

## TITLE 135. COMMISSION ON CHILDREN AND YOUTH

### CHAPTER 1. GENERAL COURSE AND METHOD OF OPERATION

[Authority: 10 O.S., § 601.4(9)]

[Source: Codified 12-30-91]

#### SUBCHAPTER 1. GENERAL COURSE AND METHOD OF OPERATION

##### 135:1-1-1. Purpose

The rules of this chapter have been adopted for the purpose of complying with the Administrative Procedures Act, 75 O.S. § 250 et seq. These rules prescribe practice, procedure, and the operations of the Oklahoma Commission on Children and Youth. This chapter sets forth the organization, administrative duties, and briefly describes the programs of the Oklahoma Commission on Children and Youth.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

##### 135:1-1-1.1. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"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.

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

**"Commission"** means the Oklahoma Commission on Children and Youth.

**"Commissioner"** means a Commission member of the Oklahoma Commission on Children and Youth as designated by statutory requirements or appointment.

**"De-identification"** means the process of eliminating information which would identify individuals whose identity is protected by state or federal law.

**"Director"** means the individual appointed by the Commission to be the chief executive officer of the agency.

**"OCCY"** means the Oklahoma Commission on Children and Youth.

**"OJSO"** means the Office of Juvenile System Oversight.

**"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.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

##### 135:1-1-1.2. Official office

The office of the Oklahoma Commission on Children and Youth is located at 500 North Broadway, Suite 300, Oklahoma City 73102. The telephone number is (405) 606-4900 and the facsimile number is (405) 524-0417. The office hours are from 8:00 a.m. to 5:00 p.m., central standard time, Monday through Friday, except legal holidays.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94; Amended at 24 Ok Reg 2532, eff 7-12-07]

### **135:1-1-2. Origin and composition of Commission**

(a) The Oklahoma Commission on Children and Youth is an administrative body created by the legislature on the 28th day of May, 1982. Commission membership is set out in 10 O.S. § 601.1 et seq.

(b) The Commission shall, on an annual basis, elect a Chair, Vice Chair, and Secretary from among appointed members.

(c) Members of the Commission serve without compensation but shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-1-3. Meetings and quorum**

(a) The Commission shall hold at least four (4) quarterly meetings each year which shall be approved by a majority vote of the Commission at the last regular meeting of the calendar year. Special meetings may be called by the Chair or by a majority of the members of the Commission. Eight (8) or more members shall constitute a quorum for any regular or special meeting of the Commission. Official business of the Commission shall be conducted through a concurring vote of a majority of the members present. The Commission shall comply with all requirements of the Oklahoma Open Meeting Act.

(b) A majority of the total members of the Commission may call a special meeting in the following manner. A member who desires a special meeting shall make a request to the Director. The member shall specify the date and time of the requested meeting. The Director shall notify all members individually of the request. Each member so notified will then have the opportunity to also make the same request. If a majority of the members request the meeting, then the Director shall post the meeting and notify all members.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94; Amended at 20 Ok Reg 2277, eff 7-11-03]

#### **135:1-1-3.1. Executive sessions**

The Commission may hold executive sessions at such meetings in accordance with the Oklahoma Open Meeting Act.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

#### **135:1-1-4. Director**

The day to day operations of the Commission shall be conducted through a Director who shall be appointed for a term of two (2) years, and may be reappointed. Such Director may be dismissed only for cause.

##### **(1) Qualifications of Director.**

(A) The person appointed as Director shall have completed curriculum requirements for a law degree or a master's degree in business or public administration, social work, corrections, guidance and counseling, psychology, sociology, criminal justice, or shall have the requirements for a master's degree in a closely related field, or shall meet the minimum requirements listed in this Section.

(B) The applicant for director shall have at least four (4) years professional level experience in an agency or institution which provides services for children or have at least four (4) years professional level experience in closely related work. Two (2) years

of the four (4) must be in a supervisory and/or administrative capacity; or two (2) additional years of professional level experience may be substituted for the required master degree provided the bachelor's degree is in one of the above listed areas.

(C) In addition, the Director shall have considerable knowledge and skill in planning and coordinating services for children and youth; in establishing and maintaining an effective working relationship with others; in presenting comments and opinions clearly and logically both orally and in writing; in maintaining a high degree of objectivity; and shall understand the operation of administrative agencies.

(D) It is recommended that the Director shall have thorough knowledge of the juvenile process and its components in Oklahoma. It is further recommended that the Director be aware of national developments and concerns regarding the juvenile justice system.

(E) The Director should have experience in budget and appropriation responsibilities and be knowledgeable regarding standards and guidelines affecting the operation of facilities and institutions in Oklahoma. The Director should possess the ability to work well with many and divergent interest groups to affect change where indicated in the juvenile system and to assure a climate for progressive planning, coordinating, developing and implementing services for children and families.

**(2) Duties of Director.** In addition to the duties set out in 10 O.S. § 601.5, the Director shall:

- (A) Keep members of the Commission advised on pending legislation that may affect the organization and authority of the Commission and other matters relating to children and youths;
- (B) Make periodic reports to members of the Commission on the activities of the Director and other staff persons; and,
- (C) Director may periodically convene issue specific task groups for the purpose of improving services for Children and Youth. Reports of tasks groups shall be provided to the Commission, Governor, Speaker of House of Representatives, President Pro Tempore of the Senate and Directors of state agencies affected by the report.

**(3) Staff positions and qualifications.** The Director shall be responsible for filling vacant, funded positions included in fulltime equivalent positions in the agency's current appropriation as may be amended by the Contingency Review Board. All hirings, promotions, transfers, and terminations shall be reported to the Commission.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94; Amended at 20 Ok Reg 2277, eff 7-11-03]

### **135:1-1-5. Office of Juvenile System Oversight**

The duties of the Office of Juvenile System Oversight (OJSO) are set out in 10 O.S. §601.6; the OJSO operates under and according to the authority of the Commission.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-1-6. Office of Planning and Coordination for Services to Children and Youth**

The Office of Planning and Coordination for Services to Children and Youth was established by 10 O.S. § 601.6 (a) to coordinate the planning of services for Oklahoma's children, support the development of Community Partnership Boards, and produce such reports and documentation as directed by statute and the identified needs of children, youth, and families in the State of Oklahoma.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94; Amended at 20 Ok Reg 2277, eff 7-11-03]

#### **135:1-1-7. Serious and Habitual Juvenile Offender Implementation Task Force [REVOKED]**

[Source: Added at 11 Ok Reg 4175, eff 7-25-94; Revoked at 20 Ok Reg 2277, eff 7-11-03]

#### **135:1-1-8. Interagency Coordinating Council for Early Childhood Intervention**

The Interagency Coordinating Council for Early Childhood Intervention was established through 70 O.S. § 13-121 et seq. to establish and monitor a policy to provide for early intervention services to infants and toddlers with disabilities and their families in accordance with federal law.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

#### **135:1-1-9. Interagency Coordinating Council for Special Services to Children and Youth [REVOKED]**

[Source: Added at 11 Ok Reg 4175, eff 7-25-94; Revoked at 20 Ok Reg 2277, eff 7-11-03]

#### **135:1-1-10. Juvenile Justice and Delinquency Prevention Program**

The Juvenile Justice and Delinquency Prevention Program was established by Executive Order 89-03 to administer funds received through the federal Office of Juvenile Justice and Delinquency Prevention with the advice and assistance of the State Advisory Group.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

#### **135:1-1-11. Post Adjudication Review Board Administration**

The Post Adjudication Review Boards were established by 10 O.S. § 1116.2 et seq. to serve in an advisory capacity to the district courts and the district planning and coordination boards for services to children and youth.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

### **SUBCHAPTER 3. ADDITIONAL POWERS AND DUTIES**

#### **135:1-3-1. Powers and duties of the Commission**

In addition to the responsibilities exercised through the offices described in Subchapter 1, the Commission shall have the powers and duties set out in 10 O.S. § 601.3 and 601.4, and the Commission shall:

- (1) Prepare a list of three names of attorneys with a minimum of three (3) years experience and who are admitted to practice law in Oklahoma. This list will be submitted to the Oklahoma Public Welfare Commission and an attorney will be selected as Advocate General.
- (2) Exercise all incidental powers as necessary and proper for the performance of the duties and responsibilities of the Commission.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-3-2. Confidentiality requirements and disclosure**

When prohibited by state or federal statute, no member of the Commission or its staff may disclose specific information which identifies an individual whose identity is protected by state or federal law or be compelled to disclose such information except:

- (1) When such information pertains to criminal acts or violations of any law, information shall be disclosed to such entities as required by state and federal statutes; or
- (2) When required by a court of competent jurisdiction.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-3-3. Evaluation and review of services to children and youth**

The Commission shall, with the assistance of the Community Partnership Boards, evaluate and review the development and quality of services to children and youth as set out in 10 O.S. § 601.9.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94; Amended at 20 Ok Reg 2277, eff 7-11-03]

### **135:1-3-4. Community Partnership Boards**

The Oklahoma Commission on Children and Youth shall establish Community Partnership Boards for services to children and youth as set out in 10 O.S. § 601.11.

[Source: Added at 11 Ok Reg 4175, eff 7-25-94; Amended at 20 Ok Reg 2277, eff 7-11-03]

## **SUBCHAPTER 5. PUBLIC HEARINGS AND SUBPOENA POWER; LEGAL ASSISTANCE; RULE MAKING**

### **135:1-5-1. Public hearings**

(a) The Commission on Children and Youth and the Office of Juvenile System Oversight are authorized by statute to hold public hearings and to subpoena witnesses.

(b) At the Director's discretion or as directed by the Commission, a public hearing may be scheduled. When such a public hearing is scheduled, the following procedure applies:

- (1) Since this is not in the nature of an adjudicatory hearing, it shall be informal with an object of encouraging full participation by persons with knowledge about the subject of the hearing.
- (2) Public notice shall be given at least ten (10) days prior to the scheduled hearing. Such notice shall include the date, time, place, and subject matter of the hearing. This notice shall include an address where persons can submit written views. All written views received will be made a part of the record.
- (3) The presiding officer at a public hearing conducted by the Office of Juvenile System Oversight shall be the Director or any person designated by the Director. Any authorization for persons other than the Director to hold a public hearing shall be in writing and signed by the Director or by a majority of the members of the Commission. The authorization shall describe the subject matter of the hearing which shall serve as a limit to the scope of the public hearing.

- (4) The presiding officer at a public hearing conducted by the Commission shall be the Chair or any other individual designated by the Commission.
- (5) All testimony shall be under oath or affirmation.
- (6) Persons giving testimony at a public hearing may be accompanied by counsel; however, no cross-examination of witnesses will be allowed.
- (7) The hearing proceedings shall be recorded electronically.
- (8) The Director may subpoena witnesses to offer testimony and to produce documents at a public hearing as provided in this Subchapter.
- (9) At the conclusion of the public hearing, the person presiding at the hearing shall, within three (3) weeks, prepare a report which shall be presented to the Commission.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-5-2. Subpoenas**

(a) **Issuance of subpoenas.** For the attendance of witnesses, or for the production of documents, subpoenas may be issued by the Director of the Commission, by any elected officer of the Commission, or by any member of the Commission who has been granted authority to issue subpoenas by a majority of the members of the Commission.

(b) **Refusal to obey subpoena or to testify.**

- (1) Upon the failure of any person to obey a subpoena, or upon the refusal of any witness to be sworn or make an affirmation or to answer a question in the course of a public hearing, the presiding officer shall immediately notify the Director.
- (2) The Director shall seek voluntary compliance with the subpoena through consultation with the state or private agency that is the employer of the subpoenaed witness. If that effort fails, the Director has the authority to seek a court order to compel compliance with the subpoena with the assistance of the Office of the Attorney General.
- (3) During the time compliance is sought, the public hearing shall proceed, so far as is possible. However, the presiding officer or the Director may continue the proceedings until such time as may be necessary to secure a final ruling in the compliance proceedings.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-5-3. Legal Assistance [REVOKED]**

[Source: Revoked at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-5-4. Promulgation of rules**

The Commission is authorized to promulgate rules and regulations as necessary to carry out its duties and responsibilities. In the exercise of this rule-making power, the Commission will comply with the provisions of the Oklahoma Administrative Procedures Act.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

## **SUBCHAPTER 7. PUBLIC INFORMATION**

### **135:1-7-1. Open records**

Subject to state and federal laws protecting confidential information, all files, records, minutes, proceedings, rules and reports are available for public

inspection in the office of the Commission. Any persons desiring information available to the public as specified in the Open Records Act, may submit a written request to the office of the Commission on Children and Youth or other location as designated by the Commission.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

### **135:1-7-2. Allowable charges**

The Director shall, at his discretion, assess to requesting parties a reasonable charge for the search and/or duplication of documents.

[Source: Amended at 11 Ok Reg 4175, eff 7-25-94]

## **CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION**

[Authority: 10 O.S., §§ 601.4(9)]

[Source: Codified 7-25-94]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **135:10-1-1. Purpose**

This chapter sets forth programs and other bodies for which the Oklahoma Commission on Children and Youth has responsibilities.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

#### **135:10-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"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.

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

**"Commission"** means the Oklahoma Commission on Children and Youth.

**"Commissioner"** means a Commission member of the Oklahoma Commission on Children and Youth as designated by statutory requirements or appointment.

**"De-identification"** means the process of eliminating information which would identify individuals whose identity is protected by state or federal law.

**"Director"** means the individual appointed by the Commission to be the chief executive officer of the agency.

**"OCCY"** means the Oklahoma Commission on Children and Youth.

**"OJSO"** means the Office of Juvenile System Oversight.

**"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.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

### **SUBCHAPTER 3. OFFICE OF JUVENILE SYSTEM OVERSIGHT**

### **135:10-3-1. Origin and authority**

(a) The Office of Juvenile System Oversight (OJSO) was created by legislature under 10 O.S. § 601.6 et seq.

(b) The Office of Juvenile System Oversight shall have the authority as described in this Section.

(1) The OJSO is charged with facilitating the continual improvement of the quality of services to children by investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the OJSO, and monitoring the children and youth service system to ascertain compliance with established responsibilities; the OJSO may also report progress toward goals identified in planning documents relating to children and youth services and to making reports regarding said compliance and progress.

(2) Any authorized agent of the OJSO, upon proper identification, shall be allowed to personally and privately speak with clients and staff of facilities within the juvenile service system.

(3) Any authorized agent of the OJSO, upon proper identification, shall have the authority to examine all records and budgets pertaining to the children and youth service system and shall have access to all facilities within the children and youth service system for the purpose of conducting site visits and speaking with the residents of such facilities.

(4) The OJSO is authorized to subpoena witnesses and hold public hearings in accordance with the procedure established in Subchapter 5 of Chapter 1 of this Title.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

### **135:10-3-2. Duties and responsibilities**

(a) In addition to the duties set out in 10 O.S. § 601.6 et seq., the Office of Juvenile System Oversight:

(1) Shall conduct periodic inspections of facilities and community-based programs operated within the state by public and private agencies;

(2) Shall abide by applicable state and federal confidentiality statutes;

(3) Shall, to the maximum extent possible consistent with state and federal law, discharge its responsibilities in a manner open to the public;

(4) Shall provide ongoing education and training for current and new OJSO staff to ensure implementation of established rules and procedures; and

(5) May release de-identified reports to the public relating to their investigations and make recommendations when appropriate.

(b) Pursuant to 10 O.S. § 601.4(11), the Director or the Director's designee may request that an investigation be conducted by the Oklahoma State Bureau of Investigation in matters under OJSO review where the Director or designee reasonably believes that criminally injurious conduct including, but not limited to, physical or sexual abuse of a child has occurred.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94; Amended at 34 Ok Reg 850, eff 9-11-17]

## **SUBCHAPTER 5. OFFICE OF PLANNING AND COORDINATION FOR SERVICES TO CHILDREN AND YOUTH**

### **135:10-5-1. Duties**



The duties of the Office of Planning and Coordination for Services to Children and Youth are established by 10 O.S. § 601.3 et seq.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

## **SUBCHAPTER 7. OKLAHOMA PLANNING AND COORDINATING COUNCIL FOR SERVICES TO CHILDREN AND YOUTH [REVOKED]**

### **135:10-7-1. Membership and staffing [REVOKED]**

[Source: Added at 11 Ok Reg 4181, eff 7-25-94; Revoked at 20 Ok Reg 2288, eff 7-11-03]

### **135:10-7-2. Meetings [REVOKED]**

[Source: Added at 11 Ok Reg 4181, eff 7-25-94; Revoked at 20 Ok Reg 2288, eff 7-11-03]

## **SUBCHAPTER 9. COMMUNITY PARTNERSHIP BOARDS**

### **135:10-9-1. Membership**

Membership of Community Partnership Boards is established in 10 O.S. § 601.11.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94; Amended at 20 Ok Reg 2288, eff 7-11-03]

### **135:10-9-2. Community Partnership Board plans**

Community Partnership Board plans shall comply with 10 O.S. § 601.12.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94; Amended at 20 Ok Reg 2288, eff 7-11-03]

## **SUBCHAPTER 11. POST ADJUDICATION REVIEW BOARD ADMINISTRATION**

### **135:10-11-1. Definitions**

The following words or terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**"Board members"** means the persons appointed to serve on a review board.

**"Review boards"** means the boards established in 10 O.S. § 1116.2.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

### **135:10-11-2. Origin and membership**

Review boards are established in each judicial district in the state under 10 O.S. § 1116.2.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

### **135:10-11-3. Advisory status of review boards and Administrative duties**

The duties of review boards and their advisory status are established in 10 O.S. § 1116.3.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

### **135:10-11-4. Confidentiality requirements and disclosure**

Members of review boards shall comply with confidentiality and disclosure requirements as established in 10 O.S. § 1116.4.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

**SUBCHAPTER 13. SERIOUS AND HABITUAL JUVENILE OFFENDER  
IMPLEMENTATION TASK FORCE [RESERVED]**

**SUBCHAPTER 15. JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION PROGRAM [RESERVED]**

**SUBCHAPTER 17. INTERAGENCY COORDINATING COUNCIL FOR  
EARLY CHILDHOOD INTERVENTION [RESERVED]**

**SUBCHAPTER 19. INTERAGENCY COORDINATING COUNCIL FOR  
SPECIAL SERVICES TO CHILDREN AND YOUTH [RESERVED]**

**SUBCHAPTER 21. CHILD DEATH REVIEW BOARD**

**135:10-21-1. Creation**

The Child Death Review Board (CDRB) was established in 10 O.S. § 1150.2 et seq. within the Oklahoma Commission on Children and Youth.

[Source: Added at 11 Ok Reg 4181, eff 7-25-94]

**135:10-21-2. Local Child Death Review Teams**

- (a) The Child Death Review Board may establish and enter into agreements with local child death review teams pursuant to 10 O.S. 1150.2(A)(5). The local teams shall carry out such duties and responsibilities as the Board shall designate, including reviewing cases in the geographical area where the team is located.
- (b) Members of a team shall be appointed by the Executive Director of the Oklahoma Commission on Children and Youth (OCCY) upon recommendation by the Board and shall include, at a minimum, the following: a medical professional, a District Attorney or Assistant District Attorney, a law enforcement investigator, an OKDHS Child Welfare employee, and a licensed mental health professional.
- (c) Each team member shall serve a term of two years and may be reappointed to an unlimited number of terms. Each member may appoint a designee to attend team meetings in the members absence. However, each member shall personally attend at least seventy-five percent of all meetings in a given calendar year. If a member fails to attend at least seventy-five percent of all meetings in a given year, the position shall be vacated and the OCCY Executive Director shall make an appointment filling the position for the remainder of the term.
- (d) The teams shall meet no less than quarterly in a given calendar year.
- (e) The team shall send at least one member, other than a designee, to report annually to the Board for the purpose of assessing the progress and of the team. If a team is deemed to be non-functioning the Board may dismantle it and establish a new team whose new members shall be appointed in the same manner as provided for in subsection (b) above.
- (f) The teams shall conduct case reviews of the deaths and near deaths of children due to abuse or neglect which occur in the geographical region designated by the Board. The teams shall use the same review resources as the Board- All records obtained or created by a local team shall be records of the Board and subject to the confidentiality and privilege provisions of the Board's enabling act

(g) Each team shall perform all duties and abide by all conditions as provided for in each agreement between the team and the Board.

[Source: Added at 17 Ok Reg 595, eff 12-8-99 (emergency); Added at 17 Ok Reg 2298, eff 6-26-00; Amended at 30 Ok Reg 1529, eff 7-25-13; Amended at 36 Ok Reg 1526, eff 9-13-19]

### **135:10-21-3. Responsibilities of the Child Death Review Board [REVOKED]**

[Source: Added at 17 Ok Reg 595, eff 12-8-99 (emergency); Added at 17 Ok Reg 2298, eff 6-26-00; Revoked at 30 Ok Reg 1529, eff 7-25-13]

## **SUBCHAPTER 22. CHILD ABUSE TRAINING AND COORDINATION COUNCIL**

### **135:10-22-1. Creation**

The Child Abuse Training and Coordination Council is established pursuant to 63 O.S. § 1-227.9.

[Source: Added at 24 Ok Reg 2533, eff 7-12-07]

### **135:10-22-2. Appointment of members**

The Commission shall appoint the members of the Child Abuse Training and Coordinating Council. Members shall be appointed for a two-year term and until a successor is appointed. State agency representatives shall be nominated by the agency's director. All other positions shall be filled by obtaining no more than three nominations with resumes from the entities identified at 63 O.S. § 1-227.9. The Commission may reject any and all nominations. If the Commission rejects the nominations submitted, then the nominating entity shall provide new nominations for the Commission's consideration. Members may be renominated and reappointed for unlimited successive terms.

[Source: Added at 24 Ok Reg 2533, eff 7-12-07]

### **135:10-22-3. Rescinding an appointment**

(a) The Commission may rescind an appointment at any time in its sole discretion and upon its own initiative.

(b) A nominating entity may submit a written request to the Commission to rescind the appointment of the person representing it on the CATCC. The written request shall include the reasons for the request. A committee appointed by the Chair of the Commission shall make inquiry into the request and make a recommendation to the full Commission within 90 days of receipt of the request.

[Source: Added at 24 Ok Reg 2533, eff 7-12-07]

## **SUBCHAPTER 23. INTERAGENCY CHILD ABUSE PREVENTION TASK FORCE**

### **135:10-23-1. Creation**

The Interagency Child Abuse Prevention Task Force is established pursuant to 63 O.S. § 1-227.4.

[Source: Added at 25 Ok Reg 2627, eff 7-25-08]

### **135:10-23-2. Appointment of members**

The Commission shall appoint the members of the Interagency Child Abuse Prevention Task Force. Members shall be appointed for a two-year term and until a

successor is appointed. State agency representatives shall be nominated by the agency's director. Other entities listed at 63 O.S. § 1-227.4 shall submit to the Commission no more than three nominations with resumes. The Oklahoma State Department of Health shall submit to the Commission no more than three nominations with resumes for all other positions. The Commission may reject any and all nominations. If the Commission rejects the nominations submitted, then the nominating entity shall provide new nominations for the Commission's consideration. Members may be renominated and reappointed for unlimited successive terms.

[Source: Added at 25 Ok Reg 2627, eff 7-25-08]

### **135:10-23-3. Rescinding an appointment**

(a) The Commission may rescind an appointment at any time in its sole discretion and upon its own initiative.

(b) A nominating entity may submit a written request to the Commission to rescind the appointment of the person representing it on the Task Force. The written request shall include the reasons for the request. A committee appointed by the Chair of the Commission shall make inquiry into the request and make a recommendation to the full Commission within 90 days of receipt of the request.

[Source: Added at 25 Ok Reg 2627, eff 7-25-08]

## **SUBCHAPTER 24. CERTIFICATION OF CHILDREN'S SHELTERS OPERATED BY THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES**

### **135:10-24-1. Origin and authority**

(a) The legislature established the Oklahoma Commission on Children and Youth responsibilities for developing a certification program for the children's shelters managed and operated by the Oklahoma Department of Human Services in 10 O.S. §601.3(4).

(b) The Commission on Children and Youth shall have the authority:

- (1) To establish a system of certification in accordance with the Oklahoma Child Care Facilities Licensing Act;
- (2) To issue certifications based upon compliance with minimum requirements;
- (3) To revoke certification based upon failure to meet minimum requirements.

[Source: Added at 27 Ok Reg 281, eff 10-02-09 through 7-14-10 (emergency)<sup>1</sup>; Added at 27 Ok Reg 2470, eff 7-25-10]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the text of the Section is no longer effective. Therefore, on 7-15-10 (after the 7-14-10 expiration of the emergency action), the text of section 135:10-24-1 was no longer effective, and remained as such until added again by permanent action on 7-25-10.*

### **135:10-24-2. Duties and responsibilities**

The Commission on Children and Youth shall designate OCCY staff to perform the following duties:

- (1) Provide continuing technical assistance and consultation to the shelters to obtain and maintain compliance with minimum requirements;
- (2) Take corrective action based upon non-compliance with minimum requirements;

- (3) Monitor shelter programs to maintain compliance with minimum requirements;
- (4) Issue certifications based upon compliance with minimum requirements;
- (5) Facilitate and perform training for shelter administration and staff;
- (6) Maintain official certification records.

[Source: Added at 27 Ok Reg 281, eff 10-02-09 through 7-14-10 (emergency)<sup>1</sup>; Added at 27 Ok Reg 2470, eff 7-25-10]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the text of the Section is no longer effective. Therefore, on 7-15-10 (after the 7-14-10 expiration of the emergency action), the text of section 135:10-24-2 was no longer effective, and remained as such until added again by permanent action on 7-25-10.*

### **135:10-24-3. Certification process**

#### **(a) Definitions.**

- (1) **Commission** means the Oklahoma Commission on Children and Youth.
- (2) **Manager or Operator** means the representative of the Department of Human Services who has been given authority to act on behalf of the state-operated children's shelter.
- (3) **State-operated children's shelter** means the Laura Dester Shelter, the Pauline E. Mayer Shelter, the Pauline E. Mayer Annex, or any other shelter operated by the Oklahoma Department of Human Services.

#### **(b) Types of issuances.**

- (1) **Six-month temporary certification.** State-operated children's shelters may be granted a six-month temporary certification if documentation does not show compliance with all critical certification requirements.
- (2) **Certification.** State-operated children's shelters may be granted an operating certification that is valid for twelve months from the date of its issuance when certification staff determines that the shelter is operating in a compliance with its own policy and procedures and in compliance with current Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities and any additional Commission requirements.

#### **(c) Case Management.**

##### **(1) Periodic visits.**

(A) Certification staff annually shall conduct one unannounced visit to each state-operated children's shelter to document compliance with all certification requirements and at least two announced visits to monitor compliance with certification requirements.

(B) During each unannounced compliance visit, certification staff shall:

- (i) Observe the entire facility, including outdoor play space and vehicles used for transportation, if available, and
- (ii) Check resident files and staff files, insurance verifications, and fire and health inspections within the preceding twelve months for compliance with certification requirements.

(C) During each announced monitoring visit, certification staff shall:

- (i) Provide technical assistance to facility personnel to meet and maintain certification requirements;

(ii) Consult with facility personnel to meet and maintain certification requirements and improve the quality of care at the facility.

(2) **Forms.** The OCCY Certification staff shall use standardized certification forms available for public inspection and copy at [www.okkids.org](http://www.okkids.org).

(3) **Reports.** The OCCY Certification staff annually shall issue two monitoring reports and one compliance report..

(4) **Oklahoma Department of Human Services, Office of Client Advocacy Reports (OCA).** The OCCY Certification staff shall review all referrals to OCA that concern the state-operated children's shelters and all investigation reports issued by the OCA to ensure compliance by the state-operated children's shelters with certification requirements.

(d) **Non-compliance with requirements.**

(1) **Documentation of non-compliance.** The licensing staff shall document clearly and concisely on the monitoring reports and the compliance report areas of non-compliance and the discussion with the operator.

(A) A plan of correction, including an agreed-upon time period for correction of the non-compliance, shall be documented on the monitoring report for each area of non-compliance.

(B) Immediate correction shall be required when the non-compliance has a direct impact on the health, safety, or well-being of a child or children in care.

(C) The certification staff shall request that the operator sign the monitoring reports and the compliance report, explaining that the operator's signature indicates acknowledgment of information recorded.

(D) If the person in charge refuses to sign, the refusal shall be documented on the report.

(E) The operator shall be given a copy of the completed report.

(2) **Referrals to fire and health officials.** If non-compliance regarding fire or health requirements places children at risk of harm or remains uncorrected, the certification staff shall request an inspection by a fire, health, or Oklahoma Department of Environmental Quality (ODEQ) official.

(3) **Case management responses to non-compliant facilities.** The responses in this subsection may be used when there is repeated, numerous, or serious non-compliance with certification requirements.

(A) **Technical assistance.** Technical assistance is offered along with referrals to consultants or training resources, if necessary, to assist the operator in meeting and maintaining certification requirements.

(B) **Follow-up phone call.** Phone calls are documented on OCCU standardized forms.

(C) **Non-compliance letter.** A non-compliance letter may be written to the operator. The certification staff shall send a copy of the report and the non-compliance letter to the operator's supervisor.

(D) **Return monitoring visit.** A return monitoring visit may be made if there is repeated, numerous, or serious non-compliance with certification requirements or when non-compliance places children at imminent risk of harm. If the non-compliance is associated with a specific time of day, such as understaff after

school or a lack of early morning supervision, the return visit shall be made at that approximate time.

(E) **Use of witnesses.** The certification staff may be accompanied by a witness during monitoring visits if the facility has had numerous, repeated, or serious areas of non-compliance or if denial or revocation of the license is being considered. The witness may be an OCCY employee or representative from the health or fire department. The witness shall sign the monitoring report in the space provided.

(F) **Increased monitoring visits.** Certification staff may increase the frequency of monitoring when there have been numerous, repeated or serious areas of non-compliance or when the need for additional technical assistance is indicated.

(G) **Notice to comply.** The certification staff shall provide the facility with a notice to comply, and the facility shall document the plan of correction. Immediate correction may be required if the area of non-compliance places the health, safety, or well-being of a child or children in care at risk.

(i) If the plan submitted by the operator is unacceptable to the certification staff, the staff shall negotiate and document a revised plan.

(ii) If the operator does not submit a response within a reasonable time period, the certification staff shall contact the operator and document the conversation. If concerns exist or the operator is uncooperative, the certification staff shall send a letter stating that failure to respond may result in denial or revocation of certification.

(H) **Office conference.** The certification staff may schedule an office conference with the operator of the facility. Areas of non-compliance and progress toward meeting the plan(s) of correction shall be reviewed and technical assistance shall be offered. The conference shall be documented.

(I) **Consent agreement.** OCCY and the operator of the facility may enter into a consent agreement whereby the facility agrees to specific conditions in lieu of certification denial or revocation.

(J) **Revocation.** The certification staff may recommend that the certification be denied or revoked when numerous, repeated, or serious non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children.

(4) **Case management responses when children are at risk.** If the certification staff documents a situation where children may be at imminent risk of harm, or if the Office of Juvenile System Oversight is investigating a complaint that children may be at imminent risk of harm, the certification staff may consider the following options:

(A) The operator shall be asked to immediately correct the situation where children may be at risk of harm.

(B) The operator may agree to enter into a consent agreement whereby the facility shall agree to specific conditions.

(C) The certification staff may recommend that the certification be denied or revoked when the operator fails to take necessary steps to eliminate the situation giving rise to the imminent risk of harm.

**(e) Denial or revocation process.**

- (1) Certification staff shall submit recommendation to deny or revoke facility certifications to the OCCY Director or the OCCY Director designee.
- (2) Facility operators shall submit responses to recommendations to deny or to revoke facility certifications to the OCCY Director or the OCCY Director designee.
- (3) The OCCY Director or the OCCY Director designee shall be the final decision maker regarding recommendations to deny or to revoke facility certifications.
- (4) Facility operator may appeal certification denial or certification revocation final decisions to the Commission.

**(f) Complaint procedure.** All complaints received by OCCY concerning the state-operated children's shelters shall be referred to the OCCY Office of Juvenile System Oversight.

**(g) Public inspection of certification files.**

- (1) **Legal basis.** The Oklahoma Commission on Children and Youth (OCCY) is subject to the Oklahoma Open Records Act. Section 24A.1 et. seq. of Title 51 of the inspection unless they are required by law to be kept confidential.
- (2) **Certification records.** All OCCY records of facilities required to be certified under Section 601.3 of Title 10 of the Oklahoma Statutes that are considered public records shall be open and available for public inspection during reasonable hours.
- (3) **Location of case records.** Certification records shall be located in the OCCY office and shall be inspected at that location. Certification records shall be inspected in the presence of certification staff. The OCCY office is located at 500 N. Broadway Ave., Suite 300, Oklahoma City, Oklahoma.
- (4) **Preparation of case files for inspection.** The certification staff carefully shall review the entire record and shall remove confidential information.
- (5) **Release of confidential information.** Confidential information shall only be released as provided by statute.

[Source: Added at 27 Ok Reg 281, eff 10-02-09 through 7-14-10 (emergency)<sup>1</sup>; Added at 27 Ok Reg 2470, eff 7-25-10]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the text of the Section is no longer effective. Therefore, on 7-15-10 (after the 7-14-10 expiration of the emergency action), the text of section 135:10-24-3 was no longer effective, and remained as such until added again by permanent action on 7-25-10.*

## **SUBCHAPTER 25. FREESTANDING MULTIDISCIPLINARY CHILD ABUSE TEAMS**

### **135:10-25-1. Origin and authority**

The legislature gave the Oklahoma Commission on Children and Youth responsibilities for coordinating with each district attorney in the development of freestanding multidisciplinary child abuse teams in each county of the district attorney or in a contiguous group of counties pursuant to 10A O.S. Supp. 2013, Section 1-9-102 (A)(1). The Oklahoma Commission on Children and Youth shall have the authority:

- (1) To approve freestanding multidisciplinary child abuse teams;



- (2) To evaluate freestanding multidisciplinary child abuse teams by conducting annual on-site reviews of freestanding multidisciplinary child abuse teams;
- (3) To designate a freestanding multidisciplinary child abuse team as functioning, provisionally functioning, or non-functioning in accordance with freestanding multidisciplinary child abuse team minimal standards;
- (4) To remove freestanding multidisciplinary child abuse team from the list of functioning freestanding multidisciplinary child abuse teams when non-compliant with minimal standards.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

### **135:10-25-2. Duties and responsibilities**

The Oklahoma Commission on Children and Youth shall designate staff to perform the following duties:

- (1) Provide technical assistance and consultation to district attorneys in the development and coordination of freestanding multidisciplinary child abuse teams;
- (2) Issue a listing of Functioning and Provisionally Functioning Freestanding Multidisciplinary Child Abuse Teams based on compliance with minimum standards;
- (3) To make recommendations for removal of Non-Functioning Freestanding Multidisciplinary Child Abuse Team to the Commission based on non-compliance with minimum standards;
- (4) To facilitate and support the training of Freestanding Multidisciplinary Child Abuse Teams

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

### **135:10-25-3. Approval of freestanding multidisciplinary child abuse team**

(a) **Definitions.** The following words and terms, when used in the Subchapters, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) "**Annual survey**" means a written document submitted to the Commission summarizing the activities of the team as related to child protection investigations and services with the data elements and format proscribed by the Commission.
- (2) "**Annual Site Review**" means the annual on-site review of multidisciplinary team records that assist the Commission in determining the functioning of the freestanding multidisciplinary team.
- (3) "**Commission**" means the Oklahoma Commission on Children and Youth
- (4) "**Confidentiality statement**" means the written document signed by the multidisciplinary team members assuring that all proceedings conducted during team meetings and child protective investigations will be kept confidential according to clearly defined limits, state law, and respective agency policy and procedure.
- (5) "**Community Needs Assessment**" means conducting a process that results in a written document that identifies available services, service gaps, untapped resources and community based priorities for improvement or development of services to the victim and family according to the format and schedule of the Commission.
- (6) "**Child Abuse Multidisciplinary Account**" means a continuing fund established by the Oklahoma Legislature for the purpose of providing

operating funds to provisionally functioning and functioning multidisciplinary teams.

(7) "**Child Advocacy Center**" means a child friendly, safe and neutral location in which law enforcement and child protective services may conduct and observe forensic interviews with children who are alleged victims of crimes and where non-offending family members may receive support, crisis intervention, and referrals for mental health and medical treatment.

(8) "**Multidisciplinary Child Abuse Team**" means a Multidisciplinary Child Abuse team utilized by a Child Advocacy Center to meet National Accreditation Standards.

(9) "**Data Collection**" means multidisciplinary teams shall maintain data on every case reviewed by the multidisciplinary team in the format proscribed by the Commission.

(10) "**Expertise**" means individual team members' obtaining training and experience in a particular aspect of the multidisciplinary team approach, conducting legally sound and age appropriate interviews, effective investigation techniques, or knowledge about how to conduct joint investigations.

(11) "**Freestanding multidisciplinary team**" means a team not used by a child advocacy center for its accreditation.

(12) "**Functioning Freestanding Multidisciplinary Child Abuse Team**" means a freestanding multidisciplinary team that has met minimal standards promulgated by the Commission.

(13) "**Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team**" means a team that has met the minimal freestanding multidisciplinary team standards for a new team.

(14) "**Non-Functional Freestanding Multidisciplinary Child Abuse Team**" means a team that has not met the minimal standards promulgated by the Commission.

(15) "**Joint Investigations**" means law enforcement and child welfare staff collaborative investigation with written protocols to decrease duplicative efforts and to ensure a thorough process.

(16) "**Interagency agreement(s)**" means the written document(s) signed by the multidisciplinary team member agencies that specify the cooperative effort of the member agencies to the team and delineates roles and responsibilities.

(17) "**Initial Freestanding Multidisciplinary Child Abuse Team Training**" means training conducted during the early formation of the team where individual team members are oriented to the multidisciplinary child abuse team approach.

(18) "**Multidisciplinary Child Abuse Team**" means a group of individuals of differing disciplines working together collaboratively on a common purpose.

(19) "**Protocol**" means specific methods and procedures used to conduct child protection investigations and interviews.

(20) "**Standards**" means the criteria used to determine functionality of a multidisciplinary team.

(b) **Types of Freestanding Multidisciplinary Child Abuse Team.**

(1) **Functioning Freestanding Multidisciplinary Child Abuse Team.** A Freestanding Multidisciplinary Child Abuse Team shall be included on the

list of Freestanding Multidisciplinary Child Abuse Teams when documentation that supports compliance with minimal standards for a functioning freestanding multidisciplinary child abuse team.

**(2) Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team.** A Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team shall be included on the list of Functioning Freestanding Multidisciplinary Child Abuse Team when documentation supports compliance with minimal standards for a provisionally functioning Freestanding Multidisciplinary Child Abuse Team.

**(3) Non-Functioning Freestanding Multidisciplinary Child Abuse Team.** A Non-Functioning Freestanding Multidisciplinary Child Abuse Team shall be removed from the list of Functioning Freestanding Multidisciplinary Child Abuse Team when documentation does not support compliance with minimal standards for a functioning or provisionally functioning Freestanding Multidisciplinary Child Abuse Team.

**(c) Annual On-Site Review.**

(1) Annual On-Site Visit. Commission staff annually shall conduct one on-site compliance visit to each Freestanding Multidisciplinary Child Abuse Team to document compliance with minimal Freestanding Multidisciplinary Child Abuse Team standards.

(2) During each on-site compliance visit Commission staff shall request a completed Annual Survey document and review Freestanding Multidisciplinary Child Abuse Team: interagency agreement, confidentiality statements, member sign-in sheets, joint-investigation and interview protocol, case review documentation, training records, financial accountability policies, and other documents to ascertain compliance with minimal standards.

**(d) Forms.** Commission staff shall use standardized on-site review forms available for public inspection.

**(e) Reports.** Commission staff shall annually issue a Freestanding Multidisciplinary Child Abuse Team Summary Report.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

**135:10-25-4. Services provided by a freestanding multidisciplinary child abuse team**

A freestanding multidisciplinary child abuse team conducts joint investigations in an effort to effectively respond to a report of alleged child abuse.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

**135:10-25-5. Eligibility standards for a functioning freestanding multidisciplinary child abuse team**

A freestanding multidisciplinary child abuse team shall adhere to the following minimal standards to be designated as a functioning freestanding multidisciplinary child abuse team:

(1) A freestanding multidisciplinary child abuse team shall annually review the Interagency Agreement signed by members of the team.

(2) A freestanding multidisciplinary child abuse team shall utilize a Confidentiality Statement approved by the Commission;

(3) A freestanding multidisciplinary child abuse team shall conduct joint investigations whenever feasible involving law enforcement and child welfare in an effort to respond to child abuse reports;

- (4) A freestanding multidisciplinary child abuse team shall have written investigation and interview protocols for investigating child maltreatment approved by the Commission;
- (5) A freestanding multidisciplinary child abuse team shall utilize a case review process approved by the Commission;
- (6) A freestanding multidisciplinary child abuse team shall annually complete the Annual Survey document and submit to the Commission in a format and schedule proscribed by the Commission;
- (7) A freestanding multidisciplinary child abuse team members shall participate in on-going professional development training;
- (8) A freestanding multidisciplinary child abuse team shall have a written Financial Accountability policy that includes but is not limited to: process for development of annual team budget, signature requirements for checks issued, quarterly expenditure report, cash receipts, cash disbursements, reconciliation, purchasing, and payroll;
- (9) A freestanding multidisciplinary child abuse team shall develop individual and team expertise;
- (10) Whenever feasible the Commission and freestanding multidisciplinary child abuse team will conduct a Community Needs Assessment to identify available services, service gaps, untapped resources, and priorities for development or improvement of services to the victim and family according to schedule established by the Commission.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

**135:10-25-6. Eligibility standards for a provisionally functioning freestanding multidisciplinary child abuse team**

A freestanding multidisciplinary child abuse team will adhere to the following minimal standards to be designated as a provisionally functioning freestanding multidisciplinary child abuse team:

- (1) A freestanding multidisciplinary child abuse team shall demonstrate through documentation that the team has met at least once a month for six consecutive months; at least four of the six meetings shall be for case reviews of alleged child abuse;
- (2) A freestanding multidisciplinary child abuse team shall have written joint investigation protocol, interagency agreement, and confidentiality statements;
- (3) A freestanding multidisciplinary child abuse team will have a letter of support from their District Attorney or Assistant District Attorney; and
- (4) A freestanding multidisciplinary child abuse team will have participated in the initial freestanding multidisciplinary child abuse team training

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

**135:10-25-7. Non-compliance with freestanding multidisciplinary child abuse team minimal standards**

Documentation of non-compliance.

- (1) The Commission staff shall document clearly and concisely on the annual on-site compliance report area(s) of concern, non-compliance, and recommendation with the Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney;
- (2) Commission staff shall request the Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney's signature on the annual on-

site compliance report, explaining that the signature indicates acknowledgement of information recorded during the visit;

(3) The Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney shall be given a copy of the completed report.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

**135:10-25-8. Process for removal of a non-functioning freestanding multidisciplinary child abuse team from the list of freestanding functioning multidisciplinary child abuse teams.**

**(a) Process for removal.**

- (1) Commission staff shall submit a recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team as to the Commission Director or the Commission Director designee within (30) days of the annual on-site review.
- (2) Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney shall submit all responses to the recommendation for removal to the Commission Director or Commission Director designee within (10) days of receipt of the notice.
- (3) The Commission Director or designee shall be the final decision maker regarding the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.
- (4) The Commission Director or Commission Director Designee will make the final decision within (30) days of the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the listing of Freestanding Multidisciplinary Child Abuse Teams.
- (5) Commission staff will send a finding letter within (45) days of the recommendation to remove a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.
- (6) Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney may appeal the final decision of removal to the Commission.

**(b) Complaint Procedure.** Complaints received by the Commission concerning Freestanding Multidisciplinary Child Abuse Team case reviews shall be referred to the Oklahoma Commission on Children and Youth, Office of Juvenile System Oversight.

**(c) Public Inspection of Freestanding Multidisciplinary Child Abuse Team Records.**

- (1) **Legal Basis.** The Oklahoma Commission on Children and Youth is subject to the Oklahoma Open Records Act Section 24A.1 et.seq. of Title 51 of the review unless they are required by law to be kept confidential.
- (2) **Freestanding Multidisciplinary Child Abuse Team Records.** All Oklahoma Commission on Children and Youth Freestanding Multidisciplinary Child Abuse Team records required to establish the level of functioning of a Freestanding Multidisciplinary Child Abuse Team are considered public records shall be open and available for public inspection during reasonable hours.
- (3) **Location of Freestanding Multidisciplinary Child Abuse Team Records.** Freestanding Multidisciplinary Child Abuse Team records shall be located at the Oklahoma Commission on Children and Youth office and shall be inspected at that location. The Oklahoma Commission on Children

and Youth is located at 1111 North Lee Avenue, Suite 500, and Oklahoma City, Oklahoma, 73118.

**(4) Preparation of Freestanding Multidisciplinary Child Abuse Team Records for inspection.** Commission staff shall review the entire record and shall remove confidential information.

**(5) Release of confidential Freestanding Multidisciplinary Child Abuse Team information.** Confidential information shall only be released as provided by statute.

[Source: Added at 31 Ok Reg 878, eff 9-12-14]

## **SUBCHAPTER 26. JUVENILE FORENSIC EVALUATOR CREDENTIALING**

### **135:10-26-1. Origin and authority**

The Oklahoma Commission on Children and Youth has the duty of credentialing juvenile forensic evaluators pursuant to 10A O.S. § 2-2-401.4. The Commission shall establish procedures for ensuring the training and qualifications of evaluators and shall provide a list of credentialed juvenile forensic evaluators to the Administrative Office of the Courts.

[Source: Added at 33 Ok Reg 351, eff 1-4-16 through 9-14-16 (emergency)<sup>1</sup>; Added at 34 Ok Reg 851, eff 9-11-17]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon the expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of section 135:10-26-1 was no longer effective, and remained as such until added again by permanent action on 9-11-17. For official text of the emergency rule that was effective from 1-4-16 through 9-14-16, see 33 Ok Reg 351.*

### **135:10-26-2. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Commission"** shall refer to the Oklahoma Commission on Children and Youth.

**"Competent and competency"** refer to a child's ability to understand the nature and objectives of a proceeding against the child or to assist in the child's defense. A child is incompetent if, due to developmental disability, developmental immaturity, intellectual disability, or mental illness, the child is presently incapable of understanding the nature and objective of proceedings against the child or of assisting in the child's defense.

**"Credentialed forensic evaluator"** means a licensed psychologist, psychiatrist or other physician with necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render such opinions for the court.

**"Developmental disability"** means a severe and chronic disability that is attributable to a mental or physical impairment. Such disabilities include, but are not limited to, cerebral palsy, epilepsy, autism, or other neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior.

**"Developmental immaturity"** means a condition based on a juvenile's chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability.

**"Director"** means the Director of the Oklahoma Commission of Children and Youth.

**"Intellectual disability"** means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social and practical adaptive skills.

**"Juvenile Competency Evaluation Professional Committee"** or **"Professional Committee"** shall mean those persons appointed by the Director to perform the duties provided for by this subchapter.

**"Mental illness"** has the same meaning as in paragraph 11 of Section 5-502 of Title 43A of the Oklahoma Statutes.

[Source: Added at 33 Ok Reg 351, eff 1-4-16 through 9-14-16 (emergency)<sup>1</sup>; Added at 34 Ok Reg 851, eff 9-11-17]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon the expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of section 135:10-26-2 was no longer effective, and remained as such until added again by permanent action on 9-11-17. For official text of the emergency rule that was effective from 1-4-16 through 9-14-16, see 33 Ok Reg 351.*

### **135:10-26-3. Credentialing process**

(a) **Eligibility.** In order to be eligible to be placed on the list of credentialed juvenile forensic evaluators, a psychologist, psychiatrist or other physician shall:

- (1) Submit an application on a form prepared by the Director in consultation with the Professional Committee;
- (2) Hold a current license to practice in Oklahoma;
- (3) Provide documentation of clinical experience consisting of at least two thousand (2,000) hours, of which one thousand (1,000) hours must be postdoctoral, in the assessment, diagnosis or treatment of children and/or adolescents with developmental disability, developmental immaturity, intellectual disability or mental illness;
- (4) Demonstrate professional experience conducting comprehensive/integrated psychological evaluations of children and/or adolescents which shall include administering intellectual/cognitive, personality and behavioral measures; and
- (5) Successfully complete the Oklahoma Juvenile Forensic Evaluator Training including a post-training written exam.

(b) **Provisional approval.** A candidate who meets the criteria established in (a). shall be deemed provisionally approved by the Commission and shall be placed on the list of credentialed evaluators. Such provisionally approved evaluators shall complete one juvenile competency evaluation at the discretion of the court. At the time that the provisionally approved evaluator submits the first evaluation report to the court, the evaluator shall submit a redacted copy to the Professional Committee for review. The report will be assessed by the Professional Committee to determine adherence to the minimum criteria as established in the Oklahoma Juvenile Forensic Evaluator Training.

(c) **Final Approval.**

- (1) The Professional Committee shall submit to the Commission for final approval the names of those evaluators whose first report meets minimum criteria as determined by the Professional Committee. Persons approved by the Commission shall remain on the list of credentialed evaluators for a period of three (3) years. Approved evaluators must retake and successfully complete the Juvenile Forensic Evaluator Training at the end of each three-year period in order to remain on the list.
- (2) If an evaluator's first evaluation report does not meet minimum criteria, the Professional Committee shall notify the court. The Professional

Committee shall also inform the evaluator of the deficiencies, make mentoring available, and provide an opportunity for the evaluator to submit one additional report contingent upon referral by a court. If the Professional Committee determines that the second evaluation report does not meet minimum criteria, the Professional Committee shall notify the court and the evaluator's name shall be removed from the list of credentialed evaluators. A person whose name is removed from the list may reapply and must retake and successfully complete the Oklahoma Juvenile Forensic Evaluator Training.

[Source: Added at 33 Ok Reg 351, eff 1-4-16 through 9-14-16 (emergency)<sup>1</sup>; Added at 34 Ok Reg 851, eff 9-11-17]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon the expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of section 135:10-26-3 was no longer effective, and remained as such until added again by permanent action on 9-11-17. For official text of the emergency rule that was effective from 1-4-16 through 9-14-16, see 33 Ok Reg 351.*

#### **135:10-26-4. Juvenile Competency Evaluation Professional Committee**

(a) **Membership.** The Director shall appoint up to twelve (12) members each serving a term of three (3) years. Members may be reappointed at the discretion of the Director. The members shall be persons who have training and experience in matters related to juvenile competency and shall include as a minimum:

- (1) Four persons licensed to practice either psychology or psychiatry in the State of Oklahoma;
- (2) One judge with responsibility for juvenile cases;
- (3) One defense attorney who primarily represents juvenile defendants;
- (4) One prosecuting attorney with responsibility for juvenile cases; and
- (5) A legal or other professional with expertise in areas relevant to competency such as developmental disabilities, special education or competency restoration services.

(b) **Duties.** The Professional Committee shall advise the Commission on development and implementation of Juvenile Competency Evaluator credentialing including but not limited to:

- (1) Developing and administering the Oklahoma Juvenile Forensic Evaluator Training;
- (2) Reviewing evaluator applications and determining whether an applicant meets minimum criteria for provisional approval;
- (3) Reviewing in a timely fashion reports submitted by provisionally approved evaluators, and recommending evaluators to the Commission for final approval; and
- (4) Performing any other duties as directed by the Commission.

[Source: Added at 33 Ok Reg 351, eff 1-4-16 through 9-14-16 (emergency)<sup>1</sup>; Added at 34 Ok Reg 851, eff 9-11-17]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired before being superseded by a permanent action. Upon the expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 9-15-16 (after the 9-14-16 expiration of the emergency action), the text of section 135:10-26-4 was no longer effective, and remained as such until added again by permanent action on 9-11-17. For official text of the emergency rule that was effective from 1-4-16 through 9-14-16, see 33 Ok Reg 351.*

### **SUBCHAPTER 28. CHILDREN'S ENDOWMENT FUND OF OKLAHOMA**

#### **135:10-28-1. Origin, authority and purpose**

The purpose of this subchapter is to implement Section 601.14 of Title 10 of the Oklahoma Statutes which creates the Children's Endowment Fund of



Oklahoma. The Oklahoma Commission on Children and Youth has the authority and duty to administer the Fund for the purpose of awarding grants to stimulate a broad range of innovative programs, activities, research or evaluation to improve the well-being and reduce the adverse childhood experiences of Oklahoma's children.

[Source: Added at 36 Ok Reg 1526, eff 9-13-19]

### **135:10-28-3. Parent Partnership Board**

(a) The Commission shall appoint members to the Parent Partnership Board which shall serve in an advisory capacity to the Commission, Commission staff, and, upon request, other child-serving agencies.

(b) The Board shall have no fewer than five (5) members and no more than thirteen (13) members.

(c) The Commission may develop an application and selection process to select the members of the board.

(d) Board members shall be parents who have direct knowledge and experience in caring for children. Membership shall include, but not be limited to parents who have children:

(1) with special needs;

(2) who have been impacted by Oklahoma's criminal or juvenile justice system including deprived actions;

(3) who have been in the custody of, or who have received services from, the Oklahoma Department of Human Services, Office of Juvenile Affairs, Oklahoma State Department of Health or other child-serving entity including nonprofits; or

(4) who have received services including, but not limited to, home visiting, local county health department child guidance services, parenting support groups or education classes, TANF, SNAP, WIC, and SoonerCare.

(e) The Commission may seek assistance from a national organization with expertise in parent leadership and the development of parent participatory boards in selecting, training, and engaging Board members.

(f) Half of the members appointed shall serve a term of one-year and may be reappointed to two subsequent terms of two years each. Half of the members shall be appointed to a term of two years and may be appointed to an additional term of two years. The terms shall begin with each fiscal year. A person who is appointed to fill the remainder of a vacated term shall serve the remainder of the term and be eligible for two subsequent terms of two years each. Members shall serve at the pleasure of the Commission and may be removed at any time.

(g) The Board shall:

(1) inform the work of Oklahoma's child-serving systems with regard to a broad range of innovative programs, activities, research or evaluation to improve the well-being and reduce the adverse childhood experiences of Oklahoma's children;

(2) recommend grant topics;

(3) develop and evaluate grant proposals;

(4) recommend to the Commission criteria and procedures for awarding grants; and

(5) review and make editing suggestions for the Oklahoma Children's Endowment Fund Requests for Proposals (RFPs);

[Source: Added at 36 Ok Reg 1526, eff 9-13-19]

### **135:10-28-5. Duties of Executive Director**

(a) The Commission Executive Director may delegate any of the following duties to Commission Staff to assist the Executive Director in performing tasks under this section.

(b) The Executive Director may:

- (1) participate with national entities that train and support staff in developing skills to create parent leaders;
- (2) develop an application process for the Parent Partnership Board that seeks to recruit a diverse set of parents with varying life experiences that have caused them to interact with child-serving systems;
- (3) work with outside entities with expertise in parent boards to possibly assist with recommendations for the Parent Partnership Board's member selection and create a parent manual;
- (4) provide staff support for in-person and phone meetings including such activities as creating meeting agendas, securing presenters, organizing trainings, and providing travel claim assistance;
- (5) make recommendations to the Commissioners for potential grant-making subject matters;
- (6) develop Requests for Proposals, with input from the Commissioners and the Parent Partnership Board, so that local entities, governmental agencies, and/or academic institutions may apply for the Oklahoma Children's Endowment Fund Grants;
- (7) develop a standardized scoring tool for scoring the Requests for Proposals and utilize a scoring panel to score and rank submitted proposals;
- (8) present the scores and rankings to the Commissioners with recommendations for funding;
- (9) award contracts/grants to those with approval from the Commissioners;
- (10) provide appropriate contract monitoring for those with the successful proposals;
- (11) provide technical assistance and support to grantees;
- (12) review invoices for appropriateness and assure invoices are paid;
- (13) assure that applicable demographic, process and outcomes data is collected and provided to OCCY in order to show program effectiveness;
- and
- (14) take any other action necessary to ensure the orderly execution of the grant process.

[Source: Added at 36 Ok Reg 1526, eff 9-13-19]

### **135:10-28-7. Grant Award Process**

Should earnings from the Oklahoma Children's Endowment Trust be equal to \$10,000 or more in a given year, such earnings may be moved into an OCCY revolving fund for the purpose of awarding grants as described in Title 10 O.S. §601.14. Grant funds shall be distributed in the following manner.

- (1) The OCCY staff shall request suggestions for grant subject matters from the PPB.
- (2) The OCCY staff may also research and propose grant subject matters.
- (3) The OCCY staff shall present the afore-mentioned grant subject matters for approval to the Commission. Should the Commission deem it financially feasible, the Commission may approve one or more subject matters that can be developed into Requests for Proposals (RFPs) and

awarded through the grant process.

(4) All grant awards will be made through a competitive RFP process.

(5) The OCCY staff shall develop a standardized score tool that shall be utilized by a review panel to evaluate, score and rank all RFPs.

(6) The Commission Chair shall appoint a review panel consisting of one member of the Parent Partnership Board, one OCCY Commissioner, one OCCY staff and relevant content experts as the Chair deems necessary and appropriate.

(7) Awards will be made and grants/contracts are to be in place by July 1 of each year.

(8) Renewal clauses may be included in the contract of awards, but are subject to the availability of funds.

[Source: Added at 36 Ok Reg 1526, eff 9-13-19]