

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 696

By: Rader of the Senate

4 and

5 Boatman and Miller of the
6 House

7
8 An Act relating to children; amending 10 O.S. 2021,
9 Section 600, which relates to definitions; removing
10 and modifying definitions; modifying statutory
11 reference; amending 10 O.S. 2021, Section 601.1,
12 which relates to membership of Oklahoma Commission on
13 Children and Youth; modifying membership of
14 Commission; clarifying term limitation for certain
15 members; modifying frequency of certain report;
16 requiring membership terms to coincide with fiscal
17 year; amending 10 O.S. 2021, Section 601.5, which
18 relates to Director of the Commission; modifying
19 certain duty of the Director; amending 10 O.S. 2021,
20 Section 601.6a, which relates to Office of Planning
21 and Coordination for Services to Children and Youth;
22 removing, modifying, and adding certain duties;
23 amending 10 O.S. 2021, Section 601.6b, which relates
24 to State Plan for Services to Children and Youth;
modifying and eliminating certain requirements
relating to State Plan for Services to Children and
Youth; extending time period of State Plan;
broadening recipients of State Plan; amending 10 O.S.
2021, Section 601.14, which relates to the Children's
Endowment Fund of Oklahoma; modifying purpose of
fund; broadening purpose of Parent Partnership Board;
expanding allowed expenses of funds; limiting
expenditures of fund; amending 10 O.S. 2021, Sections
1116.2, 1116.3, and 1116.6, which relate to
postadjudication review boards; modifying
terminology; removing obsolete language; increasing
length of review board terms; modifying applicability
of certain provisions; eliminating certain duties of
review boards and State Postadjudication Review
Advisory Board; amending 10 O.S. 2021, Section

1 1150.2, which relates to the Child Death Review
2 Board; extending termination date; modifying
3 terminology; amending 10A O.S. 2021, Section 2-10-
4 102, which relates to the Oklahoma Mentoring Children
5 of Incarcerated Parents Program; modifying frequency
6 of issuance of requests for proposals; updating
7 statutory language; repealing 10 O.S. 2021, Sections
8 601.9, 601.11, and 601.12, which relate to the
9 Oklahoma Commission on Children and Youth; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 10 O.S. 2021, Section 600, is
13 amended to read as follows:

14 Section 600. As used in Sections 601.1 through ~~601.12~~ 601.14 of
15 this title:

16 1. "Children and youth service system" means health, mental
17 health, social, rehabilitative assistance and educational services
18 provided to children and youth by and through the courts and public
19 and private agencies;

20 2. "Client" means a child or a family member of a child who is
21 receiving services through the children and youth service system;

22 3. "Commission" means the Oklahoma Commission on Children and
23 Youth;

24 4. ~~"Community partnership board" means the local district
planning and coordinating body for services to children and youth
established pursuant to Section 601.11 of this title;~~

1 ~~5. "Community partnership district" means the local planning~~
2 ~~and coordinating areas within the state established pursuant to~~
3 ~~Section 601.11 of this title;~~

4 ~~6.~~ "Homeless children and youth" means a person twenty-one (21)
5 years of age or younger who is:

- 6 a. unaccompanied by a parent or guardian, and
- 7 b. without shelter where appropriate care and supervision
- 8 are available, or
- 9 c. without a parent or guardian who is willing and able
- 10 to provide shelter and care, or
- 11 d. without a fixed, regular, or adequate nighttime
- 12 residence. For the purposes of this paragraph,
- 13 "fixed, regular, or adequate nighttime residence"
- 14 shall not include a supervised publicly or privately
- 15 operated shelter or institution designed to provide
- 16 temporary living accommodations, transitional housing
- 17 arrangements, living in hotels, temporary living
- 18 arrangements with other people but without an
- 19 opportunity for permanent residence or a residential
- 20 lease, or a public or private place not designed for,
- 21 nor ordinarily used as, a regular sleeping
- 22 accommodation for human beings;

23 ~~7. "Runaway" means an unmarried child less than eighteen (18)~~
24 ~~years of age who is absent from the home of a parent, guardian or~~

1 ~~other lawful placement without the consent of the parent, guardian~~
2 ~~or lawful custodian;~~

3 ~~8. "State and state-supported services to children and youth"~~
4 ~~means services to children and youth, offered or provided by a~~
5 ~~public or private agency or organization, that are supported in~~
6 ~~whole or in part through state funds or federal funds administered~~
7 ~~by the state;~~

8 ~~9.~~ 5. "State Plan for Services to Children and Youth" means the
9 planning document required by Section ~~601.9~~ 601.6a of this title;
10 and

11 ~~10.~~ 6. "Youth at risk of homelessness" means a person twenty-
12 one (21) years of age or younger whose status or circumstances
13 indicate a significant danger of experiencing homelessness in the
14 near future, including but not limited to youth exiting out-of-home
15 placements, youth who previously were homeless, youth whose parents
16 or guardians are or were previously homeless, youth who are exposed
17 to abuse and neglect in their homes, and youth who experience
18 excessive conflict with their parents ~~and runaways.~~

19 SECTION 2. AMENDATORY 10 O.S. 2021, Section 601.1, is
20 amended to read as follows:

21 Section 601.1. A. There is hereby created the Oklahoma
22 Commission on Children and Youth which shall be composed of ~~nineteen~~
23 ~~(19)~~ eighteen (18) members. The membership shall include:

1 1. The Director of the Department of Human Services, the State
2 Commissioner of Health, the Commissioner of the Department of Mental
3 Health and Substance Abuse Services, the State Superintendent of
4 Public Instruction, the Administrator of the Oklahoma Health Care
5 Authority, the Director of the State Department of Rehabilitation
6 Services, and the Chair of the SJR 13 Oversight Committee;

7 2. The Executive Director of the Office of Juvenile Affairs;

8 3. Five members who shall be appointed by the Governor from a
9 list submitted by the governing board of each of the following
10 organizations:

11 a. the Oklahoma Children's Agencies and Residential
12 Enterprises,

13 b. one statewide association of youth services,

14 c. the Oklahoma Bar Association,

15 d. the Oklahoma District Attorneys Association, and

16 e. a statewide court-appointed Special Advocate
17 Association;

18 4. One member appointed by the Governor who shall represent one
19 of the metropolitan juvenile bureaus;

20 5. One member representing business or industry, appointed by
21 the Governor;

22 6. One member who is the parent of a child with special needs,
23 appointed by the Speaker of the House of Representatives;
24

1 7. One member with a demonstrated interest in improving
2 children's services who is not employed by a state agency or a
3 private organization that receives state funds, appointed by the
4 President Pro Tempore of the Senate; and

5 ~~8. One member who represents a community partnership board to~~
6 ~~be elected pursuant to the guidelines established by the Oklahoma~~
7 ~~Commission on Children and Youth; and~~

8 ~~9.~~ One member who shall be appointed by the Governor from a
9 list of three names submitted by the Post Adjudication Review Board.

10 B. The appointed members shall have had active experience in
11 services to children and youth and may serve four terms of two (2)
12 years each. ~~Any appointed member serving on the Commission on the~~
13 ~~effective date of this act shall be entitled to complete his or her~~
14 ~~term and shall be eligible to serve one additional term of two (2)~~
15 ~~years. Any person who served on the Commission prior to the~~
16 ~~effective date of this act shall be eligible to serve one additional~~
17 ~~term of two (2) years~~ A person appointed to fill the remainder of a
18 vacant term shall, upon completion of that term, be eligible to
19 serve four additional two-year terms. Terms shall coincide with the
20 fiscal year.

21 C. The Oklahoma Commission on Children and Youth shall provide
22 a ~~monthly~~ report on ~~commission~~ Commission member attendance to the
23 appointing authorities following each Commission meeting.

1 SECTION 3. AMENDATORY 10 O.S. 2021, Section 601.5, is
2 amended to read as follows:

3 Section 601.5. A. The Oklahoma Commission on Children and
4 Youth shall appoint a Director who shall be a person having
5 experience in the operation and administration of services to
6 children and youth. Such Director shall be appointed for a term of
7 two (2) years⁷ and may be reappointed. Such Director may be
8 dismissed only for cause. The Director shall:

9 1. Employ such staff as may be necessary to perform the duties
10 of the Commission, with the advice and approval of the Commission;

11 2. Prepare ~~the State Plan for Services to Children and Youth,~~
12 ~~the Annual Report required by Section 601.9 of this title~~ an annual
13 report summarizing the activities of the Oklahoma Commission on
14 Children and Youth for the previous fiscal year, other reports as
15 necessary and appropriate, and an annual budget for the approval of
16 the Commission;

17 3. Formulate and recommend rules and regulations for approval
18 or rejection by the Commission;

19 4. Serve as chief executive officer of the Oklahoma Commission
20 on Children and Youth; and

21 5. Act as agent as authorized for the Commission in the
22 performance of its duties.

23 B. The Director may periodically convene issue-specific task
24 groups for the purpose of improving services for children and youth.

1 A copy of any report or recommendations which result from meetings
2 of a task group shall be provided to the Commission, Governor,
3 Speaker of the House of Representatives, President Pro Tempore of
4 the Senate and the director of each state agency affected by the
5 report or recommendations.

6 SECTION 4. AMENDATORY 10 O.S. 2021, Section 601.6a, is
7 amended to read as follows:

8 Section 601.6a. The Office of Planning and Coordination for
9 Services to Children and Youth shall:

10 1. Convene meetings of public and private agencies that provide
11 services to children and youth for the purpose of facilitating and
12 implementing joint planning and service coordination among said
13 agencies;

14 2. ~~Provide the community partnership boards with fiscal and~~
15 ~~other information related to the children and youth service system~~
16 ~~necessary to assist the partnership boards with the performance of~~
17 ~~their duties and responsibilities;~~

18 3. ~~Annually prepare, with the advice and assistance of the~~
19 ~~community partnership boards~~ Prepare, with input from the Parent
20 Partnership Board and affected public and private agencies, ~~the a~~
21 State Plan for Services to Children and Youth for the upcoming three
22 (3) years for the approval of the Commission;

23

24

1 ~~4. Examine all plans, budgets and related documents pertaining~~
2 ~~to the planning, coordination and development of the children and~~
3 ~~youth service system;~~

4 ~~5. Review, monitor and evaluate the children and youth service~~
5 ~~system regarding the development of services, progress towards~~
6 ~~effective joint planning and service coordination, and compliance~~
7 ~~with established state policies and goals~~

8 3. Make recommendations, to be included in the State Plan, for
9 the development and improvement of services provided to children and
10 youth, including homeless children and youth and youth at risk of
11 homelessness; and

12 ~~6.~~ 4. Issue reports to the Governor, Speaker of the House of
13 Representatives, President Pro Tempore of the Senate, Chief Justice
14 of the Supreme Court of the State of Oklahoma, public and private
15 agencies, and such other persons as necessary and appropriate.

16 SECTION 5. AMENDATORY 10 O.S. 2021, Section 601.6b, is
17 amended to read as follows:

18 Section 601.6b. A. On or before ~~July 1 of each year~~ July 1,
19 2023, and on or before July 1 of every third year thereafter, the
20 Oklahoma Commission on Children and Youth shall transmit to the
21 Director of the Office of Management and Enterprise Services ~~and to,~~
22 the director of each affected agency, the President Pro Tempore of
23 the Senate, the Speaker of the House of Representatives, and the
24

1 Governor a copy of the State Plan for Services to Children and Youth
2 for the next three (3) fiscal year years.

3 ~~B. The Office of Planning and Coordination shall on or before~~
4 ~~January 1 of each year provide a written report to the Legislature~~
5 ~~on its expenditures to community partnership boards.~~

6 ~~C.~~ The Office of Planning and Coordination, with the assistance
7 of the Office of Management and Enterprise Services and affected
8 agencies, may assemble topic-specific reports regarding services to
9 children, youth, and families to include program descriptions, past
10 and current expenditures, future budget requests, and a description
11 of program outcomes as directed by the Legislature or the
12 Commission.

13 SECTION 6. AMENDATORY 10 O.S. 2021, Section 601.14, is
14 amended to read as follows:

15 Section 601.14. A. There is hereby created in the State
16 Treasury a fund for the Oklahoma Commission on Children and Youth to
17 be designated the "Children's Endowment Fund of Oklahoma". The fund
18 shall be a continuing fund, not subject to fiscal year limitations,
19 and shall consist of all monies received through donations or
20 interest earned by investment of monies in the fund. The fund shall
21 be invested by the State Treasurer in accordance with Section 89.2
22 of Title 62 of the Oklahoma Statutes.

23 B. Funds deposited into the Children's Endowment Fund of
24 Oklahoma and any earnings therefrom, including any interest,

1 dividends or realized capital gains from investment of monies in the
2 fund, shall be administered by the Oklahoma Commission on Children
3 and Youth ~~for the purpose of awarding grants in order to stimulate,~~
4 which is authorized to award grants to further the public purpose of
5 stimulating a broad range of innovative programs, activities or
6 research or evaluation that will improve the well-being and reduce
7 the adverse childhood experiences of Oklahoma's children. The funds
8 shall not be used to expand existing services or to support ongoing
9 core services. The Commission may also direct the State Treasurer
10 to reinvest any earnings into the corpus of the fund.

11 C. The Oklahoma Commission on Children and Youth shall
12 promulgate rules to:

13 1. Establish a Parent Partnership Board for the purpose of
14 informing the work of Oklahoma's child-serving systems ~~including the~~
15 ~~development and evaluation of the grants,~~ assisting members of the
16 Commission and their respective entities with areas of concern,
17 supporting the Commission in the process of developing and awarding
18 grants supported by the Children's Endowment Fund of Oklahoma, and
19 other activities upon request; and

20 2. Establish criteria and procedures for awarding grants.

21 D. The Oklahoma Commission on Children and Youth ~~shall~~ may use
22 up to ten percent (10%) of the funds deposited in the Children's
23 Endowment Fund of Oklahoma ~~to be available to the Commission~~ in any
24

1 given fiscal year to provide administration, oversight, training or
2 evaluation of the grantees or the Parent Partnership Board.

3 E. Monies from the fund may be expended by the Oklahoma
4 Commission on Children and Youth in accordance with the provisions
5 of this section upon warrants issued by the State Treasurer against
6 claims filed as prescribed by law with the Director of the Office of
7 Management and Enterprise Services for approval and payment.

8 F. Notwithstanding any other provision of law, funds deposited
9 in the Children's Endowment Fund of Oklahoma shall only be expended
10 as provided in this section.

11 SECTION 7. AMENDATORY 10 O.S. 2021, Section 1116.2, is
12 amended to read as follows:

13 Section 1116.2. A. There is hereby established a
14 postadjudication review board in each judicial district in the
15 state. Members and alternate members of the postadjudication review
16 boards shall be residents of or employed within the judicial
17 district in which the board serves and shall be appointed by the
18 Director of the Oklahoma Commission on Children and Youth after
19 consultation with judges in the judicial district having juvenile
20 docket responsibility, ~~provided that in.~~ In the event of a conflict
21 of interest or for any reason when circumstances ~~or the appearances~~
22 ~~of justice~~ dictate, the Director ~~of the Oklahoma Commission on~~
23 ~~Children and Youth~~ may transfer the appointment decision to the
24 ~~entire Oklahoma Commission on Children and Youth~~ whose decision

1 shall be final ~~and further provided, that any.~~ An aggrieved
2 ~~aspirant~~ candidate may appeal ~~the~~ a decision of the Director denying
3 appointment ~~by the Director of the Oklahoma Commission on Children~~
4 ~~and Youth~~ within five (5) days to the ~~Oklahoma Commission on~~
5 ~~Children and Youth~~ Commission, whose decision shall be final. The
6 ~~Oklahoma Commission on Children and Youth~~ Commission may establish
7 additional postadjudication review boards as needed for each county
8 within a judicial district.

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

18 C. Board members shall be appointed for a term of ~~three (3)~~
19 five (5) years. Members shall serve after the expiration of their
20 terms until their respective successors shall have been appointed.
21 Vacancies shall be filled for the duration of unexpired terms. The
22 review board members shall be appointed ~~according to the following~~
23 guidelines as follows:

24

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

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

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

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

20 E. There shall be a rebuttable presumption that a person
21 participating in a judicial proceeding as a postadjudication review
22 board member ~~or a postadjudication review advisory board~~, a member
23 of the State Postadjudication Review Advisory Board created in
24 Section 1116.6 of this title, or postadjudication review board

1 ~~coordinator~~ staff is acting in good faith. When acting in good
2 faith, a participant shall be immune from any civil liability that
3 might otherwise be incurred or imposed. Each ~~postadjudication~~
4 review board shall meet as often as is necessary at a place it
5 designates to carry out the duties of the board established by
6 Section 1116.3 of this title. The review board shall meet at least
7 twice annually. Each review board shall be subject to the
8 provisions of the Oklahoma Open Meeting Act, except that the actual
9 case reviews shall be held in executive session; ~~provided, however,~~
10 ~~that upon the request of the board,~~. Upon request, members or
11 prospective members of other ~~existing~~ review boards, students or
12 researchers may ~~attend and observe,~~ but not participate in, board
13 ~~hearings~~ meetings subject to ~~restrictions and~~ conditions imposed by
14 the board. ~~Members~~ Further, members and ~~employees~~ staff of the
15 State Postadjudication Review Advisory Board who are exercising
16 their oversight responsibilities pursuant to ~~Section 1116.6 of this~~
17 ~~title~~ state law may ~~attend and observe,~~ but not participate in,
18 board ~~hearings~~ meetings. 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~~ service, members and
7 alternates of ~~the a~~ postadjudication review ~~boards~~ board shall
8 attend the next available orientation program after appointment to
9 the board. Failure to attend an orientation program, at the
10 discretion of the Commission ~~on Children and Youth~~, may result in
11 the removal of the board member. Members ~~of postadjudication review~~
12 ~~boards shall attend the annual meeting or training programs or both~~
13 ~~such meeting and training programs as are authorized and directed by~~
14 ~~the Commission on Children and Youth~~ shall receive additional
15 training as required by the Commission.

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

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

1 postadjudication review board. The grounds for ~~the removal of a~~
2 ~~postadjudication review board member~~ shall include but not be
3 limited to:

- 4 1. Failure to attend board meetings as required by the
5 Commission ~~on Children and Youth~~;
- 6 2. Engaging in illegal conduct involving moral turpitude;
- 7 3. Engaging in conduct involving dishonesty, fraud, deceit, or
8 misrepresentation; or
- 9 4. Wrongful disclosure of information as provided by Section
10 1116.4 of this title.

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

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

22 SECTION 8. AMENDATORY 10 O.S. 2021, Section 1116.3, is
23 amended to read as follows:
24

1 Section 1116.3. A. Postadjudication review boards shall
2 function in an advisory capacity to the district court ~~and, in~~
3 ~~accordance with the provisions of subsection C of this section, the~~
4 ~~district planning and coordination boards for services to children~~
5 ~~and youth of the Oklahoma Commission on Children and Youth.~~

6 The duties of a review board shall be to:

7 1. Review the case of every adjudicated deprived child at least
8 once every six (6) months and submit to the court within ten (10)
9 days of any review hearing its findings and recommendations.

10 a. Such review shall include, but not be limited to,
11 consideration and evaluation of:

12 (1) the appropriateness of the goals and objectives
13 of the treatment and service plan,

14 (2) the appropriateness and timeliness of the goals
15 and objectives of the permanency plan ~~and~~
16 ~~permanency planning~~, and

17 (3) the appropriateness of the services provided to
18 the child, and to the parent, stepparent, or
19 other adult living in the home of the child, or
20 legal guardian, or custodian.

21 b. Reviews of cases and reports to the court shall be
22 scheduled to ensure that the court receives the
23 findings and recommendations of the review board prior
24

1 to each regularly scheduled six-month review of the
2 case by the court;

3 2. Review the case of every child alleged to be deprived and
4 held in an out-of-home placement six (6) months after removal and
5 every six (6) months thereafter until adjudication occurs or the
6 child is released from out-of-home placement and submit to the court
7 within ten (10) days of any scheduled hearing its findings and
8 recommendations. Such review shall include, but not be limited to,
9 consideration and evaluation of:

- 10 a. whether the continued out-of-home placement is in the
11 best interests of the child ~~in light of the child's~~
12 ~~need for permanency and recognizing that permanency is~~
13 ~~in the best interests of the child,~~
14 b. the appropriateness of the ~~continued out-of-home~~
15 placement, and
16 c. in the absence of a court-ordered treatment and
17 service plan, the appropriateness of the services
18 provided to the child and any family members or other
19 adult living in the home of the child;

20 3. Review the case of every child adjudicated deprived pursuant
21 to the laws of another state or territory, when the child is
22 currently residing in Oklahoma and the Department of Human Services
23 has been notified of the change of residence by the other state or
24 territory and has agreed to provide services to the child pursuant

1 to the Interstate Compact on the Placement of Children or other
2 agreement concerning the child. The Department shall notify the
3 proper review board of the location of the child and shall provide
4 such review board with information received ~~by the Department~~ from
5 the other state concerning the child ~~or placement along with~~ and any
6 reports made by the Department concerning the child ~~or placement~~.
7 The review board shall report its findings to the Department and may
8 report such findings to the agency or court in the state having
9 jurisdiction for the custody of the child. The child and the
10 custodian of the child may be ~~required to be~~ present at the review
11 board's meeting regarding the child;

12 4. If approved by the court, review the case of any juvenile
13 adjudicated delinquent or in need of supervision. Such review shall
14 include, but not be limited to, consideration and evaluation of:

- 15 a. the appropriateness of the placement,
- 16 b. the appropriateness of the services provided to the
17 child and any family members or other adult living in
18 the home of the child, and
- 19 c. the appropriateness of the goals and objectives of the
20 treatment and service plan; and

21 5. Forward copies of the findings and recommendations of the
22 review board to the court having jurisdiction of the case, the
23 parent, or legal guardian, attorney representing the child, ~~or~~
24 ~~custodian of the child~~, agency supervising the case or legal

1 custodian of the child and to any other ~~interested~~ party as
2 determined by the court. It shall be the duty of the court clerk to
3 ensure that all documents filed pertaining to the case of an
4 adjudicated child are properly noted and affixed in the file of the
5 child prior to the commencement of the review process by the review
6 board. The bailiff or bailiffs of the judges having juvenile docket
7 responsibility within the district shall transmit the information
8 necessary for the case reviews to the review board for that
9 district.

10 B. The review board's report of its findings and
11 recommendations shall be admitted into evidence in any dispositional
12 hearing, and may be relied upon to the extent of its probative
13 value, even though not competent for purposes of an adjudicatory
14 hearing.

15 C. ~~In addition to its reviewing function, a review board, as~~
16 ~~directed by the Oklahoma Commission on Children and Youth and in~~
17 ~~coordination with the district planning and coordination boards~~
18 ~~shall:~~

19 ~~1. Promote and encourage all child placement agencies to~~
20 ~~maximize family stability and continuity for a child by discouraging~~
21 ~~unnecessary changes in placement and by recruiting persons to~~
22 ~~provide placement who may be suitable and willing to adopt;~~

23 ~~2. Review the efforts of agencies and institutions to find~~
24 ~~permanent placement for eligible children and report to the court;~~

1 ~~3. Encourage a meeting between the various responsible public~~
2 ~~and private agencies, institutions, and officers of the court in~~
3 ~~order to facilitate cooperation and coordination of efforts; and~~

4 ~~4. Assess community resources, and develop, if not already~~
5 ~~available, a directory of responsible persons, agencies, and~~
6 ~~institutions.~~

7 ~~D.~~ A review board may solicit the attendance at its meetings of
8 persons known to the board with information concerning the case of
9 any child subject to its review. However, no employee of the Office
10 of Juvenile Affairs shall be required to attend a review board
11 meeting.

12 ~~E. A review board shall report annually its findings,~~
13 ~~recommendations, and assessments of the effectiveness of sections of~~
14 ~~law pertaining to individual treatment plans, information to~~
15 ~~accompany deprived children placed outside the home, and~~
16 ~~dispositional orders and Sections 1116.2 through 1116.6 of this~~
17 ~~title to the Administrator of the Courts, the Supreme Court, to the~~
18 ~~court having jurisdiction of the case, to the State Postadjudication~~
19 ~~Review Advisory Board, and the Oklahoma Commission on Children and~~
20 ~~Youth and provide such other reports as deemed proper or that may be~~
21 ~~requested from time to time by the Oklahoma Commission on Children~~
22 ~~and Youth, the Governor, the Legislature, or the Supreme Court.~~

23 ~~F.~~ D. It shall be the duty of the court having jurisdiction of
24 the case to acknowledge the receipt of the recommendations of the

1 review board ~~and note to the review board the actions of the court~~
2 ~~regarding the recommendations submitted by the review board.~~

3 ~~G.~~ E. A review board member may attend any court hearing
4 concerning the case of any child subject to review by the board.

5 SECTION 9. AMENDATORY 10 O.S. 2021, Section 1116.6, is
6 amended to read as follows:

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

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

15 1. Eight of the members shall be members of the various review
16 boards throughout the state;

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

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

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

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

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

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

13 C. The Director of the Oklahoma Commission on Children and
14 Youth shall ~~be the clerk of~~ make staff support available to the
15 Advisory Board.

16 The Advisory Board shall have the duty to:

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

18 2. Serve, in coordination with the ~~Oklahoma Commission on~~
19 ~~Children and Youth~~ Commission, as a clearinghouse for ~~reports and~~
20 information concerning ~~the foster care review program and the review~~
21 boards as they relate to the foster care system;

22 3. Make recommendations to the courts, the ~~Oklahoma Commission~~
23 ~~on Children and Youth~~ Commission, the Governor, the Legislature, the
24 Department of Human Services, the Office of Juvenile Affairs, and

1 other state agencies providing services to children regarding
2 proposed statutory revisions, and amendments to court rules and
3 procedures, and review and make recommendations on permanency
4 planning, foster care and child welfare service delivery policies,
5 guidelines, and procedures;

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

10 5. Specifically:

11 a. ~~identify, analyze, and recommend solutions to any~~
12 ~~issue concerning child welfare and foster care~~

13 ~~services within the child welfare delivery system,~~

14 b. ~~participate in the statewide planning and promotion of~~
15 ~~foster parent involvement in local planning for child~~
16 ~~welfare services, and~~

17 c. ~~develop recommendations concerning foster care~~
18 ~~training to improve the quality of foster care~~
19 ~~services.~~

20 D. ~~The State Postadjudication Review Advisory Board may~~
21 ~~designate multidisciplinary committees on the local level to act as~~
22 ~~advocates for foster parents in order to assist in the resolution of~~
23 ~~specific complaints concerning foster care and to help facilitate~~
24 ~~the relationship between the Department of Human Services, the~~

1 ~~Office of Juvenile Affairs, child-placing agencies, and the foster~~
2 ~~parents~~

3 Review and make recommendations specifically related to foster
4 care and permanency planning and on any other aspect of the child
5 welfare system it deems necessary.

6 ~~E. D.~~ The Oklahoma Commission on Children and Youth Commission,
7 with the assistance of the ~~State Postadjudication Review~~ Advisory
8 Board, shall be responsible for developing and administering
9 ~~training procedures and rules for the administration of the state~~
10 ~~postadjudication review board system~~ providing the necessary
11 training for members of the postadjudication review boards.

12 ~~F. E.~~ The ~~State Postadjudication Review~~ Advisory Board shall
13 submit a report of the activities ~~of the review boards, including~~
14 ~~the,~~ findings and recommendations of ~~such~~ the review boards, to the
15 ~~Oklahoma Commission on Children and Youth Commission~~ on or before
16 May 1 of each year.

17 ~~G. F.~~ The ~~Oklahoma Commission on Children and Youth Commission~~
18 shall incorporate, as appropriate, the ~~findings~~ activities and
19 recommendations of the review boards in the annual report required
20 by Section ~~601.9~~ 601.5 of this title.

21 SECTION 10. AMENDATORY 10 O.S. 2021, Section 1150.2, is
22 amended to read as follows:

23 Section 1150.2. A. There is hereby re-created until ~~July 1,~~
24 ~~2023~~ July 1, 2028, in accordance with the Oklahoma Sunset Law, the

1 Child Death Review Board within the Oklahoma Commission on Children
2 and Youth. The Board shall have the power and duty to:

3 1. Conduct case reviews of deaths and near deaths of children
4 in this state;

5 2. Develop accurate statistical information and identification
6 of deaths of children due to abuse and neglect;

7 3. Improve the ability to provide protective services to the
8 surviving siblings of a child or children who die of abuse or
9 neglect and who may be living in a dangerous environment;

10 4. Improve policies, procedures and practices within the
11 agencies that serve children, including the child protection system;

12 5. Enter into agreements with ~~local~~ regional teams established
13 by the ~~Child Death Review~~ Board to carry out such duties and
14 responsibilities as the ~~Child Death Review~~ Board shall designate,
15 including ~~reviewing~~ assigned cases ~~assigned by the Board~~ in the
16 geographical area for that ~~local~~ regional team. The ~~Oklahoma~~
17 ~~Commission on Children and Youth~~ Commission, with the advice of the
18 ~~Child Death Review~~ Board, shall promulgate rules ~~as~~ necessary for
19 the implementation ~~and administration~~ of the provisions of this
20 paragraph; and

21 6. Enter into agreements with other state, local, or private
22 entities as necessary to carry out the duties of the ~~Child Death~~
23 ~~Review~~ Board including, but not limited to, conducting joint reviews
24

1 with the Domestic Violence Fatality Review Board on domestic
2 violence cases involving child death or child near-death incidents.

3 B. In carrying out its duties and responsibilities the Board
4 shall:

5 1. Establish criteria for cases involving the death or near
6 death of a child subject to specific, in-depth review by the Board.
7 As used in this section, the term "near death" means a child is in
8 serious or critical condition, as certified by a physician, as a
9 result of abuse or neglect;

10 2. Conduct a specific case review of those cases where the
11 cause of death or near death is or may be related to abuse or
12 neglect of a child;

13 3. Establish and maintain statistical information related to
14 the deaths and near deaths of children including, but not limited
15 to, demographic and medical diagnostic information;

16 4. Establish procedures for obtaining initial information
17 regarding near deaths of children from the Department of Human
18 Services and law enforcement agencies;

19 5. Review the policies, ~~practices,~~ and procedures of the child
20 protection system and make specific recommendations to the entities
21 comprising the ~~child protection~~ system ~~for~~ as to actions necessary
22 for ~~the improvement of the system;~~

23 6. Review the extent to which the state child protection system
24 is coordinated with foster care and adoption programs and evaluate

1 whether the state is efficiently discharging its child protection
2 responsibilities under the federal Child Abuse Prevention and
3 Treatment Act ~~state plan~~ State Plan;

4 7. As necessary and appropriate, for the protection of the
5 siblings of a child who dies and whose siblings are deemed to be
6 living in a dangerous environment, refer specific cases to the
7 Department of Human Services or the appropriate district attorney
8 for further investigation;

9 8. Request and obtain a copy of all records and reports
10 pertaining to a child whose case is under review including, but not
11 limited to:

- 12 a. the report of the medical examiner,
- 13 b. hospital records,
- 14 c. school records,
- 15 d. court records,
- 16 e. prosecutorial records,
- 17 f. local, state, and federal law enforcement records
18 including, but not limited to, the Oklahoma State
19 Bureau of Investigation (OSBI),
- 20 g. fire department records,
- 21 h. State Department of Health records, including birth
22 certificate records,
- 23 i. medical and dental records,

1 j. Department of Mental Health and Substance Abuse
2 Services and other mental health records,
3 k. emergency medical service records,
4 l. files of the Department of Human Services, and
5 m. records in the possession of the Domestic Violence
6 Fatality Review Board when conducting a joint review
7 pursuant to paragraph 6 of subsection A of this
8 section.

9 Confidential information provided to the Board shall be
10 maintained ~~by the Board~~ in a confidential manner as ~~otherwise~~
11 required by state and federal law. Any person damaged by disclosure
12 of such ~~confidential~~ information by the Board, its ~~local boards~~
13 regional teams or their members, not authorized by law, may maintain
14 an action for damages, costs and attorney fees;

15 9. Maintain all confidential information, documents and records
16 in possession of the Board as confidential and not subject to
17 subpoena or discovery in any civil or criminal proceedings;
18 provided, however, information, documents and records otherwise
19 available from other sources shall not be exempt from subpoena or
20 discovery through those sources solely because such information,
21 documents and records were presented to or reviewed by the Board;

22 10. Conduct reviews of specific cases of deaths and near deaths
23 of children and request the preparation of additional information
24 and reports as determined to be necessary by the Board including,

1 but not limited to, clinical summaries from treating physicians,
2 chronologies of contact, and second-opinion autopsies;

3 11. Report, if recommended by a majority vote of the Board, to
4 the President Pro Tempore of the Senate and the Speaker of the House
5 of Representatives any gross neglect of duty by any state officer or
6 state employee, or any problem within the child protective services
7 system discovered by the Board while performing its duties;

8 12. Recommend, when appropriate, amendment of the cause or
9 manner of death listed on the death certificate; and

10 13. Subject to the approval of the ~~Oklahoma Commission on~~
11 ~~Children and Youth~~ Commission, exercise all incidental powers
12 necessary and proper for the implementation and administration of
13 the Child Death Review Board Act.

14 C. The review and discussion of individual cases of death or
15 near death of a child shall be conducted in executive session and in
16 compliance with the confidentiality requirements of Section 1-6-102
17 of Title 10A of the Oklahoma Statutes. All other business shall be
18 conducted in accordance with the provisions of the Oklahoma Open
19 Meeting Act. All discussions of individual cases and any writings
20 produced by or created for the Board ~~in the course of its remedial~~
21 ~~measure~~ and recommended by the Board, as the result of a review of
22 an individual case of the death or near death of a child, shall be
23 privileged and shall not be admissible in evidence in any
24 proceeding. The Board shall periodically conduct meetings to

1 discuss organization and business matters and any actions or
2 recommendations aimed at improvement of the child protection system
3 which shall be subject to the Oklahoma Open Meeting Act. Part of
4 any meeting of the Board may be specifically designated as a
5 business meeting of the Board subject to the Oklahoma Open Meeting
6 Act.

7 D. 1. The Board shall submit an annual statistical report on
8 the incidence and causes of death and near death of children in this
9 state for which the Board has completed its review during the past
10 calendar year, including its recommendations, to the Oklahoma
11 Commission on Children and Youth on or before May 1 of each year.
12 The Board shall also prepare and make available to the public, on an
13 annual basis, a report containing a summary of the activities of the
14 Board relating to the review of deaths and near deaths of children,
15 the extent to which the state child protection system is coordinated
16 with foster care and adoption programs, and an evaluation of whether
17 the state is efficiently discharging its child protection
18 responsibilities. The report shall be completed no later than
19 December 31 of each year.

20 2. ~~The Oklahoma Commission on Children and Youth~~ Commission
21 shall review the report of the Board and, as appropriate,
22 incorporate the findings and recommendations into ~~the annual~~
23 ~~Commission report and~~ the State Plan for Services to Children and
24 Youth.

SECTION 11. AMENDATORY 10A O.S. 2021, Section 2-10-102,
is amended to read as follows:

Section 2-10-102. 1. The Oklahoma Commission on Children and Youth shall issue a request for proposals on or before ~~July 1, 2012~~ July 1, 2023, and ~~each~~ every July 1 of every third year thereafter for which the Oklahoma Mentoring Children of Incarcerated Parents Program is funded, seeking applications to administer the Oklahoma Mentoring Children of Incarcerated Parents Program.

2. The ~~Department of Central Services~~ Office of Management and Enterprise Services shall work in conjunction with the Commission to coordinate a competitive bid process.

3. The Commission, in coordination with the ~~Department of Central Services~~ Office of Management and Enterprise Services, shall review the applications for compliance with the established requirements.

4. Entities eligible to submit applications to administer the Oklahoma Mentoring Children of Incarcerated Parents Program shall be limited to nonprofit organizations or programs which are exempt from taxation pursuant to the provisions of Section 501 (c) (3) of the Internal Revenue Code, 26 U.S.C., Section 501 (c) (3) and which otherwise meet the requirements set forth in paragraph 5 of this section.

5. The Commission may approve an application that meets the requirements set forth in this subsection and as established by the

1 Commission. The approved applicant shall provide one-to-one
2 mentoring services to children of incarcerated parents who are in
3 the custody of the Office of Juvenile Affairs and currently placed
4 outside the home, or have been identified by the Office of Juvenile
5 Affairs as at risk of becoming involved in the juvenile justice
6 system. The selected applicant shall:

- 7 a. currently serve youth ages 6-18,
- 8 b. have a statewide presence,
- 9 c. currently provide one-to-one mentoring to children of
10 incarcerated parents,
- 11 d. have served children of incarcerated parents for five
12 (5) years or more,
- 13 e. have rigorous volunteer application and screening
14 processes,
- 15 f. have child safety policies and procedures,
- 16 g. measure performance outcomes via multiple tools,
- 17 h. have five (5) years or more of performance outcome
18 data,
- 19 i. provide ongoing safety training and diversity training
20 for program staff,
- 21 j. have an established working relationship with the
22 Office of Juvenile Affairs,
- 23 k. set match-retention-rate goals,
- 24

1 1. have experience working with high-risk populations,
2 and

3 m. deliver contracted services at a cost no greater than
4 One Thousand Five Hundred Dollars (\$1,500.00) per
5 mentor-mentee match.

6 6. On or before July 1, 2012, and each July 1 thereafter for
7 which the Oklahoma Mentoring Children of Incarcerated Parents
8 Program is funded, the Office of Juvenile Affairs ~~shall~~ may forward
9 applications that the Office of Juvenile Affairs has determined meet
10 the requirements of this section to the Commission. On or before
11 November 1, 2012, and each November thereafter for which the
12 Oklahoma Mentoring Children of Incarcerated Parents Program is
13 funded, the Commission shall award, through a competitive bid
14 process, one grant to one applicant to provide one-to-one mentoring
15 services to children of incarcerated parents who either are in the
16 custody of the Office of Juvenile Affairs and currently placed
17 outside the home or have been identified by the Office of Juvenile
18 Affairs as at risk of becoming involved in the juvenile justice
19 system.

20 7. In addition to the grant funding, the Commission shall be
21 authorized to provide other appropriate assistance to the selected
22 applicant.

1 8. The Commission shall be authorized to promulgate rules and
2 establish procedures necessary to implement the provisions of this
3 act.

4 9. The ~~Department of Central Services~~ Office of Management and
5 Enterprise Services shall work ~~in conjunction~~ with the Commission to
6 implement the provisions of this act.

7 SECTION 12. REPEALER 10 O.S. 2021, Sections 601.9,
8 601.11, and 601.12, are hereby repealed.

9 SECTION 13. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
14 February 9, 2023 - DO PASS
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