

An Act

ENROLLED SENATE
BILL NO. 696

By: Stanley of the Senate

and

Boatman and Miller of the
House

An Act relating to children; amending 10 O.S. 2021, Section 600, which relates to definitions; removing and modifying definitions; modifying statutory reference; amending 10 O.S. 2021, Section 601.1, which relates to membership of Oklahoma Commission on Children and Youth; modifying membership of Commission; clarifying term limitation for certain members; modifying frequency of certain report; requiring membership terms to coincide with fiscal year; amending 10 O.S. 2021, Section 601.5, which relates to Director of the Commission; modifying certain duty of the Director; amending 10 O.S. 2021, Section 601.6a, which relates to Office of Planning and Coordination for Services to Children and Youth; removing, modifying, and adding certain duties; amending 10 O.S. 2021, Section 601.6b, which relates 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 1150.2, as amended by Section 1, Chapter 60, O.S.L. 2023 (10 O.S. Supp. 2023, Section 1150.2), which relates to the Child Death Review Board; modifying terminology; amending 10A O.S. 2021, Section 2-10-102, which relates to the Oklahoma Mentoring Children of Incarcerated Parents Program; modifying frequency of issuance of requests for proposals; updating statutory language; repealing 10 O.S. 2021, Sections 601.9, 601.11, and 601.12, which relate to the Oklahoma Commission on Children and Youth; and declaring an emergency.

SUBJECT: Children

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

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

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

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

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

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

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;~~

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

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

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

~~7. "Runaway" means an unmarried child less than eighteen (18) years of age who is absent from the home of a parent, guardian or other lawful placement without the consent of the parent, guardian or lawful custodian;~~

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

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

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

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

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

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

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

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

- a. the Oklahoma Children's Agencies and Residential Enterprises,
- b. one statewide association of youth services,
- c. the Oklahoma Bar Association,
- d. the Oklahoma District Attorneys Association, and
- e. a statewide court-appointed Special Advocate Association;

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

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

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

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

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

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

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

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

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

Section 601.5. A. The Oklahoma Commission on Children and Youth shall appoint a Director who shall be a person having

experience in the operation and administration of services to children and youth. Such Director shall be appointed for a term of two (2) years, and may be reappointed. Such Director may be dismissed only for cause. The Director shall:

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

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

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

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

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

B. The Director may periodically convene issue-specific task groups for the purpose of improving services for children and youth. A copy of any report or recommendations which result from meetings of a task group shall be provided to the Commission, Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate and the director of each state agency affected by the report or recommendations.

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

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

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

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

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

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

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

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

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

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

Section 601.6b. A. On or before ~~July 1 of each year~~ July 1, 2024, and on or before July 1 of every third year thereafter, the Oklahoma Commission on Children and Youth shall transmit to the Director of the Office of Management and Enterprise Services ~~and to,~~ the director of each affected agency, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor a copy of the State Plan for Services to Children and Youth for the next three (3) fiscal year years.

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

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

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

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

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

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

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

2. Establish criteria and procedures for awarding grants.

D. The Oklahoma Commission on Children and Youth ~~shall~~ may use up to ten percent (10%) of the funds deposited in the Children's Endowment Fund of Oklahoma ~~to be available to the Commission~~ in any given fiscal year to provide administration, oversight, training or evaluation of the grantees or the Parent Partnership Board.

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

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

SECTION 7. 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 docket responsibility, ~~provided that in.~~ In the event of a conflict of interest or for any reason when circumstances or the appearances of justice dictate, the Director of the Oklahoma Commission on Children and Youth may transfer the appointment decision to the ~~entire Oklahoma Commission on Children and Youth~~ whose decision shall be final ~~and further provided, that any.~~ An aggrieved

~~aspirant~~ candidate may appeal ~~the~~ a decision of the Director denying appointment ~~by the Director of the Oklahoma Commission on Children and Youth~~ within five (5) days to the ~~Oklahoma Commission on Children and Youth Commission~~, whose decision shall be final. The ~~Oklahoma Commission on Children and Youth Commission~~ may establish additional postadjudication review boards as needed for each county within a judicial district.

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

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

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

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

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

D. Each ~~postadjudication~~ review board shall annually elect a chair and shall ~~notify~~ provide the Commission ~~on Children and Youth~~

~~as to the name and address~~ with the contact information of the chair. A list of the members of each local board and its officers shall be filed with the Presiding Judge of the judicial district and each judge within the district having juvenile docket responsibility.

E. There shall be a rebuttable presumption that a person participating in a judicial proceeding as a postadjudication review board member ~~or a postadjudication review advisory board~~, a member of the State Postadjudication Review Advisory Board created in Section 1116.6 of this title, or postadjudication review board ~~coordinator~~ staff is acting in good faith. When acting in good faith, a participant shall be immune from any civil liability that might otherwise be incurred or imposed. Each ~~postadjudication~~ review board shall meet as often as is necessary at a place it designates to carry out the duties of the board established by Section 1116.3 of this title. The review board shall meet at least twice annually. Each review board shall be subject to the provisions of the Oklahoma Open Meeting Act, except that the actual case reviews shall be held in executive session; ~~provided, however, that upon the request of the board,~~. Upon request, members or prospective members of other ~~existing~~ review boards, students or researchers may ~~attend and observe~~, but not participate in, board hearings meetings subject to ~~restrictions and~~ conditions imposed by the board. ~~Members~~ Further, members and ~~employees~~ staff of the State Postadjudication Review Advisory Board who are exercising their oversight responsibilities pursuant to ~~Section 1116.6 of this title~~ state law may ~~attend and observe~~, but not participate in, board hearings meetings. All parties shall maintain confidentiality, and the names of the children in placement shall not be published. Temporary ad hoc review boards may be created in counties in which there is no active review board. The Director of the Oklahoma Commission on Children and Youth may appoint active or alternate members of existing review boards to serve as members of local boards that are unable to meet quorum requirements and to temporarily constitute members of a new board where no current board exists. A member appointed to temporary service shall be fully qualified as provided by law, and such service shall terminate when the basis for the appointment is remedied or upon the order of the Director.

F. As a condition of ~~membership thereto~~ service, members and alternates of ~~the a~~ postadjudication review ~~boards~~ board shall attend the next available orientation program after appointment to the board. Failure to attend an orientation program, at the discretion of the Commission ~~on Children and Youth~~, may result in the removal of the board member. ~~Members of postadjudication review boards shall attend the annual meeting or training programs or both such meeting and training programs as are authorized and directed by the Commission on Children and Youth~~ shall receive additional training as required by the Commission.

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

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

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

I. Necessary staff assistance required by the postadjudication review boards may be provided by the bailiff or bailiffs, or other person designated by the court, of the judges with juvenile docket responsibility in the judicial district. Upon the request of the presiding judge, the Chief Justice of the Supreme Court may

authorize additional staff to be paid from local court funds to assist the review board.

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

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

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

The duties of a review board shall be to:

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

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

- (1) the appropriateness of the goals and objectives of the treatment and service plan,
- (2) the appropriateness and timeliness of the goals and objectives of the permanency plan ~~and permanency planning~~, and
- (3) the appropriateness of the services provided to the child, and to the parent, stepparent, or other adult living in the home of the child, or legal guardian, or custodian.

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

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

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

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

3. Review the case of every child adjudicated deprived pursuant to the laws of another state or territory, when the child is currently residing in Oklahoma and the Department of Human Services has been notified of the change of residence by the other state or territory and has agreed to provide services to the child pursuant to the Interstate Compact on the Placement of Children or other agreement concerning the child. The Department shall notify the proper review board of the location of the child and shall provide such review board with information received ~~by the Department~~ from the other state concerning the child ~~or placement along with~~ and any reports made by the Department concerning the child ~~or placement~~. The review board shall report its findings to the Department and may report such findings to the agency or court in the state having jurisdiction for the custody of the child. The child and the custodian of the child may be ~~required to be~~ present at the review board's meeting regarding the child;

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

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

5. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, or legal guardian, attorney representing the child, ~~custodian of the child~~, agency supervising the case or legal custodian of the child and to any other ~~interested~~ party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly noted and affixed in the file of the child prior to the commencement of the review process by the review board. The bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall transmit the information necessary for the case reviews to the review board for that district.

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

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

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

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

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

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

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

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

~~F. D.~~ It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

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

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

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

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

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

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

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

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

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

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

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

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

The Advisory Board shall have the duty to:

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

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

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

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

5. ~~Specifically:~~

- 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~~

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

~~E. D. 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 providing the necessary training for members of the postadjudication review boards.~~

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

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

SECTION 10. AMENDATORY 10 O.S. 2021, Section 1150.2, as amended by Section 1, Chapter 60, O.S.L. 2023 (10 O.S. Supp. 2023, Section 1150.2), is amended to read as follows:

Section 1150.2. A. There is hereby re-created until July 1, 2026, in accordance with the Oklahoma Sunset Law, the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

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

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

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

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

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

6. Enter into agreements with other state, local, or private entities as necessary to carry out the duties of the ~~Child Death Review~~ Board including, but not limited to, conducting joint reviews with the Domestic Violence Fatality Review Board on domestic violence cases involving child death or child near-death incidents.

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

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

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

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

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

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

6. Review the extent to which the state child protection system is coordinated with foster care and adoption programs and evaluate whether the state is efficiently discharging its child protection responsibilities under the federal Child Abuse Prevention and Treatment Act ~~state plan~~ State Plan;

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

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

- a. the report of the medical examiner,
- b. hospital records,
- c. school records,
- d. court records,
- e. prosecutorial records,
- f. local, state, and federal law enforcement records including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
- g. fire department records,

- h. State Department of Health records, including birth certificate records,
- i. medical and dental records,
- j. Department of Mental Health and Substance Abuse Services and other mental health records,
- k. emergency medical service records,
- l. files of the Department of Human Services, and
- m. records in the possession of the Domestic Violence Fatality Review Board when conducting a joint review pursuant to paragraph 6 of subsection A of this section.

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

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

10. Conduct reviews of specific cases of deaths and near deaths of children and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second-opinion autopsies;

11. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or

state employee, or any problem within the child protective services system discovered by the Board while performing its duties;

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

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

C. The review and discussion of individual cases of death or near death of a child shall be conducted in executive session and in compliance with the confidentiality requirements of Section 1-6-102 of Title 10A of the Oklahoma Statutes. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board ~~in the course of its remedial measure~~ and recommended by the Board, as the result of a review of an individual case of the death or near death of a child, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

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

2. The ~~Oklahoma Commission on Children and Youth~~ shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into ~~the annual Commission report and~~ the State Plan for Services to Children and 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, 2024, and ~~each~~ 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 Commission. The approved applicant shall provide one-to-one mentoring services to children of incarcerated parents who are in the custody of the Office of Juvenile Affairs and currently placed outside the home, or have been identified by the Office of Juvenile Affairs as at risk of becoming involved in the juvenile justice system. The selected applicant shall:

- a. currently serve youth ages 6-18,
- b. have a statewide presence,
- c. currently provide one-to-one mentoring to children of incarcerated parents,
- d. have served children of incarcerated parents for five (5) years or more,
- e. have rigorous volunteer application and screening processes,
- f. have child safety policies and procedures,
- g. measure performance outcomes via multiple tools,
- h. have five (5) years or more of performance outcome data,
- i. provide ongoing safety training and diversity training for program staff,
- j. have an established working relationship with the Office of Juvenile Affairs,
- k. set match-retention-rate goals,
- l. have experience working with high-risk populations, and
- m. deliver contracted services at a cost no greater than One Thousand Five Hundred Dollars (\$1,500.00) per mentor-mentee match.

6. On or before July 1, 2012, and each July 1 thereafter for which the Oklahoma Mentoring Children of Incarcerated Parents Program is funded, the Office of Juvenile Affairs ~~shall~~ may forward applications that the Office of Juvenile Affairs has determined meet the requirements of this section to the Commission. On or before November 1, 2012, and each November thereafter for which the Oklahoma Mentoring Children of Incarcerated Parents Program is

funded, the Commission shall award, through a competitive bid process, one grant to one applicant to provide one-to-one mentoring services to children of incarcerated parents who either are in the custody of the Office of Juvenile Affairs and currently placed outside the home or have been identified by the Office of Juvenile Affairs as at risk of becoming involved in the juvenile justice system.

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

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

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

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

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

Passed the Senate the 21st day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____