

1 ENGROSSED HOUSE
2 BILL NO. 1017

By: Lawson and Munson of the
House

3 and

4 Rosino of the Senate

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6
7 [children - Family Representation and Advocacy Act -
8 Family Representation and Advocacy Program -
9 Administrative Office of the Courts - executive
10 director - training for contractors - Family
11 Representation and Advocacy Program Board - Family
12 Representation and Advocacy Program Revolving Fund
13 - annual audit - annual report - codification -
14 effective date]

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 702 of Title 10, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Family
23 Representation and Advocacy Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 703 of Title 10, unless there is
3 created a duplication in numbering, reads as follows:

4 A. There is hereby created within the Administrative Office of
5 the Courts the Family Representation and Advocacy Program. The
6 purpose of the Family Representation and Advocacy Program shall be
7 to ensure uniform and high-quality legal representation for
8 children, indigent parents, legal guardians, and Indian custodians
9 in deprived child actions brought by the state pursuant to the
10 provisions of Section 1-1-101 et seq. of Title 10A of the Oklahoma
11 Statutes.

12 B. From funds appropriated or otherwise available for the
13 purpose of implementing the Family Representation and Advocacy Act,
14 the Administrative Office of the Courts shall issue a request for
15 proposals and contract with an eligible organization to administer
16 the Family Representation and Advocacy Program through the
17 establishment of a central office for the state. The Family
18 Representation and Advocacy Program through the activities of the
19 central office shall work statewide cooperatively with judicial
20 districts and attorneys by contracting with, training, compensating,
21 and supporting legal counsel for children, indigent parents, legal
22 guardians, and Indian custodians appointed by the court pursuant to
23 Section 1-4-306 of Title 10A of the Oklahoma Statutes. The Family
24 Representation and Advocacy Program shall have the responsibility to

1 ensure that all parents, legal guardians, and Indian custodians who
2 are entitled to court-appointed counsel and all children are
3 appointed counsel who have the training, support, and access to
4 resources to provide uniform and high-quality legal representation.
5 The central office shall not provide direct legal representation to
6 clients except in selected appeals.

7 C. An executive director for the Family Representation and
8 Advocacy Program shall be employed by the eligible organization and
9 approved by the Family Representation and Advocacy Program Board.
10 The executive director must have at least ten (10) years of
11 experience as a licensed attorney prior to appointment, be licensed
12 to practice law in Oklahoma at the time of appointment, and be
13 familiar with the unique demands of representing children, indigent
14 parents, legal guardians, and Indian custodians in deprived child
15 cases in Oklahoma. The executive director shall devote himself or
16 herself full time to the performance of his or her duties as
17 executive director and shall not engage in private practice of law.
18 The executive director, on behalf of the Family Representation and
19 Advocacy Program, shall hire all staff, including employees of the
20 central office and contract attorneys or other legal providers
21 eligible for appointment pursuant to Section 1-4-306 of Title 10A of
22 the Oklahoma Statutes and interdisciplinary contractors required to
23 implement the Family Representation and Advocacy Act. The executive
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1 director shall submit budget requests and shall report quarterly to
2 the Family Representation and Advocacy Program Board.

3 D. The Family Representation and Advocacy Program shall have
4 authority to contract with any of legal entity, including, but not
5 limited to, law firms, legal services programs, Offices of Public
6 Defender, law school clinics, and individual attorneys as needed.
7 In addition, the Family Representation and Advocacy Program shall
8 have authority to contract with and compensate social workers,
9 parent advocates, and parent mentors to provide interdisciplinary
10 assistance to the attorneys representing children, indigent parents,
11 legal guardians, and Indian custodians in the deprived child
12 proceedings.

13 The existing Offices of Public Defender shall continue to
14 provide representation for children in deprived child proceedings
15 and continue to be funded as set forth in Section 138.4 of Title 19
16 of the Oklahoma Statutes. The Offices of the Public Defender may
17 elect to contract with the Family Representation and Advocacy
18 Program for additional funds to provide additional staff and
19 resources in the representation of the children.

20 E. The Family Representation and Advocacy Program shall ensure
21 that all counsel are members of the Oklahoma Bar Association in good
22 standing and are adequately trained. The Family Representation and
23 Advocacy Program shall provide uniform and high-quality training in
24 collaboration with the State of Oklahoma Children's Court

1 Improvement Program, the Oklahoma Bar Association, local bar
2 associations, and other relevant state and national organizations to
3 all attorneys who are appointed to represent children, parents,
4 legal guardians, and Indian custodians in deprived child
5 proceedings. The Family Representation and Advocacy Program shall
6 verify that contracted attorneys providing legal representation to
7 children, indigent parents, legal guardians, and Indian custodians
8 meet the standards of practice as approved by the Oklahoma Supreme
9 Court and caseload limits as developed and recommended by the
10 Uniform Representation of Children and Parents in Cases Involving
11 Abuse and Neglect Oversight Committee created by the Oklahoma
12 Supreme Court. In addition, the Family Representation and Advocacy
13 Program shall ensure that all interdisciplinary contractors are
14 provided with uniform and evidence-based training, resources, and
15 support.

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

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

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 704 of Title 10, unless there is
15 created a duplication in numbering, reads as follows:

16 A. For the purpose of establishing and providing oversight for
17 the Family Representation and Advocacy Program, there is hereby
18 created the Family Representation and Advocacy Program Board within
19 the Administrative Office of the Courts. The Board shall consist of
20 twelve (12) members as follows:

21 1. One member appointed, initially for a one-year term, by the
22 President Pro Tempore of the Oklahoma State Senate;

23 2. One member appointed, initially for a one-year term, by the
24 Speaker of the Oklahoma House of Representatives;

1 3. Three members appointed by the Chief Justice of the Oklahoma
2 Supreme Court, one each initially to be appointed for one-, two-,
3 and three-year terms, one of whom shall be a retired district or
4 associate district court judge who served in the juvenile division
5 of any Oklahoma district court;

6 4. Three members appointed by the president of the Oklahoma Bar
7 Association, one each initially to be appointed for one-, two-, and
8 three-year terms who shall be attorneys with at least five (5) years
9 of experience in representing parents and children in deprived child
10 proceedings;

11 5. One member of the Juvenile Justice Oversight and Advisory
12 Committee to be appointed by the Committee, initially for a two-year
13 term;

14 6. The project director for the State of Oklahoma Children's
15 Court Improvement Program, or a designee, to be appointed initially
16 for a two-year term;

17 7. One member appointed by the Department of Mental Health and
18 Substance Abuse Services who shall be a parent with lived experience
19 with the child welfare system, to be appointed initially for a
20 three-year term; and

21 8. One member appointed by the Oklahoma Commission on Children
22 and Youth who shall be an individual with lived experience as a
23 foster youth within the child welfare system, to be appointed
24 initially for a three-year term.

1 Members shall serve three-year staggered terms, and each member
2 shall serve until a qualified successor is appointed. A vacancy
3 shall be filled for the remainder of the term in the same manner as
4 a regular appointment. Members may be reappointed to successive
5 terms. Members of the Board shall receive no compensation for their
6 services on the Board but may be reimbursed pursuant to the State
7 Travel Reimbursement Act.

8 B. The Family Representation and Advocacy Program Board shall:

9 1. Annually elect one member to serve as chair and one member
10 to serve as vice-chair;

11 2. Meet not less than quarterly and may meet more frequently as
12 necessary, as determined by the chair. Seven members shall
13 constitute a quorum;

14 3. Review proposals by eligible organizations received by the
15 Administrative Office of the Courts pursuant to Section 2 of this
16 act and recommend an eligible organization to the Administrative
17 Office of the Courts to administer the Family Representation and
18 Advocacy Program;

19 4. Exercise oversight on behalf of the Administrative Office of
20 the Courts over the selected eligible organization and may take such
21 action as deemed necessary to ensure proper administration of the
22 Family Representation and Advocacy Program;

23 5. Work cooperatively with the eligible organization to provide
24 governance to the Family Representation and Advocacy Program, to

1 provide fiscal oversight of the general operating budget of the
2 program's central office, to participate in funding decisions
3 relating to the provision and expansion of parent counsel and the
4 interdisciplinary contractors within the state, based on annual
5 appropriations and funds received, and to assist with the duties of
6 the Program's central office concerning parent counsel training, as
7 needed;

8 6. Prepare the rules, standards, training requirements for
9 attorneys and interdisciplinary contractors, and guidelines
10 necessary to carry out the responsibilities of the Family
11 Representation and Advocacy Program for the approval of and
12 promulgation by the Administrative Office of the Courts; and

13 7. Prepare annually and distribute to the Administrative Office
14 of the Courts budget requests and a report detailing expenditures of
15 funds for the operating expenses of the Family Representation and
16 Advocacy Program, activity data, and performance measures from
17 implementation of the program within the selected judicial
18 districts. The Administrative Office of the Courts shall distribute
19 the proposed budget and the report to the Speaker of the House of
20 Representatives and the President Pro Tempore of the Senate, who
21 shall distribute the proposed budget and the report to the
22 appropriate committee chairs of the respective chambers.

23 C. As used in this section, "eligible organization" means an
24 entity that:

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

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

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

9 4. Is incorporated pursuant to any applicable laws in this
10 state.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 705 of Title 10, unless there is
13 created a duplication in numbering, reads as follows:

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

1 appropriated and may be budgeted and expended by the Administrative
2 Office of the Courts pursuant to the recommendations of the Family
3 Representation and Advocacy Program Board for the purpose of
4 administering the Family Representation and Advocacy Program and for
5 the provision of legal and interdisciplinary services to indigent
6 parents and children by and through the Family Representation and
7 Advocacy Program. By January 31, 2024, and by January 31 of each
8 year thereafter, the Administrative Office of the Courts shall
9 disperse funds from the Family Representation and Advocacy Program
10 Revolving Fund to the contracted eligible organization.

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

18 E. An annual report issued by the Administrative Office of the
19 Courts to the Oklahoma Legislature outlining performance measures
20 for the Family Representation and Advocacy Program and
21 recommendations for ongoing appropriations shall be transmitted to
22 the Oklahoma Legislature no later than December 31 of each year.

23 SECTION 5. This act shall become effective November 1, 2023.

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1 Passed the House of Representatives the 14th day of March, 2023.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2023.

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9 Presiding Officer of the Senate