

1 **SENATE FLOOR VERSION**

2 March 1, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 907

By: Rosino of the Senate

and

Lawson of the House

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9 [legal representation - Program - proposals - bids -
10 duties - contracts - counsel - review - advisory
11 board - revolving fund - funds - fee - records -
12 audits - report - codification - effective date]

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 801 of Title 10, unless there is
16 created a duplication in numbering, reads as follows:

17 A. This act shall be known and may be cited as the "Family
18 Representation and Advocacy Act".

19 B. As used in this act, "eligible organization" means an entity
20 that:

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

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

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

5 4. Is incorporated pursuant to any applicable laws in this
6 state.

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

15 D. From funds appropriated or otherwise available for the
16 purpose of implementing the Family Representation and Advocacy Act,
17 the Administrative Office of the Court shall issue a request for
18 proposals and contract with an eligible organization to administer
19 the Family Representation and Advocacy Program through the
20 establishment of a central office for the state. The contract shall
21 be the result of the request for proposals issued by the
22 Administrative Office of the Courts and submission of competitive
23 bids by eligible organizations pursuant to the Oklahoma Central
24 Purchasing Act.

1 E. Through the activities of the central office, the Family
2 Representation and Advocacy Program shall work cooperatively
3 statewide with judicial districts and attorneys by contracting with,
4 training, compensating, and supporting legal counsel for the
5 children, indigent parents, legal guardians, and Indian custodians
6 appointed by the court pursuant to Section 1-4-306 of Title 10A of
7 the Oklahoma Statutes. The Family Representation and Advocacy
8 Program shall have the responsibility to ensure that all parents,
9 legal guardians, and Indian custodians who are entitled to court-
10 appointed counsel and all children are appointed counsel who have
11 the training, support, and access to resources to provide uniform
12 and high quality legal representation. The central office shall not
13 provide direct legal representation to clients except in selected
14 appeals. Nothing in this subsection shall preclude the appointment
15 of a guardian ad litem pursuant to Section 1-8-108 of Title 10A of
16 the Oklahoma Statutes.

17 F. An executive director for the Family Representation and
18 Advocacy Program shall be employed by the eligible organization and
19 approved by the Administrative Office of the Courts or any board
20 established pursuant to subsection K of this section. The executive
21 director shall have at least ten (10) years of experience as a
22 licensed attorney prior to appointment, be licensed to practice law
23 in this state at the time of appointment and be familiar with the
24 unique demands of representing children, parents, legal guardians,

1 Indian custodians in deprived child cases in this state. The
2 executive director shall serve full time and shall not engage in
3 private practice of law outside of the Program. The executive
4 director shall hire all staff including employees of the central
5 office, contract attorneys or other legal providers eligible for
6 appointment pursuant to Section 1-4-306 of Title 10A of the Oklahoma
7 Statutes, and interdisciplinary contractors required to implement
8 the Family Representation and Advocacy Act. The executive director
9 shall submit budget requests and shall report quarterly to the
10 Administrative Office of the Courts or any board established
11 pursuant to subsection K of this section.

12 G. The Family Representation and Advocacy Program shall have
13 authority to contract with any type of legal entity including but
14 not limited to law firms, legal services programs, Office of Public
15 Defender, law school clinics, and individual attorneys as needed.
16 The Program shall have authority to contract with and compensate
17 social workers, parent and youth advocates, and peer mentors to
18 provide interdisciplinary assistance to the attorneys representing
19 children, indigent parents, legal guardians, Indian custodians in
20 the deprived child proceedings. The existing Offices of Public
21 Defender shall continue to provide representation for children in
22 deprived child proceedings and continue to be funded as set forth in
23 Section 138.4 of Title 19 of the Oklahoma Statutes. The Offices of
24 the Public Defender may elect to contract with the Family

1 Representation and Advocacy Program for additional funds to provide
2 additional staff and resources in the representation of the
3 children.

4 H. The Family Representation and Advocacy Program shall ensure
5 that all counsel are members of the Oklahoma Bar Association in good
6 standing and are adequately trained. The Program shall provide
7 uniform and high quality training in collaboration with the State of
8 Oklahoma Children's Court Improvement Program, the Oklahoma Bar
9 Association, local bar associations, and other relevant state and
10 national organizations to all attorneys who are appointed to
11 represent children, parents, legal guardians, and Indian custodians
12 in deprived child proceedings. The Program shall contractually
13 require and verify that the attorneys providing legal representation
14 to children, indigent parents, legal guardians, and Indian
15 custodians comply with the Oklahoma Standards of Practice for
16 Attorneys Representing Parents in Deprived Child Proceedings, the
17 Oklahoma Standards of Practice for Attorneys Representing Children
18 in Deprived Child Proceedings, and caseload limits as developed and
19 approved by the Uniform Representation of Children and Parents in
20 Cases Involving Abuse and Neglect Oversight Committee created by the
21 Oklahoma Supreme Court. The Family Representation and Advocacy
22 Program shall ensure that all interdisciplinary contractors are
23 provided with uniform and evidence-based training, resources, and
24 support.

1 I. The Family Representation and Advocacy Program shall ensure
2 that all areas of the state are equitably served and, based on the
3 appropriations available, shall prioritize judicial districts where
4 attorneys are unavailable for court appointments or are minimally
5 compensated. The Program shall determine where additional attorneys
6 are needed within the state's judicial districts and shall develop
7 additional resources.

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

18 K. The Oklahoma Supreme Court may direct the Administrative
19 Office of the Courts to establish an advisory board to exercise
20 oversight over the Family Representation and Advocacy Program and
21 the selected eligible organization, and to make recommendations and
22 take such actions as deemed necessary to ensure proper
23 administration of the Program.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 802 of Title 10, unless there is
3 created a duplication in numbering, reads as follows:

4 A. There is hereby created in the State Treasury a revolving
5 fund for the Administrative Office of the Courts to be designated
6 the "Family Representation and Advocacy Program Revolving Fund".
7 The fund shall be a continuing fund, not subject to fiscal year
8 limitations, and shall consist of all monies received by the
9 Administrative Office of the Courts for child and indigent parent,
10 legal guardian, and Indian custodian legal and interdisciplinary
11 representation services to be provided by the Family Representation
12 and Advocacy Program. The revolving fund shall include funds
13 appropriated to the fund, federal funds, gifts, donations, and
14 grants. All monies accruing to the credit of the fund are hereby
15 appropriated and may be budgeted and expended by the Administrative
16 Office of the Courts for the purpose of administering the Family
17 Representation and Advocacy Program and for the provision of legal
18 and interdisciplinary services to indigent parents and children by
19 and through the Family Representation and Advocacy Program. By
20 January 31, 2024, and by January 31 of each year thereafter, the
21 Administrative Office of the Courts shall disburse funds from the
22 Family Representation and Advocacy Program Revolving Fund to the
23 contracted eligible organization.

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1 B. The Administrative Office of the Courts shall allocate and
2 expend funds from the Family Representation and Advocacy Program
3 Revolving Fund to provide for the necessary operating costs of the
4 Family Representation and Advocacy Program including court-appointed
5 legal and interdisciplinary representation to children, indigent
6 parents, legal guardians, or Indian custodians in proceedings
7 governed by the Oklahoma Children's Code, to the extent that funds
8 are available from the Family Representation and Advocacy Program
9 Revolving Fund. The Administrative Office of the Courts shall
10 allocate and expend these funds pursuant to the contract with the
11 eligible organization. The Administrative Office of the Courts may
12 charge an administrative fee as provided in Subsection D of this
13 Section for administering the contract.

14 C. The eligible organization that contracts to operate and
15 manage the Family Representation and Advocacy Program to provide
16 legal and interdisciplinary services shall maintain books and
17 records in accordance with generally accepted accounting principles.
18 The books and records shall account for the receipt and expenditure
19 of all funds paid pursuant to contract. Books and records shall be
20 maintained for a period of five (5) years from the close of the
21 fiscal year of the contract period. The State Auditor and Inspector
22 may audit each organization annually. The necessary expense of each
23 audit including but not limited to the cost of typing, printing, and
24 binding shall be paid from funds of the organization.

1 D. The Administrative Office of the Courts may use up to two
2 and one-half percent (2.5%) of the funds deposited in the Family
3 Representation and Advocacy Program Revolving Fund in any given
4 fiscal year to provide financial support staff, financial data entry
5 staff and facilities, and operating assistance for the Family
6 Representation Program Advisory Board.

7 E. An annual report issued by the Administrative Office of the
8 Courts outlining performance measures for the Family Representation
9 and Advocacy Program and recommendations for ongoing appropriations
10 shall be transmitted to the Governor, the President Pro Tempore of
11 the Oklahoma Senate and the Speaker of the House of Representatives
12 no later than December 31 of each year.

13 SECTION 3. This act shall become effective November 1, 2023.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 March 1, 2023 - DO PASS AS AMENDED BY CS

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