

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2313

By: Lawson

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2011,  
8 Section 601.6, as amended by Section 2, Chapter 257,  
9 O.S.L. 2014 (10 O.S. Supp. 2020, Section 601.6),  
10 which relates to the Office of Juvenile System  
11 Oversight; directing monitoring of children and youth  
12 service system; requiring annual inspections;  
13 granting authority to conduct site visits; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.6, as  
17 amended by Section 2, Chapter 257, O.S.L. 2014 (10 O.S. Supp. 2020,  
18 Section 601.6), is amended to read as follows:

19 Section 601.6 A. The Office of Juvenile System Oversight shall  
20 have the responsibility of investigating and reporting misfeasance  
21 and malfeasance within the children and youth service system,  
22 inquiring into areas of concern, investigating complaints filed with  
23 the Office of Juvenile System Oversight, and ~~performing issue-~~  
24 ~~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.

1 It shall be the duty of the Office of Juvenile System Oversight  
2 to conduct ~~not less than one but not more than two~~ regular,  
3 periodic, but not less than annual, unannounced inspections of  
4 state-operated children's institutions and facilities and to review  
5 the reports of the inspections of the State Fire Marshal, ~~and~~ the  
6 State Department of Health and any agencies which accredit such  
7 institutions and facilities. OJSO shall conduct periodic  
8 inspections of privately operated children's facilities on a  
9 periodic basis or as needed.

10 B. The Office of Juvenile System Oversight shall:

11 1. Have the authority to examine and copy all records and  
12 budgets pertaining to the children and youth service system ~~and to~~  
13 ~~interview the residents of such facilities~~ and shall have access to  
14 all facilities within the children and youth service system for the  
15 purpose of conducting ~~systemic oversight and complaint~~  
16 ~~investigations~~ site visits and speaking with the residents of such  
17 facilities;

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

20 3. Establish, in accordance with the Dispute Resolution Act,  
21 Sections 1801 through 1813 of Title 12 of the Oklahoma Statutes, a  
22 voluntary program for foster parents to mediate complaints  
23 concerning the rights of foster parents, as provided for in Section  
24 1-9-119 of Title 10A of the Oklahoma Statutes, that relate to

1 certain actions, inactions or decisions of the Department of Human  
2 Services, the Department of Juvenile Justice, or child-placing  
3 agencies that may adversely affect the safety and well-being of  
4 children in the custody of the state;

5 4. Receive any complaint alleging that an employee of the  
6 Department of Human Services or a child-placing agency has  
7 threatened a foster parent with removal of a child from the foster  
8 parent, harassed a foster parent, or refused to place a child in a  
9 licensed or certified foster home, or disrupted a child placement as  
10 retaliation or discrimination towards a foster parent who has:

- 11 a. filed a grievance pursuant to Section 1-9-120 of Title  
12 10A of the Oklahoma Statutes,
- 13 b. provided information to any state official or  
14 Department employee, or
- 15 c. testified, assisted, or otherwise participated in an  
16 investigation, proceeding, or hearing against the  
17 Department or child-placing agency.

18 The Office of Juvenile System Oversight shall forward the  
19 complaints to the Office of Client Advocacy for investigation  
20 pursuant to subsection D of Section 1-9-112 of Title 10A of the  
21 Oklahoma Statutes. The Office of Juvenile System Oversight shall  
22 work with the Office of Client Advocacy to ensure the complaints are  
23 investigated and resolved in accordance with the grievance  
24 procedures provided in Section 1-9-120 of Title 10A of the Oklahoma

1 Statutes. The provisions of this paragraph shall not apply to any  
2 complaint by a foster parent regarding the result of a criminal,  
3 administrative, or civil proceeding for a violation of any law,  
4 rule, or contract provision by that foster parent, or the action  
5 taken by the Department or a child-placing agency in conformity with  
6 the result of any such proceeding;

7 5. Issue reports to the Governor, Speaker of the House of  
8 Representatives, President Pro Tempore of the Senate, Chief Justice  
9 of the Supreme Court of the State of Oklahoma, any appropriate  
10 prosecutorial agency, the director of the agency under  
11 consideration, and other persons as necessary and appropriate; and

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

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

18 SECTION 2. This act shall become effective November 1, 2021.

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20 58-1-7144 CMA 12/18/20  
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