. The report shall include, but not be limited to, the following:

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

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

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

Section 304. As used in the Oklahoma Open Meeting Act:

1. "Public body" means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust including any committee or subcommittee composed of any of the members of a public trust or other legal entity receiving funds from the Rural Economic Action Plan Fund as authorized by Section 2007 of Title 62 of the

1 Oklahoma Statutes, task forces or study groups in this state
2 supported in whole or in part by public funds or entrusted with the
3 expending of public funds, or administering public property, and
4 shall include all committees or subcommittees of any public body.
5 Public body shall not include the state judiciary, the Council on
6 Judicial Complaints when conducting, discussing, or deliberating any
7 matter relating to a complaint received or filed with the Council,
8 the Legislature, or administrative staffs of public bodies
9 including, but not limited to, faculty meetings and athletic staff
10 meetings of institutions of higher education when those staffs are
11 not meeting with the public body, or entry-year assistance
12 committees. Furthermore, public body shall not include the
13 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
14 of the Oklahoma Statutes, in Section ~~2~~ 10-115 of ~~this act~~ Title 43A
15 of the Oklahoma Statutes, and in subsection C of Section 1-502.2 of
16 Title 63 of the Oklahoma Statutes or any school board meeting for
17 the sole purpose of considering recommendations of a
18 multidisciplinary team and deciding the placement of any child who
19 is the subject of the recommendations. Furthermore, public body
20 shall not include meetings conducted by stewards designated by the
21 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
22 3A of the Oklahoma Statutes when the stewards are officiating at
23 races or otherwise enforcing rules of the Commission. Furthermore,
24 public body shall not include the board of directors of a Federally

1 Qualified Health Center or the postadjudication review boards
2 provided for in Sections 1116.2 and 1116.3 of Title 10 of the
3 Oklahoma Statutes;

4 2. "Meeting" means the conduct of business of a public body by
5 a majority of its members being personally together or, as
6 authorized by Section 307.1 of this title, together pursuant to a
7 videoconference. Meeting shall not include informal gatherings of a
8 majority of the members of the public body when no business of the
9 public body is discussed;

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

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

14 5. "Emergency meeting" means any meeting called for the purpose
15 of dealing with an emergency. For purposes of the Oklahoma Open
16 Meeting Act, an emergency is defined as a situation involving injury
17 to persons or injury and damage to public or personal property or
18 immediate financial loss when the time requirements for public
19 notice of a special meeting would make such procedure impractical
20 and increase the likelihood of injury or damage or immediate
21 financial loss;

22 6. "Continued or reconvened meeting" means a meeting which is
23 assembled for the purpose of finishing business appearing on an
24 agenda of a previous meeting. For the purposes of the Oklahoma Open

1 Meeting Act, only matters on the agenda of the previous meeting at
2 which the announcement of the continuance is made may be discussed
3 at a continued or reconvened meeting;

4 7. "Videoconference" means a conference among members of a
5 public body remote from one another who are linked by interactive
6 telecommunication devices or technology and/or technology permitting
7 both visual and auditory communication between and among members of
8 the public body and/or between and among members of the public body
9 and members of the public. During any videoconference, both the
10 visual and auditory communications functions shall attempt to be
11 utilized; and

12 8. "Teleconference" means a conference among members of a
13 public body remote from one another who are linked by
14 telecommunication devices and/or technology permitting auditory
15 communication between and among members of the public body and/or
16 between and among members of the public body and members of the
17 public.

18 SECTION 4. This act shall become effective November 1, 2024.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
20 April 9, 2024 - DO PASS
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