

## NOTICE OF SPECIAL MEETING

PASTEUR MEDICAL BUILDING  
1111 N. LEE AVENUE, SUITE 500  
OKLAHOMA CITY, OKLAHOMA

May 23, 2014  
9:00 a.m.

### AGENDA

- |       |  |   |
|-------|--|---|
| I.    | Call to order and determination of quorum  | <i>Chairman Jay Scott Brown</i>                           |
| II.   | Welcome and Introductions*   | <i>Chairman Jay Scott Brown</i>                           |
|       | Review and approval of the minutes from the March 21, 2014, Regular Commission meeting<br>Discussion and possible action |   |
| III.  | Update on staff compensation in relation to Hay Study Report   | <i>Chairman Jay Scott Brown</i>                           |
| IV.   | *Director's report on Agency Activities and Legislative Update<br>Discussion and possible action                         | <i>Lisa Smith</i>   |
| V.    | Report from the State Post-adjudication Review Board –Premiere of the New Smart Phone Application for Volunteers         | <i>Sara Vincent, Jay Scott Brown and Bobby Kuykendall</i> |
| VI.   | Update on 2013 Data and 2014 Recommendations of the Child Death Review Board   | <i>Lisa Rhoades</i>                                       |
| VII.  | Discussion and possible action on reports from agencies/organizations on the Commission                                  | <i>All</i>  |
| VIII. | Public Comment   |   |
| IX.   | Adjournment  | <i>Chairman Jay Scott Brown</i>                           |

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH**  
PASTEUR MEDICAL BUILDING  
1111 N. LEE AVENUE, SUITE 500  
OKLAHOMA CITY, OKLAHOMA 73103

**REGULAR MEETING**

March 21, 2014

**MINUTES**

**Call to order and roll call**

Chairman Brown called the meeting to order at 9:02 a.m. Members present were: Jay Scott Brown, Sid Brown, Darlene Callahan, Jason Charles, Terry Cline, Ken Couchman, Edward Lake, Todd Pauley, and James Saffle. Members not present: Tom Alford, Janet Barresi, Nico Gomez, Wanda Felty, Richard Smothermon, Joe Cordova, Richard Kirby, Todd Pauley, Terri White, T. Keith Wilson, Walter Evans.

**Review and approval of the minutes from the January 17<sup>th</sup> 2014, Regular Commission Meetings – Chairman Jay Scott Brown**

Darlene Callahan moved, Terry Cline seconded to approve the minutes of the November 13<sup>th</sup> 2013, Regular Commission meeting as presented. Seven members present voted in the affirmative. Terry Cline and Edward Lake Abstained. Motion passed.

**Public Rulemaking Hearing as published in the Oklahoma Register (Vol. 31, Number 11), on February 18, 2014.**

**a. OAC 135 Chapter 10, Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams . – Grant Moak**

Grant Moak explained the purpose of rules changes concerning the Free Standing Multidisciplinary Child Abuse Teams (FSMDT). This was followed by a brief explanation of the FSMDTs themselves. He explained that the new rules would keep the standards of the Health Department and the OKDHS. There are not many changes to the rules except for how onsite visits to the FSMDTs will be conducted.

Grant then gave an explanation of the rules change process, including new procedures concerning Governor's pre-approval of the proposed rules changes.

Jay Scott Brown then opened the meeting to public comment. No public comments were made.

**Discussion and possible action to adopt proposed New Rules.**

**a. OAC 135 Chapter 10, Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams – Grant Moak**

A few questions were raised concerning resources to complete the duties for the FSMDTs. Lisa Smith assured the Commission that due to the Office of Planning and Coordination's original mission, for the most part the infrastructure is already in place to complete the duties prescribed in the new rules. She did note that additional resources had already been requested.

A short discussion was had on the differences between Child Advocacy Center Multidisciplinary Teams and FSMDTs. This was followed by a quick clarification of their relationships.

Sid Brown then made a motion to adopt the new rules as written. Edward Lake seconded the motion. All present voted in the affirmative. The motion passed.

**Director's report on Agency Activities and Legislative Update – Lisa Smith**

Lisa began by expressing how busy the last few months have been for the agency.

Lisa then highlighted the amount of work that has been done on the agencies website. Michael Walsh gave a brief update on the process to finish the site. Jay Scott Brown then encouraged the other commissioners to visit the site.

Next, Lisa Smith informed the commission that P&C was now fully staffed then introduced the latest addition to the P&C tem, Charles Bellows.

She then gave a quick update on the agencies budget explaining that the agency had formally requested a stand still budget, but had verbally requested a new FTE. She explained that she had been notified that the FSMDT training may be moved to the agency.

She then moved on to her full legislative update starting with House Bill 2588. This bill would move the Foster Parent Retaliation Grievance process to OCCY. Edward Lake commented on the partnership between OCA and OCCY that this bill would create. Currently the bill is in the Senate.

Next she covered Senate Bill 1793 that would allow the FSMDT training to be moved to the agency.

Finally she explained House Bill 2789 that concerned Children First. She reported that the bill was not heard and is effectively dead. She also added that the bill was not an OCCY request bill.

Jack Chapman then spoke about the forthcoming appropriation bill. He explained that a five percent budget cut is expected, as well as no new funds.

**Staff compensation discussion in relation to Hay Study Report. Appointment of Committee to review and report back to Commission in June. – Jay Scott Brown**

Jay Scott introduced the Hay Study with a handout. He explained that The Hay Study showed that Director Lisa Smith's pay rate was below the minimum of other comparable positions.

A committee was formed to evaluate the findings of the Hay Study and to make a recommendation concerning the director's pay rate at the June commission meeting.

Jay Scott encouraged a few talking points for the committee to consider that included: 1) The Hay Study is a hybrid report based on both public and private positions similar to the director's. 2) What options should be considered concerning a possible pay raise. 3) How will Director salary effect staff salary 4) Finite funding and budget impact concerning a pay raise 5) How to handle public relations.

A lengthy conversation was had concerning a potential pay raise. Ultimately the Commission members agreed, after comments made by Edward Lake and James Saffle, that the Director should at the very least make the minimum recommended by the Hay Study.

Ken Couchman made the recommendation that a Tiered Matrix be used to determine the appropriate pay rates for staff as well as the Director.

**Report from the Office of Planning and Coordination – Statewide MDT update – Anthony Kibble/Jennifer Hardin**

Anthony began by recognizing and complimenting the P&C staff for quickly adapting to their new duties. He then explained that P&C were currently making contact with already established FSMDTs and spoke of potential new teams across the state.

Jennifer Hardin gave an update on the Southwest region of the state as well as district attorney involvement. She reported that the transition was going smoothly, especially because of the DA involvement. She then updated the commission on a newly formed partnership with the Drug Endangered Children group headed by Dub Turner.

Lindsey Crim gave a brief update about split duties amongst the FSMDTs, and the importance of face to face visits. She gave a few examples of new teams and talked about the relationships they have with their DAs.

Anthony finally spoke about the potential to use the established Community Partnership Boards to help develop new teams.

**Update on local Multidisciplinary Team development Discussion and possible action – Jack Bowyer ADA Logan County**

Jack Bowyer began by giving a very detailed history of himself and how he came into helping children. He explained that, to him, protection of children is paramount. He expressed the need for aggressive but fair evaluations of all child abuse cases. Next he explained that Jennifer Hardin and he had already established a provisional FSMDT. He then asked for clarification on the new progression of the different types of FSMDTs.

Next he expressed great gratitude to the Commission and P&C's help with the early success of Logan Counties provisional FSMDT.

Ken Couchman then asked for further clarification on the tiered ranking system of FSMDTs that is in the new rules. Anthony Kibble then explained in detail how it worked.

**Discussion and possible action on reports from agencies/organizations on the Commission – All**

A representative from the Office of Juvenile Affairs raised the topic of lack of funding in their agency and the lack of help from the legislature. This sentiment was echoed by Darlene Callahan of CASA and Sid Brown.

Darlene then updated the commission on the upcoming twenty fifth anniversary of CASA and Dr. Brown reminded the Commission about the anniversary of the Adolescent Sexual Offender

Program.

James Saffle gave an update on newly appointed judges in the Oklahoma County Juvenile Bureau.

Jason Charles gave an update on Residential Care, Residential and Foster Care Reconciliation, as well as OKDHS's Pinnacle Plan.

Todd Pauley gave an update about new partnership across many agencies for suicide prevention.

Edward Lake updated the commission on the Department of Health. He echoed OJA's and CASA's earlier concerns about budget.

Finally Jay Scott Brown gave a brief update on the Post Adjudication Review Boards mobile phone application.

**Adjournment** – *Jay Scott Brown*

The Commission adjourned at 10:09 AM

**Next Meeting Date: May 23, 2014**

## Director's Report

March 13, 2014, through May 16, 2014

### **OCCY UPDATES:**

OCCY through the Office of Juvenile System Oversight (OJSO) recently released a total of six public reports, five of which pertained to the near death of children due to abuse/neglect and one report was due to the death of a child. These reports were released and published on the OCCY Website on April 7, 2014. We have five more scheduled for release in the upcoming weeks.

### **PERSONNEL ACTIONS:**

Dennis Furey has been selected to fill the Office of Juvenile System Oversight (OJSO) Administrative Programs Officer position. Dennis comes to us with many years in the military and a law enforcement background. This vacancy was created when Tameron Session promoted from the OJSO to Office of Planning and Coordination. Welcome Dennis! All units within OCCY are fully staffed at the present time! Yeah!

### **BUDGET:**

Hopefully by next Friday, May 23, 2014, we will know more about the OCCY budget. The Governor's budget called for OCCY to take a 5 percent cut. However, we have been in negotiations with the Senate and House over the new duties delegated by the Legislature to OCCY regarding the Multidisciplinary Teams and Training, as well as the Foster Parent Retaliation Program. We are working hard to get some funding to offset the MDT program, and we are optimistic that the Senate and House will do what they can to help OCCY.

### **LEGISLATIVE:**

This legislative session has been very interesting and it seems like OCCY has been on a roller coaster ride. Just when we thought HB 2588 was dead, (due to not getting a Senate Subcommittee Hearing) the language of the bill landed in SB 1793. HB 2588 creates the Foster Parent Retaliation Program between OCCY and OKDHS Office of Child Advocacy.

**SB 1793** allows for the OCCY to conduct trainings for the Multidisciplinary Teams across the state. SB 1793 by Senator AJ Griffin and Representative Jason Nelson has passed both chambers and has been signed by the Governor. I have attached the final bill.

**HB 3473** by Representatives Nelson, Pittman, Nollan and Senator Treat modifies some language in the public reporting requirements. OCCY has been working with Representative Nelson along with OKDHS to provide some clarifying language to the existing bill. Specifically, the Conference Committee Substitute will change the language in the OCCY section to include



April 16, 2014-Oklahoma County PARB Training-OKC, OK

April 17, 2014-Oklahoma County Juvenile Justice Collaborative Meeting

April 22, 2014-OCCY Staff Meeting and Mandatory Training on Cultural Competencies and Sexual Harassment

April 23, 2014-Meeting with Representative Glen Mulready

April 24, 2014-Planning and Coordination Staff Meeting

April 25, 2014-Meeting with Juvenile Judge Lisa Davis-Oklahoma County

May 6, 2014-Meeting with Representative Jason Nelson

May 9, 2014-Meeting with Representative Jason Nelson

May 13, 2014-Meeting with OKDHS Director Ed Lake

May 14, 2014-OCCY Managers Meeting

May 14, 2014-Meeting with Representative Pat Owenby

# An Act

ENROLLED SENATE  
BILL NO. 1793

By: Griffin of the Senate

and

Nelson, Pittman and  
McDaniel (Jeannie) of the  
House

An Act relating to children and youth; amending 10 O.S. 2011, Section 601.3, as last amended by Section 3, Chapter 15, O.S.L. 2013 (10 O.S. Supp. 2013, Section 601.3), which relates to the Oklahoma Commission on Children and Youth; permitting Commission to provide certain training; amending 10 O.S. 2011, Section 601.6, which relates to the Office of Juvenile System Oversight; modifying duties of the Office; amending 10A O.S. 2011, Section 1-9-112, as amended by Section 7, Chapter 353, O.S.L. 2012, 1-9-119, as amended by Section 1 of Enrolled House Bill No. 3475 of the 2nd Session of the 54th Oklahoma Legislature, and 1-9-120 (10A O.S. Supp. 2013, Section 1-9-112), which relate to the Oklahoma Children and Juvenile Code; modifying investigation duty of the Office of Client Advocacy; requiring statement of rights be given to foster parent annually; modifying grievance procedure for foster parents; and providing an effective date.

SUBJECT: Oklahoma Commission on Children and Youth authorizations

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.3, as last amended by Section 3, Chapter 15, O.S.L. 2013 (10 O.S. Supp. 2013, Section 601.3), is amended to read as follows:

Section 601.3. The Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth;

2. Establish and maintain the Office of Juvenile System Oversight;

3. Designate community partnership districts for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district boards; ~~and~~

4. Establish services for the children of incarcerated parents. Duties designed to improve the lives of children of incarcerated parents shall include:

- a. coordinating research,
- b. collecting data,
- c. creating a resource clearinghouse,
- d. developing an educational toolkit describing services available to children of incarcerated parents, and
- e. coordinating an advisory committee to work collaboratively with agencies and service providers to better meet the needs and improve the quality of life for children of incarcerated parents; and

5. Conduct or otherwise provide continuing professional education and training for the purposes of improving services to children.

SECTION 2. AMENDATORY 10 O.S. 2011, Section 601.6, is amended to read as follows:

Section 601.6 A. The Office of Juvenile System Oversight shall have the responsibility of investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the Office of Juvenile System Oversight, and performing issue-specific systemic monitoring as directed by the Commission on Children and Youth of the children and youth service system to ascertain compliance with established responsibilities.

It shall be the duty of the Office of Juvenile System Oversight to conduct not less than one but not more than two regular, periodic, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the State Fire Marshal and the Department of Health and any agencies which accredit such institutions and facilities.

B. The Office of Juvenile System Oversight shall:

1. Have the authority to examine and copy all records and budgets pertaining to the children and youth service system and to interview the residents of such facilities and shall have access to all facilities within the children and youth service system for the purpose of conducting systemic oversight and complaint investigations;

2. Have the authority to subpoena witnesses and hold public hearings;

3. Establish, in accordance with the Dispute Resolution Act, Sections 1801 through 1813 of Title 12 of the Oklahoma Statutes, a voluntary program for foster parents to mediate complaints concerning the rights of foster parents, as provided for in Section ~~7206.1~~ 1-9-119 of ~~this title~~ Title 10A of the Oklahoma Statutes, that relate to certain actions, inactions or decisions of the Department of Human Services, the Department of Juvenile Justice, or child-placing agencies that may adversely affect the safety and well-being of children in the custody of the state;

4. Receive any complaint alleging that an employee of the Department of Human Services or a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, or refused to place a child in a

licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 1-9-120 of Title 10A of the Oklahoma Statutes,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding, or hearing against the Department or child-placing agency.

The Office of Juvenile System Oversight shall forward the complaints to the Office of Client Advocacy for investigation pursuant to subsection D of Section 1-9-112 of Title 10A of the Oklahoma Statutes. The Office of Juvenile System Oversight shall work with the Office of Client Advocacy to ensure the complaints are investigated and resolved in accordance with the grievance procedures provided in Section 1-9-120 of Title 10A of the Oklahoma Statutes. The provisions of this paragraph shall not apply to any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract provision by that foster parent, or the action taken by the Department or a child-placing agency in conformity with the result of any such proceeding;

5. 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, any appropriate prosecutorial agency, the director of the agency under consideration, and other persons as necessary and appropriate; and

5- 6. Provide recommendations to the Oklahoma Commission on Children and Youth on or before May 1 of each year.

C. The Office of Juvenile System Oversight shall not release information that would identify a person who makes a complaint to the Office, unless a court of competent jurisdiction orders release of the information for good cause shown.

SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-9-112, as amended by Section 7, Chapter 353, O.S.L. 2012 (10A O.S. Supp. 2013, Section 1-9-112), is amended to read as follows:

Section 1-9-112. A. 1. The Director of Human Services is authorized and directed to establish the Office of Client Advocacy within the Department of Human Services and to employ personnel necessary to carry out the purposes of this section and the duties listed in this section. Personnel may be dismissed only for cause.

2. The chief administrative officer of the Office of Client Advocacy shall be the Advocate General, who shall be an attorney. The Advocate General shall be a member of the Oklahoma Bar Association and shall have a minimum of three (3) years' experience as an attorney. The compensation of the Advocate General shall be no less than that of the classification of Attorney III as established in the Merit System of Personnel Administration classification and compensation plan, but shall be an unclassified position.

3. The duties and responsibilities of the Advocate General are to:

- a. supervise personnel assigned to the Office of Client Advocacy,
- b. monitor and review grievance procedures and hearings,
- c. establish and maintain a fair, simple, and expeditious system for resolution of grievances of:
  - (1) all children in the custody of the Department of Human Services regarding:
    - (a) the substance or application of any written or unwritten policy or rule of the Department or agent of the Department, or
    - (b) any decision or action by an employee or agent of the Department, or of any child in the custody of the Department,

- (2) foster parents relating to the provision of foster care services pursuant to this section and Section 1-9-117 of this title, and
  - (3) all persons receiving services from the Developmental Disabilities Services Division of the Department of Human Services,
- d. investigate allegations of abuse, neglect, sexual abuse, and sexual exploitation, as those terms are defined in the Oklahoma Children's Code, by a person responsible for a child, regardless of custody:
- (1) residing outside their own homes other than children in foster care or children in the custody of the Office of Juvenile Affairs and placed in an Office of Juvenile Affairs secure facility,
  - (2) in a day treatment program as defined in Section 175.20 of Title 10 of the Oklahoma Statutes, and submit a report of the results of the investigation to the appropriate district attorney and to the State Department of Health,
  - (3) receiving services from a community services worker as that term is defined in Section 1025.1 of Title 56 of the Oklahoma Statutes, and
  - (4) residing in a state institution listed in Section 1406 of Title 10 of the Oklahoma Statutes,
- e. establish a system for investigating allegations of misconduct, by a person responsible for a child, not rising to the level of abuse, neglect, sexual abuse, or sexual exploitation with regard to any child or resident listed in subparagraph d of this paragraph,
- f. coordinate any hearings or meetings of Departmental administrative review committees conducted as a result of unresolved grievances or as a result of investigations,

- g. make recommendations to the Director, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Director, the Commission, the Office of Juvenile System Oversight and other appropriate persons as necessary,
- h. forward to the Office of Juvenile ~~Systems~~ System Oversight, for the information of the Director of that office, a copy of the final report of any grievance which is not resolved in the favor of the complainant,
- i. perform such other duties as required by the Director of the Department or the Commission, and
- j. develop policies and procedures as necessary to implement the duties and responsibilities assigned to the Office of Client Advocacy.

B. The Office of Client Advocacy shall make a complete written report of their investigations. The investigation report, together with its recommendations, shall be submitted to the appropriate district attorney's office.

C. 1. Except as otherwise provided by the Oklahoma Children's Code, the reports required by Section 1-2-101 of this title or any other information acquired pursuant to the Oklahoma Children's Code shall be confidential and may be disclosed only as provided in Section 1-2-108 of this title and the Oklahoma Children's Code.

2. Except as otherwise provided by the Oklahoma Children's Code, any violation of the confidentiality requirements of the Oklahoma Children's Code shall, upon conviction, be a misdemeanor punishable by up to six (6) months in jail, by a fine of Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

3. Any records or information disclosed as provided by this subsection shall remain confidential. The use of any information shall be limited to the purpose for which disclosure is authorized. Rules promulgated by the Commission for Human Services shall provide for disclosure of relevant information concerning Office of Client

Advocacy investigations to persons or entities acting in an official capacity with regard to the subject of the investigation.

4. Nothing in this section shall be construed as prohibiting the Office of Client Advocacy or the Department from disclosing such confidential information as may be necessary to secure appropriate care, treatment, or protection of a child alleged to be abused or neglected.

D. 1. The Office of Client Advocacy shall investigate any complaint received by the Office of Juvenile System Oversight alleging that an employee of the Department or a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, or refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination towards a foster parent who has:

- a. filed a grievance pursuant to Section 1-9-120 of this title,
- b. provided information to any state official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding, or hearing against the Department or child-placing agency.

2. The provisions of this subsection shall not apply to any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract provision by that foster parent, or the action taken by the Department or a child-placement agency in conformity with the result of any such proceeding.

3. The Office of Client Advocacy shall at all times be granted access to any foster home or any child-placing agency which is certified, authorized, or funded by the Department.

SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-9-119, as amended by Section 1 of Enrolled House Bill No. 3475 of the 2nd

Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 1-9-119. A. A statement of foster parent's rights shall be given to every foster parent annually and shall include, but not be limited to, the right to:

1. Be treated with dignity, respect, and consideration as a professional member of the child welfare team;
2. Be notified of and be given appropriate, ongoing education and continuing education and training to develop and enhance foster parenting skills;
3. Be informed about ways to contact the state agency or the child-placing agency in order to receive information and assistance to access supportive services for any child in the foster parent's care;
4. Receive timely financial reimbursement for providing foster care services;
5. Be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;
6. Be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home, listing components of the plan pursuant to the provisions of the Oklahoma Children's Code;
7. Receive, at any time during which a child is placed with the foster parent, additional or necessary information that is relevant to the care of the child;
8. Be notified of scheduled review meetings, permanency planning meetings, and special staffing concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child;
9. Provide input concerning the plan of services for the child and to have that input be given full consideration in the same

manner as information presented by any other professional on the team;

10. Communicate with other foster parents in order to share information regarding the foster child. In particular, receive any information concerning the number of times a foster child has been moved and the reasons why, and the names and telephone numbers of the previous foster parent if the previous foster parent has authorized such release;

11. Communicate with other professionals who work with the foster child within the context of the team including, but not limited to, therapists, physicians, and teachers;

12. Be given, in a timely and consistent manner, any information regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information shall be limited to that information which is authorized by the provisions of Chapter VI of the Oklahoma Children's Code for foster parents;

13. Be given reasonable notice of any change in or addition to the services provided to the child pursuant to the child's individual treatment and service plan;

14. a. Be given written notice of:

- (1) plans to terminate the placement of the child with the foster parent pursuant to Section 1-4-805 of this title, and
- (2) the reasons for the changes or termination in placement.

b. The notice shall be waived only in emergency cases pursuant to Section 1-4-805 of this title;

15. Be notified by the applicable state agency in a timely and complete manner of all court hearings, including notice of the date and time of any court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case;

16. Be informed of decisions made by the court, the state agency or the child-placing agency concerning the child;

17. Be considered as a preferred placement option when a foster child who was formerly placed with the foster parent is to reenter foster care at the same level and type of care, if that placement is consistent with the best interest of the child and other children in the home of the foster parent;

18. Be provided a fair, timely, and impartial investigation of complaints concerning the certification of the foster parent;

19. Be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect certification retention or placement of children in the home;

20. Be allowed the right to exercise parental substitute authority;

21. Have timely access to the appeals process of the state agency and child placement agency and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;

22. Be given the number of the statewide toll-free Foster Parent Hotline;

23. File a grievance and be informed of the process for filing a grievance; and

24. Receive a copy of the liability insurance policy the Department of Human Services maintains for every Department-contracted foster home placement.

B. The Department of Human Services and a child-placing agency under contract with the Department shall be responsible for implementing this section.

C. Nothing in this section shall be construed to create a private right of action or claim on the part of any individual, the

Department, the Office of Juvenile Affairs, or any child-placing agency.

SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-9-120, is amended to read as follows:

Section 1-9-120. A. ~~The Department of Human Services~~ Office of Client Advocacy and child-placing agencies shall each establish grievance procedures for foster parents with whom ~~such state agencies~~ the Department of Human Services or child-placing agencies contract. The Office of Client Advocacy shall work with the Office of Juvenile System Oversight to track foster parent complaints through the grievance procedures and ensure a resolution of the complaint.

B. The procedures established shall contain the following minimum requirements:

1. Resolution of disputes with foster parents shall be accomplished quickly, informally and at the lowest possible level, but shall provide for access to impartial arbitration by management level personnel within the central office; and

2. Prompt resolution of grievances ~~within established time frames~~ no more than sixty (60) days after receipt of the grievance or complaint; and

3. Notification to all foster parents upon placement of a child about the grievance procedures and how to file a complaint.

C. ~~The Department~~ Office of Client Advocacy and child-placing agency shall designate ~~an~~ one employee at the central office to receive and process foster care grievances received by the Office of Juvenile System Oversight.

D. ~~The Department~~ Office of Client Advocacy and child-placing agency shall maintain records of each grievance filed as well as summary information about the number, nature and outcome of all grievances filed. The Office of Client Advocacy and the Office of Juvenile System Oversight shall compile an annual report for the Oklahoma Legislature that details the number of complaints received,

the number of complaints resolved, the nature of the complaints and any other information requested by the Legislature. Agencies shall keep records of grievances separate and apart from other foster parent files. A foster parent or a former foster parent shall have a right of access to the record of grievances such person filed after the procedure has been completed.

E. 1. Each foster parent shall have the right, without fear of reprisal or discrimination, to present grievances with respect to the providing of foster care services.

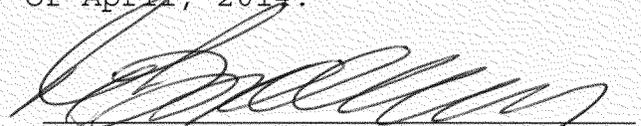
2. The Department of Human Services shall promptly initiate a plan of corrective discipline including, but not limited to, dismissal of any Department employee or cancellation or nonrenewal of the contract of a child-placing agency determined by the state agency, through an investigation to have retaliated or discriminated against a foster parent who has:

- a. filed a grievance pursuant to the provisions of this section,
- b. provided information to any official or Department employee, or
- c. testified, assisted, or otherwise participated in an investigation, proceeding or hearing against the Department or the child-placing agency.

3. The provisions of this subsection shall not be construed to include any complaint by the foster parent resulting from an administrative, civil or criminal action taken by the employee or child-placing agency for violations of law or rules, or contract provisions by the foster parent.

SECTION 6. This act shall become effective November 1, 2014.

Passed the Senate the 30th day of April, 2014.

  
Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

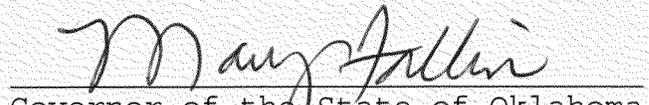
Received by the Office of the Governor this 5<sup>th</sup>

day of May, 20 14, at 3:34 o'clock P M.

By: Audrey Beckwell

Approved by the Governor of the State of Oklahoma this 9<sup>th</sup>

day of May, 20 14, at 10:55 o'clock A M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 9<sup>th</sup>

day of May, 20 14, at 1:53 o'clock P M.

By: Ch. Benge



## Mission Statement

Post Adjudication Review Boards (PARB) of Oklahoma ensure the best interests of Deprived/Delinquent children are being met through external citizen review, to monitor the efforts of the children services programs and make recommendations for system improvement in order to enhance the management of individual children's cases as well as the administration of the system. As a result, children will achieve safety, stability and permanency without undue delay; enjoy continuity of relationships; and have the opportunity to develop their full potential.

## A Message From the Chair

The benefits to a judge of an active and experienced PARB are quite significant. PARB reviews are useful tools for the juvenile court judge on both an individual case basis and collectively. Individually, a PARB review brings a case into focus, not as a legal proceeding, but as an in-depth look at a child's life, within the custody of Oklahoma Department of Human Services in a way that treats the child as the focus. Their review critiques whether the individual child is having his or her needs met. Collectively, PARB gives an overview to the juvenile judge of all the children in the custody of DHS, under the auspices of the court system. This overview can help illuminate recurring issues, "across-the-board"; an overview which is an informed, common sense perspective is helpful in assessing needs within the existing, as we seek to improve it.

PARB is an important voice for children who need it the most: abused or neglected, and sometimes overlooked. PARB makes a difference.

The Honorable Judge Dynda Post,  
12th Judicial District

## How it Works

A PARB is composed of at least five volunteers (members) who live or work within the local judicial district. The volunteer board members have a desire to help our children create a brighter future for themselves. The volunteers are appointed by the Oklahoma Commission on Children and Youth through the recommendation of the local judge with the juvenile court responsibility. The primary responsibility of a PARB is to be an advocate for children who live within the local PARB's judicial district. In addition, the PARB reviews encourage interagency coordination and cooperation.

## Why Do We Need PARB?

PARB emphasizes preventive services and permanent placement. In the 1980's federal and state laws created PARB out of a concern for the welfare of children and each child's right to live in a stable and nurturing home.

## What is Reviewed and How is a Review Completed?

PARB members examine each child's court file and may request additional information from the social worker, foster parent(s), court officials, and other people involved in the case to decide whether the child and the child's family are receiving the necessary and appropriate services to correct the conditions in the home which led to court intervention.

The PARB evaluates the goals stated in the case plan and the progress made toward these goals. By written recommendation, the PARB advises the Court whether these goals and services support the best interests of the child.

## 2013 PARB Annual Report Data

- **4,539** Reviews Completed
- **6,200** Children Reviewed
- **10,345** Volunteer Hours
- **339** Volunteers
- **24** Judicial Districts Served

In 2013, PARB volunteers reviewed an average of **13** cases, donating an average of **30** volunteer hours.

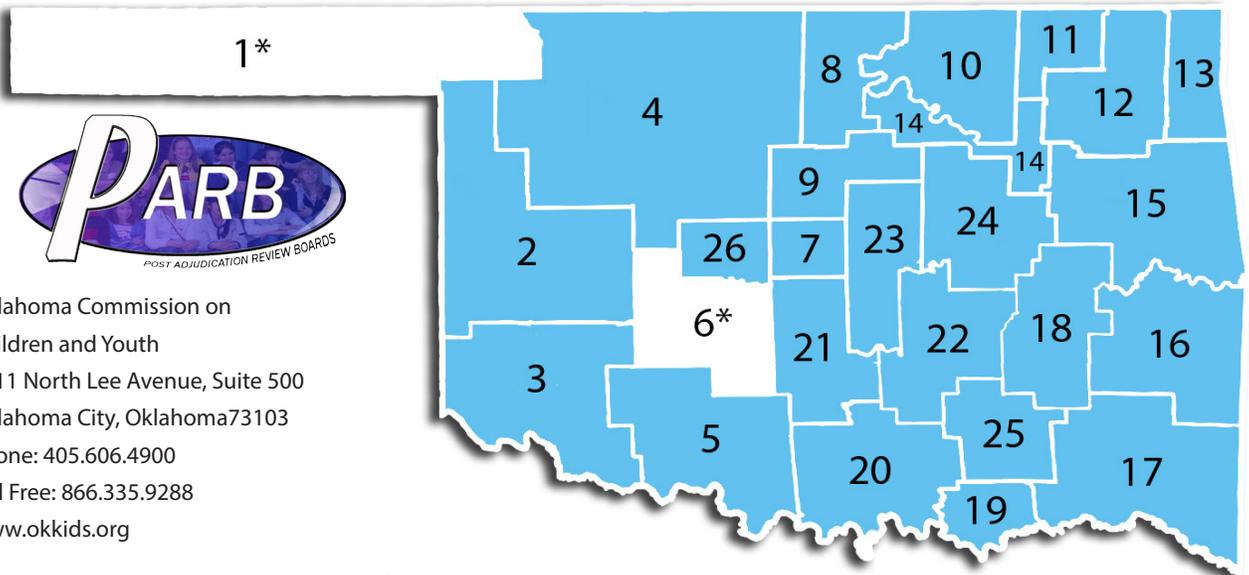
## Advisory Board Recommendations

1. In considering the Governor's proposed tax cuts, please ensure that sufficient funding will be provided for children's services in Oklahoma.
2. Request an interim study for the elimination of jury trials in termination of parental rights cases.

## State Post Adjudication Review Advisory Board Members

Jay Scott Brown (At- Large)  
 Linda McDaniel (At-Large)  
 Clara Cunningham (At Large)  
 Carol Collins (At-Large)  
 Melanie Johnson (At-Large)  
 Cindy Nocton (At-Large)  
 Honorable April Sellers White (Judicial)  
 Honorable Mark A. Moore (Judicial)  
 Honorable Pat VerSteeg (Judicial)  
 Honorable A. J. Henshaw Jr. (Judicial)

Honorable Dynda Post, Chair (Judicial)  
 Sandra Brown (Active PARB)  
 Destry Hawthorne (Active PARB)  
 Mary Jo Wimbish (Active PARB)  
 James Cooper (Active PARB)  
 Holly Morris (Foster Parent)  
 David Ross (Foster Parent)  
 Julie Kennedy (TFC Foster Parent)  
 Millie Carpenter (Ex-Officio OKDHS)  
 Greg Delaney (Ex-Officio OJA)



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*PARB Coverage  
 by Judicial District  
 \*not covered*

## **2014 Oklahoma Child Death Review Board Recommendations**

### **FISCAL (Legislative)**

#### **Office of the Chief Medical Examiner (OCME)**

Continue to support OCME goals to improve and maintain infrastructure.

Policy changes are ineffective without a financial commitment by the state of Oklahoma to affect positive change.

#### **Oklahoma Department of Human Services (OKDHS)**

Provide the OKDHS with funding to hire additional child welfare staff with a salary competitive with positions in other states to be in compliance with the recommended national standard issued by the Child Welfare League of America and in accordance with the Pinnacle Plan.

Policy changes are ineffective without a financial commitment by the state of Oklahoma to affect positive change.

### **POLICY**

#### **Hospitals**

- All delivery hospitals should adopt a policy regarding in-house safe sleep and provide education on safe sleep after delivery but prior to discharge from hospital. The education should include statistics on sleep related deaths. The Oklahoma Child Death Review Board (CDRB) reviewed and closed 103 (37.1%) deaths related to unsafe sleep environments in 2013.
- All hospitals should have a written policy to notify the OKDHS Child Welfare division of unexpected child deaths.

#### **Law Enforcement**

- Increase the depth of suicide investigations to include mental, medical and social history (i.e. past history of attempts, medications, counseling, note of intention, social media, psychiatric diagnosis, family history of attempts/deaths, stressors, relationship status).
- Enforce child passenger safety laws, including appropriate seat restraint use. The CDRB reviewed and closed 43 cases that involved motor-vehicles and found seat restraint use to be at less than 30%.
- Document sobriety testing results in the Oklahoma Uniform Traffic Collision Report submitted to Department of Public Safety.
- Adopt the Center for Disease Control's Sudden Unexpected Infant Death Investigation (SUIDI) protocols. The CDRB reviewed and closed 113 (40.6%) infant deaths in 2013; 99 (35.6%) of these were related to unsafe sleep environments and 93 (33.5%) had an "Undetermined" Manner of Death.
- Adopt a policy to notify the OKDHS Child Welfare division of unexpected child deaths.

**Legislative**

- Enact legislation banning the use of hand-held devices while operating a motor vehicle.
- Enhance child passenger safety laws, including appropriate seat restraint use.

**Office of the Chief Medical Examiner**

- Adopt the Center for Disease Control's SUIDI protocols. The CDRB reviewed and closed 113 (40.6%) infant deaths in 2013; 99 (35.6%) of these were related to unsafe sleep environments and 93 (33.5%) had an "Undetermined" Manner of Death.

**Oklahoma Department of Human Services**

- Adopt a policy directing workers to connect a referral to a case number upon assignment of the referral.
- Adopt a policy ensuring referrals assigned as an "Assessment" include a finding as to the allegation(s) and risk(s) reported.



**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH**  
Office of Juvenile System Oversight

**MEMORANDUM**

**To:** Oklahoma Commission on Children and Youth (OCCY) Commissioners  
**From:** Lisa L. Smith, Executive Director, and Jack Chapman, Assistant Director  
**Subject:** Office of Juvenile System Oversight's (OJSO) Activity Report for the May 2014 Commission Meeting  
**Date:** May 16, 2014

During the reporting period of March 15, 2014, through May 16, 2014:  
**No reports are being brought to the Commissioners for action.**

**\*\* SECTION A \*\***  
(Includes A-1 and A-2)

The following oversight and complaint reports have been issued.  
Responses have been received or the thirty-day response period has expired.  
 Reports are available as permitted by law.

**FACILITY VISITS**  
(Table A-1)

	Facility Name	Location	Type of Facility	OJSO	Date(s) of Visit	Findings Contested
1.	Butler Skills Development Center	Butler	State-Operated Group Home	RQ	12/19/2013	No Response
2.	Cedar Canyon Adventure Program	Weatherford	State-Operated Group Home	HJ	03/10/2014	No Response

**COMPLAINT INVESTIGATIONS**  
(Table A-2)

	Agency Name/Type	COM #	Conf./Public	OJSO	Issue Date	Findings Contested
1.	OKDHS Child Welfare Services	8095-13	Confidential	DR	03/13/2014	No Response
2.	OKDHS Child Welfare Services	7931-13	Confidential	LG	03/25/2014	No Response
3.	OKDHS Child Welfare Services	7703-13	Confidential	LG	04/01/2014	No Response

**\*\* SECTION B \*\***

(Includes B-1 and B-2)

The following oversight and complaint reports have been issued. The OJSO is awaiting responses to the concerns and violations listed in the reports. There is a thirty-day time limit to provide the response to the OJSO. The time limit has not expired for these reports. Reports are available as permitted by law.

**FACILITY VISITS**

(Table B-1)

Facility Name	Location	Type of Facility	OJSO	Date(s) of Visit	Findings Contested
No facility reports were issued during this reporting period.					

**COMPLAINT INVESTIGATIONS**

(Table B-2)

Agency Name/Type	COM #	Conf./Public	OJSO	Issue Date	Findings Contested
1. OKDHS Child Welfare Services	8191-13	Confidential	DR	04/29/2014	NA
2. OKDHS Child Welfare Services	7947-13	Confidential	DR	04/29/2014	NA
3. OKDHS Child Welfare Services	7182-13 & 7311-12	Confidential	DR	04/30/2014	NA
4. OKDHS Child Welfare Services	7554-13	Confidential	LG	04/30/2014	NA
5. OKDHS Child Welfare Services	7501-12	Confidential	LG	04/30/2014	NA

**\*\* SECTION C \*\***

Public release reports (available at [www.ok.gov/occy](http://www.ok.gov/occy)) issued during the time period of March 15, 2014, through May 16, 2014

**PUBLIC RELEASE REPORTS**

		County (ies)	Date of Issue
1.	Review of the Near-Death of J.M.	Okfuskee, Cleveland	04/07/2014
2.	Review of the Near-Death of L.M.	Oklahoma	04/07/2014
3.	Review of the Near-Death of R.L.	Tulsa	04/07/2014
4.	Review of the Death of Jackson C. Welch	Tulsa	04/07/2014
5.	Review of the Near-Death of J.R.	Muskogee	04/07/2014
6.	Review of the Near-Death of D.W.	Oklahoma	04/07/2014

**\*\* SECTION D \*\***

Inquiry Activity

During the time period of March 15, 2014, through May 16, 2014:

**Total inquiries completed: 15**

(Inquiries = complaints, requests for assistance, and information/referrals)

**Total complaints closed: 34**

26 = received prior to March 15, 2014

8 = received from March 15, 2014, to May 16, 2014

**Total requests for assistance completed: 0**

0 = received prior to March 15, 2014

0 = received from March 15, 2014, to May 16, 2014

**Total information/referrals completed: 1**

0 = received prior to March 15, 2014

1 = received from March 15, 2014, to May 16, 2014

**Total inquiries received and still open: 101***(Inquiries = complaints, requests for assistance, and information/referrals)***Total complaints received and still open: 101****Total requests for assistance received and still open: 0****Total information/referrals received and still open: 0**