

1 ENGROSSED HOUSE
2 BILL NO. 3468

By: Lawson of the House

and

Rosino of the Senate

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7 [children - enacting the Parent Representation Act -
8 creating the Parent Representation Program -
9 creating the Parent Representation Program
10 Revolving Fund - requiring issuance of annual
11 report - effective date]
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

18 This act shall be known and may be cited as the "Parent
19 Representation Act".

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

23 A. There is hereby created within the Administrative Office of
24 the Courts the Parent Representation Program. The purpose of the

1 Parent Representation Program shall be to ensure uniform and high-
2 quality legal representation for indigent parents, legal guardians,
3 and custodians in deprived child actions brought by the state
4 pursuant to the provisions of Section 1-1-101 et seq. of Title 10A
5 of the Oklahoma Statutes.

6 B. From funds appropriated or otherwise available for the
7 purpose of implementing the Parent Representation Act, an agency to
8 be selected by the Administrative Office of the Courts shall issue a
9 request for proposals and contract with an eligible organization to
10 administer the Parent Representation Program through the
11 establishment of a central office for the state. The Parent
12 Representation Program, through the activities of the central
13 office, shall work statewide cooperatively with judicial districts
14 and attorneys by contracting with, training, compensating, and
15 supporting legal counsel for the parents, legal guardians, and
16 custodians appointed by the court pursuant to Section 1-4-306 of
17 Title 10A of the Oklahoma Statutes. The Parent Representation
18 Program shall have the responsibility to ensure that all parents,
19 legal guardians, and custodians who are entitled to court-appointed
20 counsel are appointed counsel who have the training, support, and
21 access to resources to provide uniform and high-quality legal
22 representation. The central office shall not provide direct legal
23 representation to clients except in selected appeals.

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

19 D. The Parent Representation Program shall have authority to
20 contract with any type of legal entity, including, but not limited
21 to, law firms, legal services programs, law school clinics, and
22 individual attorneys as needed. In addition, the Parent
23 Representation Program shall have authority to contract with and
24 compensate social workers, parent advocates, and parent mentors to

1 provide interdisciplinary assistance to the attorneys representing
2 indigent parents, legal guardians, and custodians in the deprived
3 child proceedings.

4 E. The Parent Representation Program shall ensure that all
5 counsel are members of the Oklahoma Bar Association in good standing
6 and are adequately trained. The Parent Representation Program shall
7 provide uniform and high-quality training in collaboration with the
8 State of Oklahoma Children's Court Improvement Program, the Oklahoma
9 Bar Association, local bar associations, and other relevant state
10 and national organizations to all attorneys who represent parents,
11 legal guardians, and custodians in deprived child proceedings. The
12 Parent Representation Program shall verify that contracted attorneys
13 providing legal representation to parents, legal guardians, and
14 custodians meet the standards of practice as approved by the
15 Oklahoma Supreme Court and caseload limits as developed and
16 recommended by the Administrative Office of the Courts created by
17 the Oklahoma Supreme Court. In addition, the Parent Representation
18 Program shall ensure that all interdisciplinary contractors are
19 provided with uniform and evidence-based training, resources, and
20 support.

21 F. The Parent Representation Program shall ensure that all
22 areas of the state are equitably served and, based on the
23 appropriations available, shall prioritize those judicial districts
24 where attorneys are unavailable for court appointments or are

1 minimally compensated. The Parent Representation Program shall
2 determine where additional attorneys are needed within the state's
3 judicial districts and shall develop additional resources.

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

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

18 A. For the purpose of establishing and providing oversight for
19 the Parent Representation Program, there is hereby created the
20 Parent Representation Program Board within an agency to be selected
21 by the Administrative Office of the Courts. The Board shall consist
22 of twelve (12) members as follows:

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

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

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

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

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

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

19 7. One member appointed by the Department of Mental Health and
20 Substance Abuse Services who shall be a parent with lived experience
21 with the child welfare system, to be appointed initially for a
22 three-year term; and
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1 8. One member appointed by the Oklahoma Commission on Children
2 and Youth who shall be a parent with lived experience with the child
3 welfare system, to be appointed initially for a three-year term.

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

11 B. The Parent Representation Program Board shall:

12 1. Annually elect one member to serve as chair and one member
13 to serve as vice-chair;

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

17 3. Review proposals by eligible organizations received by an
18 agency to be selected by the Administrative Office of the Courts
19 pursuant to Section 2 of this act and recommend to an agency to be
20 selected by the Administrative Office of the Courts an eligible
21 organization to administer the Parent Representation Program;

22 4. Exercise oversight on behalf of an agency to be selected by
23 the Administrative Office of the Courts over the selected eligible
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1 organization and may take such action as deemed necessary to ensure
2 proper administration of the Parent Representation Program;

3 5. Work cooperatively with the eligible organization to provide
4 governance to the Parent Representation Program, to provide fiscal
5 oversight of the general operating budget of the program's central
6 office, to participate in funding decisions relating to the
7 provision and expansion of parent counsel and the interdisciplinary
8 contractors within the state, based on annual appropriations and
9 funds received, and to assist with the duties of the program's
10 central office concerning parent counsel training, as needed;

11 6. Prepare the rules, standards, training requirements for
12 attorneys and interdisciplinary contractors, and guidelines
13 necessary to carry out the responsibilities of the Parent
14 Representation Program for the approval of and promulgation by an
15 agency to be selected by the Administrative Office of the Courts;
16 and

17 7. Prepare annually and distribute to an agency to be selected
18 by the Administrative Office of the Courts budget requests and a
19 report detailing expenditures of funds for the operating expenses of
20 the Parent Representation Program, activity data, and performance
21 measures from implementation of the program within the selected
22 judicial districts. An agency to be selected by the Administrative
23 Office of the Courts shall distribute the proposed budget and the
24 report to the Speaker of the House of Representatives and the

1 President Pro Tempore of the Senate, who shall distribute the
2 proposed budget and the report to the appropriate committee chairs
3 of the respective chambers.

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

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

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

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

14 4. Is incorporated pursuant to any applicable laws in this
15 state.

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

19 A. There is hereby created in the State Treasury a revolving
20 fund for an agency to be selected by the Administrative Office of
21 the Courts to be designated the "Parent Representation Program
22 Revolving Fund". The fund shall be a continuing fund, not subject
23 to fiscal year limitations, and shall consist of all monies received
24 by an agency to be selected by the Administrative Office of the

1 Courts for indigent parent legal and interdisciplinary
2 representation services to be provided by the Parent Representation
3 Program. The revolving fund shall include funds appropriated to the
4 fund, federal funds, gifts, donations, and grants. All monies
5 accruing to the credit of said fund are hereby appropriated and may
6 be budgeted and expended by an agency to be selected by the
7 Administrative Office of the Courts pursuant to the recommendations
8 of the Parent Representation Program Board for the purpose of
9 administering the Parent Representation Program and for the
10 provision of legal and interdisciplinary services to indigent
11 parents by and through the Parent Representation Program. By
12 January 31, 2023, and by January 31 of each year thereafter, an
13 agency to be selected by the Administrative Office of the Courts
14 shall disburse funds from the Parent Representation Program
15 Revolving Fund to the contracted eligible organization.

16 B. An agency to be selected by the Administrative Office of the
17 Courts shall allocate and expend funds from the Parent
18 Representation Program Revolving Fund as recommended by the Parent
19 Representation Program Board to provide for the necessary operating
20 costs of the Parent Representation Program, including court-
21 appointed legal and interdisciplinary representation to indigent
22 parents, legal guardians, or custodians in proceedings governed by
23 the Oklahoma Children's Code, to the extent that funds are available
24 from the Parent Representation Program Revolving Fund. An agency to

1 be selected by the Administrative Office of the Courts shall
2 allocate and expend these funds pursuant to the contract with the
3 eligible organization. An agency to be selected by the
4 Administrative Office of the Courts may charge an administrative fee
5 for administering the contract.

6 C. The eligible organization that contracts to operate and
7 manage the Parent Representation Program to provide legal and
8 interdisciplinary services shall maintain books and records in
9 accordance with generally accepted accounting principles. The books
10 and records shall account for the receipt and expenditure of all
11 funds paid pursuant to contract. Books and records shall be
12 maintained for a period of five (5) years from the close of the
13 fiscal year of the contract period. The State Auditor and Inspector
14 shall audit each organization annually. The necessary expense of
15 each audit, including, but not limited to, the cost of typing,
16 printing, and binding, shall be paid from funds of the organization.

17 D. An agency to be selected by the Administrative Office of the
18 Courts may use up to two and one-half percent (2.5%) of the funds
19 deposited in the Parent Representation Program Revolving Fund
20 available to the Office in any given fiscal year to provide
21 financial support staff, financial data entry staff and facilities,
22 and operating assistance for the Parent Representation Program
23 Board.

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1 E. An annual report issued by an agency to be selected by the
2 Administrative Office of the Courts to the Oklahoma Legislature
3 outlining performance measures for the Parent Representation Defense
4 Program and recommendations for ongoing appropriations shall be
5 transmitted to the Oklahoma Legislature no later than December 31 of
6 each year.

7 SECTION 5. This act shall become effective November 1, 2022.

8 Passed the House of Representatives the 14th day of March, 2022.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2022.

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Presiding Officer of the Senate

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