

Comm on Children and Youth
Business Unit - 12700 - Sub-Major
FY-2022 Operating Budget Comparison Summary by Business Unit/Account
as of October 31, 2021

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12700 - Comm on Children and Youth
Department: 0100002 - 8800001

Account Description		Annual Budget	YTD Budget	Expenses	Encumbrance	Pre- Encumbrance	Total Exp, Enc,Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
511	Salary Expense	1,589,526	529,842	432,061.16	0.00	0.00	432,061.16	1,157,464.84	97,780.76	27.18	81.55
512	Insur.Prem-Hlth-Life,etc	353,376	117,792	83,914.58	232.15	0.00	84,146.73	269,229.27	33,645.15	23.81	71.44
513	FICA-Retirement Contributions	382,980	127,660	100,486.74	0.00	0.00	100,486.74	282,493.26	27,172.98	26.24	78.71
515	Professional Services	1,276,687	425,562	94,850.61	492,472.33	500,000.00	1,087,322.94	189,364.06	-661,761.14	85.17	255.50
519	Inter/Intra Agy Pmt-Pers Svcs	10,100	3,367	767.07	1,752.93	0.00	2,520.00	7,580.00	846.60	24.95	74.85
521	Travel - Reimbursements	87,388	29,129	1,547.86	0.00	0.00	1,547.86	85,840.14	27,580.90	1.77	5.31
522	Travel - Agency Direct Pmts	174,355	58,118	1,506.49	1,541.00	0.00	3,047.49	171,307.51	55,070.55	1.75	5.24
531	Misc. Administrative Expenses	60,799	20,266	6,479.68	21,246.14	0.00	27,725.82	33,073.18	-7,459.70	45.60	136.81
532	Rent Expense	189,282	63,094	31,324.33	69,407.15	-26.00	100,705.48	88,576.52	-37,611.60	53.20	159.61
533	Maintenance & Repair Expense	5,750	1,917	450.00	4,222.21	0.00	4,672.21	1,077.79	-2,755.57	81.26	243.77
534	Specialized Sup & Mat.Expense	2,150	717	0.00	1,744.00	0.00	1,744.00	406.00	-1,027.40	81.12	243.37
536	General Operating Expenses	18,650	6,216	2,412.20	3,757.55	0.00	6,169.75	12,480.25	46.65	33.08	99.25
541	Office Furniture & Equipment	62,782	20,927	371.59	0.00	0.00	371.59	62,410.41	20,555.69	0.59	1.78
542	Library Equipment-Resources	300	100	271.80	0.00	0.00	271.80	28.20	-171.80	90.60	271.80
552	Scholar.,Tuition,Incentive Pmt	50	17	14.00	0.00	0.00	14.00	36.00	2.64	28.00	84.13
554	Program Reimb,Litigation Costs	1,018,147	339,382	6,000.00	36,000.00	0.00	42,000.00	976,147.00	297,382.28	4.13	12.38
601	AFP Encumbrances	0	0	0.00	16,434.74	0.00	16,434.74	-16,434.74	-16,434.74	~	~
Totals		5,232,322	1,744,105	762,458.11	648,810.20	499,974.00	1,911,242.31	3,321,079.69	-167,137.75	36.53	109.58
Class Funding		Annual Budget	YTD Budget	Expenses	Encumbrance	Pre- Encumbrance	Total Exp, Enc,Pre-Enc	Annual Variance	YTD Variance	Annual %	YTD %
19111	Carryover	720,000	239,999	0.00	0.00	500,000.00	500,000.00	220,000.00	-260,000.68	69.44	208.33
19201	Duties	2,509,414	836,470	676,920.97	259,262.18	-26.00	936,157.15	1,573,256.85	-99,686.75	37.31	111.92
20000	Okla. Comm On Children & Youth	1,111,451	370,483	85,537.14	389,548.02	0.00	475,085.16	636,365.84	-104,602.64	42.74	128.23
21000	CAMTA Revolving Fund	891,457	297,152	0.00	0.00	0.00	0.00	891,457.00	297,152.32	0.00	0.00
Totals		5,232,322	1,744,105	762,458.11	648,810.20	499,974.00	1,911,242.31	3,321,079.69	-167,137.75	36.53	109.58



State of Oklahoma
Allotment Budget and Available Cash
As Of October 31,2021

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<u>Business Unit</u>	<u>Class</u>	<u>Dept</u>	<u>Bud Ref</u>	<u>Allocations</u>	<u>Pre Encumbered</u>	<u>Encumbered</u>	<u>Current Yr Exp</u>	<u>Prior Yr Exp</u>	<u>Allotment Budget</u>	<u>Available Cash</u>
12700										
	190									0.00
	19001	01	20	1,360,235.44	.00	.00	.00	1,360,235.44	.00	
	19001	88	20	90,679.00	.00	.00	.00	90,679.00	.00	
	19011	01	21	877,141.56	.00	.00	.00	877,141.56	.00	
	19011	88	21	63,000.00	.00	.00	.00	63,000.00	.00	
				2,391,056.00				2,391,056.00		
	191									733,820.90
	19101	01	21	1,702,423.00	480.00	4,569.78	103,209.67	1,388,501.07	205,662.48	
	19101	88	21	92,991.00	.00	.04	(340.40)	70,222.76	23,108.60	
	19111	88	22	500,000.00	500,000.00	.00	.00	.00	.00	
				2,295,414.00	500,480.00	4,569.82	102,869.27	1,458,723.83	228,771.08	
	192									160,160.28
	19201	01	22	2,421,203.00	.00	200,119.06	654,286.17	.00	1,566,797.77	
	19201	88	22	88,211.00	.00	59,726.37	22,025.55	.00	6,459.08	
				2,509,414.00		259,845.43	676,311.72		1,573,256.85	
	200									784,443.58
	20000	01	20	396,428.00	.00	.00	9,113.50	126,584.34	260,730.16	
	20000	01	21	1,019,357.00	.00	593.55	30,415.30	.00	988,348.15	
	20000	01	22	831,593.00	.00	349,400.04	79,189.14	.00	403,003.82	
	20000	88	20	235,000.00	.00	.00	.00	471.85	234,528.15	
	20000	88	21	235,000.00	.00	.00	11,899.02	.00	223,100.98	
	20000	88	22	535,000.00	.00	40,147.98	6,348.00	.00	488,504.02	
				3,252,378.00		390,141.57	136,964.96	127,056.19	2,598,215.28	



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<u>Business Unit</u>	<u>Class</u>	<u>Dept</u>	<u>Bud Ref</u>	<u>Allocations</u>	<u>Pre Encumbered</u>	<u>Encumbered</u>	<u>Current Yr Exp</u>	<u>Prior Yr Exp</u>	<u>Allotment Budget</u>	<u>Available Cash</u>
12700										
	210									0.00
	21000	01	20	1,500,000.00	.00	.00	.00	1,428,253.60	71,746.40	
	21000	01	21	935,310.00	.00	19,288.94	109,556.59	720,910.61	85,553.86	
	21000	01	22	743,910.00	.00	.00	.00	.00	743,910.00	
	21000	88	21	4,000.00	.00	.00	.00	3,634.12	365.88	
				<u>3,183,220.00</u>		<u>19,288.94</u>	<u>109,556.59</u>	<u>2,152,798.33</u>	<u>901,576.14</u>	
Business Unit Totals				13,631,482.00	500,480.00	673,845.76	1,025,702.54	6,129,634.35	5,301,819.35	1,678,424.76



State of Oklahoma
Allotment Budget and Available Cash
As Of October 31,2021

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<u>Business</u>	<u>Unit</u>	<u>Class</u>	<u>Dept</u>	<u>Bud Ref</u>	<u>Allocations</u>	<u>Pre Encumbered</u>	<u>Encumbered</u>	<u>Current Yr Exp</u>	<u>Prior Yr Exp</u>	<u>Allotment Budget</u>	<u>Available Cash</u>
Grand Totals					13,631,482.00	500,480.00	673,845.76	1,025,702.54	6,129,634.35	5,301,819.35	1,678,424.76



State of Oklahoma
Summary of Receipts and Disbursements
From Business Unit 12700 To Business Unit 12700
For the Month of October, 2021

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BUSINESS UNIT 12700

CLASS 210

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
0-Beg			0.00	0.00				0.00	109,556.59
1-Jul	0.00	109,556.59	0.00	0.00	0.00	0.00	0.00	0.00	(0.00)
2-Aug	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(0.00)
3-Sep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(0.00)
4-Oct	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(0.00)
Column Totals:	0.00	109,556.59	0.00	0.00	0.00	0.00	0.00		
Current Ledger Balance:			0.00	0.00					

Class/Fund Balances:

	0.00	(0.00)
Current Ledger Balance-Liabilities:		0.00
*Budgeted Cash Balance:		(0.00)

*Should agree with Cash Balance from Allotment Budget and Cash Balance (ABC) report.



State of Oklahoma
Summary of Receipts and Disbursements
From Business Unit 12700 To Business Unit 12700
For the Month of October, 2021

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BUSINESS UNIT 12700

CLASS 79901

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
0-Beg			0.00	0.00				0.00	-0.00
1-Jul	(22,387.40)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22,387.40
2-Aug	11,808.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,578.89
3-Sep	10,184.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	394.27
4-Oct	(12,856.41)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
5-Nov	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
6-Dec	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
7-Jan	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
8-Feb	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
9-Mar	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
10-Apr	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
11-May	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
12-Jun	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,250.68
Column Totals:	(13,250.68)	0.00	0.00	0.00	0.00	0.00	0.00		
Current Ledger Balance:			0.00	0.00					
Class/Fund Balances:								0.00	13,250.68
									0.00
									0.00

Current Ledger Balance-Liabilities: 0.00

***Budgeted Cash Balance: 13,250.68**

*Should agree with Cash Balance from Allotment Budget and Cash Balance (ABC) report.



State of Oklahoma
Summary of Receipts and Disbursements
From Business Unit 12700 To Business Unit 12700
For the Month of October, 2021

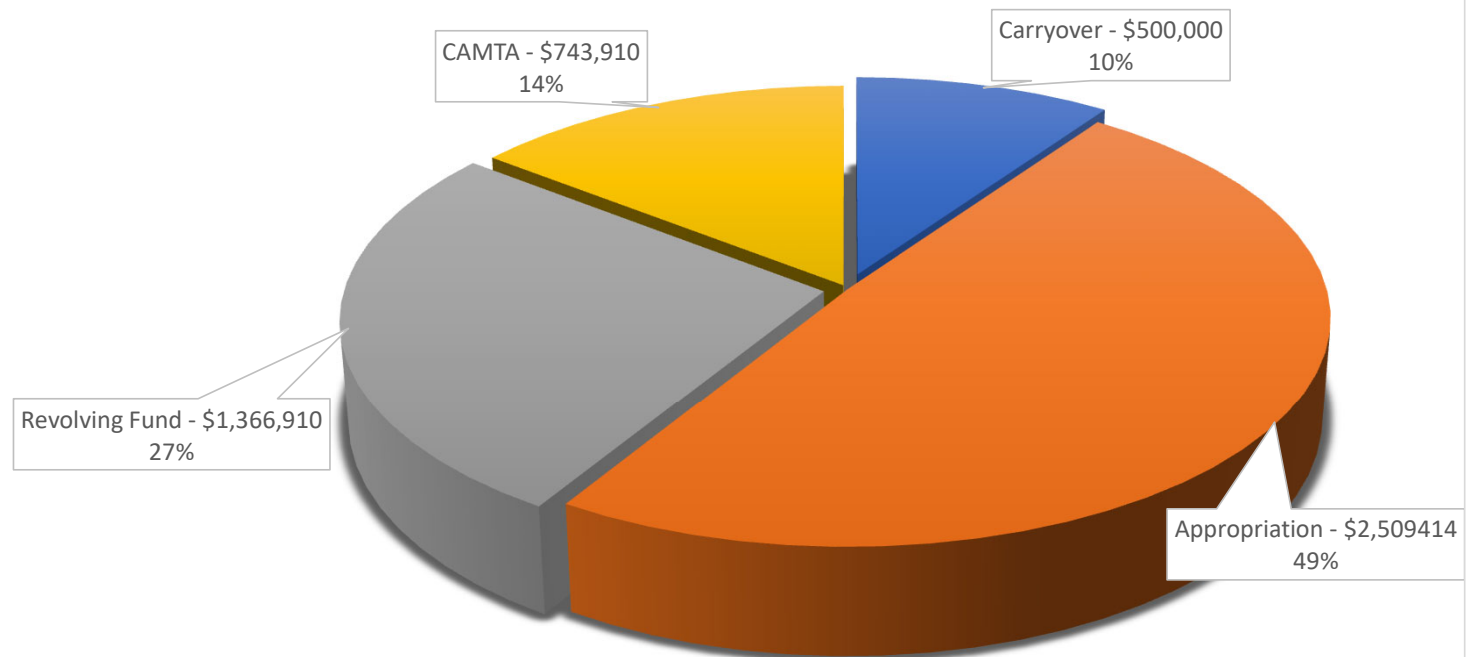
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BUSINESS UNIT 12700

CLASS

Acctg Period	Revenue (Credit) Debit 4xxxxx	Expenditures (Credit) Debit 5xxxxx	Change in Liabilities (Incr) Decr 2xxxxx	Change in Receivables Incr (Decr) 1xxxxx	Net Payroll Withholdings (Credit) Debit 633xxx	Transfers In (Credit) 631100 and 631150	Transfers Out Debit 621000,621150, 631200, and 499600	Balance Or Changes In Investment (Credit) Debit 632100	Ending Cash Balance
Column Totals:	(46,611.24)	1,025,702.54	3,939.13	0.00	0.00	(836,472.00)	0.00		
Prior Year AP BU Balance:			(8,283.59)	0.00					
Current AP Business Unit Balance:			(4,344.46)	0.00					
Business Unit Balances:								0.00	1,696,019.90

Oklahoma Commission on Children and Youth Budget



	2	32	40	42	43	44	45	90	301	401	681	88
	Admin	OJSO	Ch. End.	P&C	PARB	MDT	CASA	CIP	Juv Comp	BCAE	CDRB	IT
Budget	\$1,025,123.00	\$676,456.00	\$91,986.00	\$357,453.00	\$262,520.00	\$1,086,383.00	\$10,000.00	\$65,000.00	\$50,000.00	\$100,450.00	\$271,335.00	\$1,123,211.00
19111												\$500,000.00
19201	\$927,275.00	\$661,969.00		\$265,537.00	\$152,876.00	\$159,567.00					\$253,979.00	\$88,211.00
20000	\$97,848.00	\$14,487.00	\$91,986.00	\$91,916.00	\$109,644.00	\$182,906.00	\$10,000.00	\$65,000.00	\$50,000.00	\$100,450.00	\$17,356.00	\$535,000.00
20010						\$743,910.00						
	\$1,025,123.00	\$676,456.00	\$91,986.00	\$357,453.00	\$262,520.00	\$1,086,383.00	\$10,000.00	\$65,000.00	\$50,000.00	\$100,450.00	\$271,335.00	\$1,123,211.00

\$500,000.00
\$2,509,414.00
\$1,366,593.00
\$743,910.00
\$5,119,917.00

511 - 192	500,390.00	444,576.00		161,446.00	106,624.00	103,850.00					184,380.00	1,501,266.00	Salary
511 - 200		38,256.00										38,256.00	Salary
512 - 192	116,212.00	104,930.00		35,624.00	18,304.00	28,926.00					27,944.00	331,940.00	Insurance
512 - 200		502.00										502.00	Insurance
513 - 192	123,702.00	110,163.00		40,073.00	26,448.00	25,791.00					41,455.00	367,632.00	FICA
513 - 200		2,928.00										2,928.00	FICA
515 - 191											500,000.00	500,000.00	Professional Services
515 - 192	84,572.00										22,077.00	106,649.00	Professional Services
515 - 200	28,962.00	50,000.00		85,000.00	22,000.00	113,276.00	10,000.00	10,000.00	50,000.00	100,000.00	500,000.00	969,238.00	Professional Services
519 - 192	3,600.00	2,300.00		1,500.00	1,500.00	1,000.00					200.00	10,100.00	Agency payments
521 - 200	17,946.00	1,200.00		1,100.00	17,682.00	6,960.00			450.00	2,400.00		47,738.00	Travel - reimbursement
521 - 192				5,200.00								5,200.00	Travel - reimbursement
522 - 192				14,994.00								14,994.00	Travel - reimbursement
522 - 200	12,190.00	11,787.00	300.00	5,816.00	32,562.00	49,000.00					3,756.00	115,411.00	Travel - agency direct
522 - 210						14,310.00						14,310.00	Travel - agency direct
531 - 200	6,750.00				500.00	2,400.00					10,000.00	19,650.00	Misc. admin. exp.
531 - 192	3,025.00										28,824.00	31,849.00	Misc. admin. exp.
532 - 200	9,000.00					7,370.00					35,000.00	51,370.00	Rent
532 - 192	86,924.00			5,500.00							7,488.00	99,912.00	Rent
533 - 192											5,700.00	5,700.00	Maint. repair
534 - 192	2,050.00											2,050.00	Spec. suppl./materials
536 - 192	6,800.00										100.00	6,900.00	Gen. operat. Supplies
536 - 200						3,000.00						3,000.00	Gen. operat. Supplies
541 - 200	23,000.00	1,500.00			900.00						1,200.00	26,600.00	Office equip.
541 - 192				1,200.00							24,022.00	25,222.00	Office equip.
541 - 210						900.00						900.00	Office equip.
554 - 200					36,000.00	900.00		55,000.00				91,900.00	Reimbursement
554 - 210						728,700.00						728,700.00	Reimbursement
	1,025,123.00	676,456.00	91,986.00	357,453.00	262,520.00	1,086,383.00	10,000.00	65,000.00	50,000.00	100,450.00	271,335.00	1,123,211.00	5,119,917.00

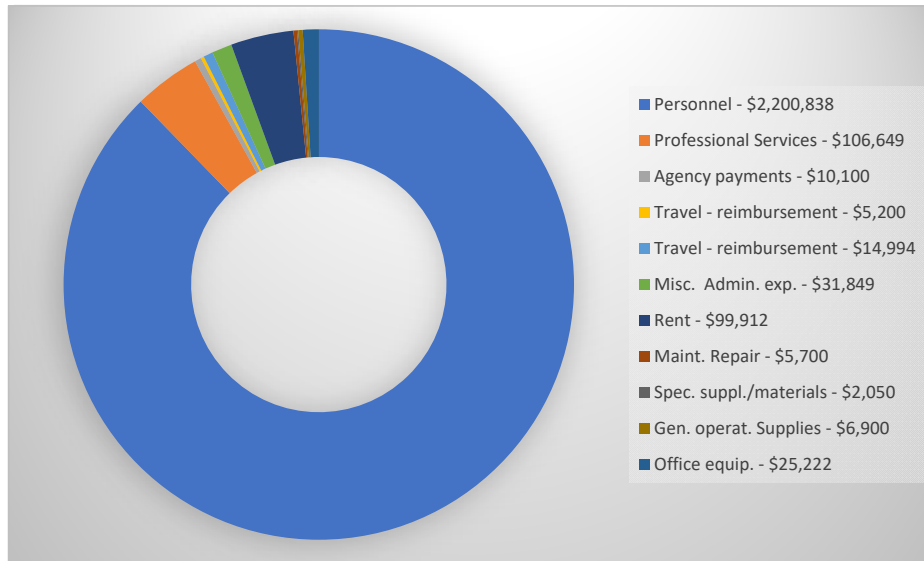
191											500,000.00	500,000.00
192	927,275.00	661,969.00	0.00	265,537.00	152,876.00	159,567.00					253,979.00	88,211.00
200	97,848.00	14,487.00	91,986.00	91,916.00	109,644.00	182,906.00	10,000.00	65,000.00	50,000.00	100,450.00	17,356.00	535,000.00
210						743,910.00						743,910.00
	1,025,123.00	676,456.00	91,986.00	357,453.00	262,520.00	1,086,383.00	10,000.00	65,000.00	50,000.00	100,450.00	271,335.00	1,123,211.00

Carryover
Appropriation
Revolving Fund
CAMTA

Available cash Nov. 1	\$733,820.90
	\$160,160.28
	\$784,443.58
	\$0.00
	\$1,678,424.76

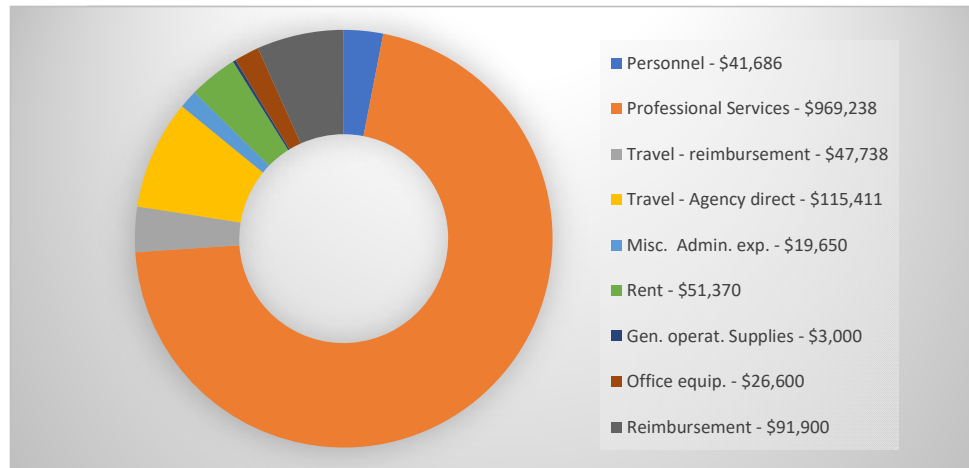
OCCY Appropriation SFY 22

Admin	OJSO	Ch. End	P&C	PARB	MDT	CASA	CIP	Juv. Comp	BCAE	CDRB	IT		
500,390.00	444,576.00		161,446.00	106,624.00	103,850.00					184,380.00		1,501,266.00	Salary
116,212.00	104,930.00		35,624.00	18,304.00	28,926.00					27,944.00		331,940.00	Insuranc
123,702.00	110,163.00		40,073.00	26,448.00	25,791.00					41,455.00		367,632.00	FICA
84,572.00											22,077.00	106,649.00	Professional Services
3,600.00	2,300.00		1,500.00	1,500.00	1,000.00					200.00		10,100.00	Agency payments
			5,200.00									5,200.00	Travel - reimbursement
			14,994.00									14,994.00	Travel - reimbursement
3,025.00											28,824.00	31,849.00	Misc. admin. exp.
86,924.00			5,500.00								7,488.00	99,912.00	Rent
											5,700.00	5,700.00	Maint. repair
2,050.00												2,050.00	Spec. suppl./materials
6,800.00											100.00	6,900.00	Gen. operat. supplies
			1,200.00								24,022.00	25,222.00	Office equip.
927,275.00	661,969.00	0.00	265,537.00	152,876.00	159,567.00	0.00	0.00	0.00	0.00	253,979.00	88,211.00	2,509,414.00	



OCCY Revolving Fund - 2000

Admin	OJSO	Ch. End	P&C	PARB	MDT	CASA	CIP	Juv. Comp	BCAE	CDRB	IT		
		38,256.00										38,256.00	Salary
		502.00										502.00	Insurance
		2,928.00										2,928.00	FICA
28,962.00		50,000.00	85,000.00	22,000.00	113,276.00	10,000.00	10,000.00	50,000.00	100,000.00		500,000.00	969,238.00	Professional Services
17,946.00	1,200.00		1,100.00	17,682.00	6,960.00				450.00	2,400.00		47,738.00	Travel - reimbursement
12,190.00	11,787.00	300.00	5,816.00	32,562.00	49,000.00					3,756.00		115,411.00	Travel - agency direct
6,750.00				500.00	2,400.00					10,000.00		19,650.00	Misc. admin. exp.
9,000.00					7,370.00						35,000.00	51,370.00	Rent
					3,000.00							3,000.00	Gen. operat. supplies
23,000.00	1,500.00			900.00						1,200.00		26,600.00	Office equip.
				36,000.00	900.00		55,000.00					91,900.00	Reimbursement
97,848.00	14,487.00	91,986.00	91,916.00	109,644.00	182,906.00	10,000.00	65,000.00	50,000.00	100,450.00	17,356.00	535,000.00	1,366,593.00	



OCCY Projected Carryover

Admin	OJSO	Ch. End	P&C	PARB	MDT	CASA	CIP	Juv. Comp	BCAE	CDRB	IT		
											500,000.00	500,000.00	Database
	15,000.00											15,000.00	OJSO Contractor
										10,000.00		10,000.00	CDRB Contractor
											2,200.00	2,200.00	Equipment
											8,000.00	8,000.00	Equipment
			100,000.00									100,000.00	Grants
0.00	15,000.00	0.00	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00	510,200.00	635,200.00	

OCCY SFY 2023 Request

SFY 2022 Appropriation	\$2,509,414
New Request	<u>\$181,500</u>
	\$2,690,914

Two FTE within the Office of Juvenile System Oversight



Oklahoma Administrative Code

Title 135. Commission on Children and Youth

Chapter 10. Programs, Boards, and Councils: Operation and Administration

Subchapter 29. Board of Child Abuse Examination

10-29-1 Origin, Authority, and Purpose

The Board of Child Abuse Examination ("BCAE") was created by 10 O.S. § 601.30 under the umbrella of the Oklahoma Commission on Children and Youth for the purpose of establishing a statewide system to provide expert medical evaluation for children suspected to be the victims of child abuse and neglect. The rules in this subchapter were prepared by the BCAE as authorized by 10 O.S. § 601.31(B)(1). The Oklahoma Commission on Children and Youth, as authorized by 10 O.S. § 601.31(A), approved and promulgated the rules.

10-29-2. Licensure and Training

- a) To be eligible for inclusion on the Oklahoma Commission for Children and Youth's statewide statutorily authorized list of trained Child Abuse Examiners, a person must have a valid, unrestricted Oklahoma license to practice as a medical doctor, doctor of osteopathic medicine, physician assistant, advanced practice registered nurse or registered nurse certified as a pediatric sexual assault nurse examiner, and meet the requirements set forth in this subchapter. Child abuse examiners who fail to demonstrate that they are in compliance with these requirements may be removed from the list.
- b) Within the first year of inclusion on the list, persons who are licensed as physicians, nurse practitioners and physician assistants must obtain at least twenty hours of training regarding child abuse and provide proof of training to the BCAE. The training must include medical evaluation of physical abuse, sexual abuse, abusive head trauma, child neglect, medical neglect, and Munchausen by Proxy. The training must also include the effects of domestic violence and substance abuse on children.
- c) Persons who are board certified or eligible for board certification as child abuse pediatricians and other medical providers listed in subsection (a) who have previously been established as child abuse examiners with a multidisciplinary team or Children's Advocacy Center at the time of the establishment of these rules are not required to provide proof of the twenty hours of training set forth in subsection (b).
- d) All child abuse examiners must receive eight hours of continuing child abuse education every two years and must also maintain licensure and certification in good standing with their respective licensing board or agency.
- e) Persons who are sexual assault nurse examiners but not nurse practitioners must have a pediatric sexual assault nurse examiner certificate and may only provide evaluation of sexual abuse. Sexual assault nurse examiners without orders from a physician or physician assistant nurse practitioner shall refer the patient to an appropriate medical provider for medical services other than sexual abuse evaluation.

10-29-3. Duties and Responsibilities

- a) Child abuse examiners will provide medical evaluations in a timely manner to determine if child maltreatment has occurred.
- b) Medicine is one of the core disciplines represented on each multidisciplinary team in Oklahoma. Child abuse examiners serving on a child abuse multidisciplinary team may identify the need for medical evaluation, conduct the evaluation, and provide results and explanation of a medical evaluation performed by themselves and other medical providers to the team, in order to inform the investigation and care of children who are suspected victims of child abuse and neglect. Participation in the child abuse multidisciplinary team is strongly encouraged.
- c) Child maltreatment must be reported to the Oklahoma Human Services Child Abuse Hotline and appropriate law enforcement agencies when needed.
- d) Child abuse examiners shall maintain confidentiality of examinations, records, and findings except where disclosure is authorized by law. Sharing of information with law enforcement officers conducting a criminal investigation and with the Oklahoma Department of Human Services is required by Oklahoma Statute 10A O.S. § 1-2-105(C)(1).
- e) Child abuse examiners may share all evaluations and associated records with the Child Death Review Board pursuant to 10 OS. § 1150.2(8) which authorizes the Board to request and obtain a copy of all records pertaining to a case it is reviewing.

10-29-4. Standards for medical examinations and evaluations

- a) Evaluations of children, in which child abuse is suspected, should be completed as soon as possible with specific timing determined by the circumstances of each situation.
- b) The medical evaluation shall include the procedures determined by the child abuse examiner as necessary to determine whether child abuse or neglect has occurred.
- c) A legible report regarding each evaluation will be prepared according to medical standards.
- d) Photographic or video documentation should be obtained as needed for documentation of injuries. The child abuse examiner will ensure this documentation is completed. It may be performed by the child abuse examiner or others.
- e) The Child Abuse Examiner or authorized member of a multi-disciplinary team shall provide the child abuse medical evaluation report to all appropriate agencies.

Board of Child Abuse Examination

***Denotes statutorily required members**

Updated November 8, 2021 – Rule Preparation

<p><i>Director of OSBI*</i> Ricky Adams</p> <p>Designee: Adam Whitney Adam.whitney@osbi.ok.gov</p> <p>Alt. Designee: Andi Hamilton Phone: 405-464-5990 Andi.hamilton@osbi.ok.gov</p>	<p><i>Commissioner of OSDH*</i> Keith Reed - Interim</p> <p>Designee: Beth Martin Phone: 405-271-7611 bethm@health.ok.gov</p> <p>Alt. Designee: Dr. Jana Winfree Phone: 405-271-5502 janaw@health.ok.gov</p>	<p><i>Director of OKDHS*</i> Justin Brown</p> <p>Designee: Jennifer Postlewait Jennifer.Postlewait@okdhs.org Phone: 405-521-4374</p> <p>Alt. Designee: Lindsay Crim Phone: 405-609-4395 Lindsay.crim@okdhs.org</p>
<p><i>Director of OK State DAC*</i> Trent Baggett</p> <p>Designee: Elizabeth Base Phone: 405-264-5000 Elizabeth.base@dac.state.ok.us</p>	<p><i>President of Statewide Assoc. of Osteopathic Physicians*</i> Dr. Jason Hill</p> <p>Designee: Dr. Amanda Foster Amanda.foster@okstate.edu</p>	<p><i>President of Statewide Assoc. of Allopathic Physicians* Exec. Director of OK State Medical Association</i> Wes Glinsmann</p> <p>Designee: Dr. Sarah Shelton Phone: 405-271-2429 Sarah-shelton@ouhsc.edu</p>
<p><i>CEO of OHC*</i> Kevin Corbett</p> <p>Designee: Jennifer Laizure Phone: 405-522-7581 Jennifer.Laizure@okhca.org</p>	<p><i>Exec. Director of OK Board of Nursing*</i> Kim Glazier, RN, M.Ed.</p> <p>Designee: Gina Stafford Phone: 405-962-1840 Gina.stafford@nursing.ok.gov BCAE Vice-Chair</p>	<p><i>Representative of the Statewide Assoc. of Child Advocacy Centers*</i></p> <p>Designee: Deanna Chancellor Phone: 918-429-2712 Lccan1deanna@gmail.com</p> <p>Alt. Designee: Carrie Little clittle@cacok.com</p>
<p><i>Chief Child Abuse Examiner*</i></p> <p>Dr. Mary Stockett Phone: 405-255-2546 Mary-stockett@ouhsc.edu BCAE Chair</p>	<p><i>Deputy Chief Child Abuse Examiner</i></p> <p>Dr. Ryan Brown Phone: 405-760-4123 Ryan-brown@ouhsc.edu</p>	<p><i>OCCY Support Staff</i></p> <p>Danielle Dill, Program Manager Danielle.dill@occy.ok.gov Ellen Lohrenz, Admin Assistant Ellen.lohrenz@occy.ok.gov</p> <p>Sandra Balzer, Attorney General Office / OCCY Legal Counsel sandra.balzer@oag.ok.gov</p>

Volunteers Needed...



PROTECT • SUPPORT • MONITOR

The Post Adjudication Review Board (PARB) is a group of informed local citizens that review juvenile court cases where a child has been removed from their home due to abuse or neglect of the child. PARBs function in an advisory capacity to the court by making recommendations focused on ensuring the best interests of the child are met and trauma is reduced by helping identify and remove barriers to permanency. It provides detailed oversight of the case including the identification of community resources. PARBs also identify, highlight, and address barriers as well as systemic issues that negatively impact the child welfare, court, and foster care systems.

REQUIREMENTS:

- Must live or work in the judicial district
- Complete a Brief Application Process Including a Background Check
- Attend an Initial 2 hour training
- Attend Training Once a Year

COMMITMENT:

- 2-3 hours a month reviewing and/or collecting information from the parties to aid in review

TO VOLUNTEER CONTACT:

Keith Pirtle, State PARB Program Manager • 405.606.4922 • keith.pirtle@occy.ok.gov

For more information visit: ok.gov/occy/programs/post_adjudication_review_board

COMMISSION MEETING MINUTES

**Regular Meeting
June 25, 2021
9:00 a.m.**

Commissioners present: Melinda Fruendt, Rachel Holt, Kalie Kerth, Lindsay Laird, Jonathan Hall, Angela Marsee, Jackie Aaron, and John Schneider

Commissioners present virtually: Justin Brown, Mike Warren, Brenda Myers, and Ginarie Harrington

Guests present: Amanda Everett, Joe Dorman, Wanda Felty, Beth Martin, Sherry Fair, RoseAnn Duplan, Brenda Loggins, Sid Brown, Sheamekah Williams, Ashley Harvey, Constanzia Nizza, Brianna Bailey, Amy Emerson, Linda Manaugh, Emma Sherry, and LaTisha Edwards

Staff present: Annette Wisk Jacobi, Mark James, Amanda Jett, Cherra Taylor, Rob Agnew, Lisa Rhoades, Elizabeth Kaup, Joseph McGrath, Ellen Lohrenz, Jimmy Widdifield Jr., Joseph McGrath, Tina Pendergraft, Keith Pirtle, Adrienne Elder, Jennifer Hardin, and Danielle Dill

Call to Order and Determination of Quorum

– *Chairperson Lindsay Laird*

Chairperson Laird called the meeting to order at 9:04 a.m.

Welcome and Introductions

– *Chairperson Lindsay Laird*

Chairperson Laird welcomed everyone to the meeting. Introductions were given.

Public Comments

Public comment was given by:

- Joe Dorman, executive director of the Oklahoma Institute for Child Advocacy (OICA), reported that the deadlines for filing interim studies have concluded. Two of the studies will focus on youth deaths. He announced that the Hero's Ball is scheduled for July 30, 2021. It will be simulcasted at the Skirvin Hotel in Oklahoma City and Greenwood Cultural Center in Tulsa.

Review and Approval of the Minutes from the May 21, 2021, Commission Meeting

– *Chairperson Lindsay Laird*

Chairperson Laird asked the Commission to review the minutes and called for a motion.

Judge Warren moved to approve the minutes as written. Commissioner Kerth seconded the motion. All members present voted in the affirmative.

Presentation and Approval of the Finance Report

– *Latisha Edwards, Office of Management and Enterprise Services (OMES)*

Ms. Edwards provided an overview of the financial report through May 31, 2021 and responded to all questions. Were there any pertinent questions?

District Attorney Marsee moved to approve the financial report. Commissioner Schneider seconded the motion. All members present voted in the affirmative.

A handout was provided.

Election of Officers

– Director Melinda Fruendt

Chairperson Laird stated that another election is needed to realign with the commissioners' terms and the fiscal year. She then turned the meeting over to Director Fruendt. Director Fruendt stated that the Personnel Committee reached out to the following nominees to ensure their willingness to serve as an officer: Commissioner Laird, Commissioner Schneider, and Commissioner Kerth.

Director Fruendt nominated Commissioner Laird for Chair. Commissioner Fruendt entertained other nominations from the floor. No other nominations were given.

Director Holt moved to accept the nomination of Commissioner Laird for the position of Chair. Commissioner Schneider seconded the motion. All members present voted in the affirmative.

Director Fruendt nominated Commissioner Schneider for Vice Chair. Director Fruendt entertained other nominations from the floor. No other nominations were given.

District Attorney Marsee moved to accept the nomination of Commissioner Schneider for the position of Vice Chair. Director Holt seconded the motion. All members present voted in the affirmative.

Director Fruendt nominated Commissioner Kerth for Secretary. Director Fruendt entertained other nominations from the floor. No other nominations were given.

District Attorney Marsee moved to accept the nomination of Commissioner Kerth for the position of Secretary. Director Holt seconded the motion. All members present voted in the affirmative.

OCCY State Fiscal Year 2022 Budget Approval

– Mark James, OCCY Assistant Director

Assistant Director James presented the budget proposal for State Fiscal Year (SFY) 2022. He noted that prior to the Commission meeting, the OCCY Finance Committee reviewed the budget proposal in detail and approved of it. Some of the line items of the proposed budget include:

- Increased funding to provide three new positions in the following departments: 1) Oklahoma Child Death Review Board; 2) Office of Juvenile Systems Oversight; and 3) Office of Planning and Coordination.
- Creation of an agencywide database system.
- Salary changes for three current positions. (What were they?)
- An increase in funds for a contracted coordinator (was this for the Tulsa PARB position?)

There was discussion regarding the maintenance of the new database, concerns about carry forward amounts; and providing performance measures.

Director Fruendt moved to accept the SFY 2022 Budget Proposal as presented. Commissioner Aaron seconded the motion. All members present voted in the affirmative.

A handout was provided.

Due to scheduling conflict, Secretary Brown's presentation was moved up on the agenda.

Presentation: Overview of the funds provided to the Oklahoma Department of Human Services by the American Rescue Plan Act

– Secretary Justin Brown

Secretary Brown presented information about OKDHS' use of the American Rescue Plan Act funds. He highlighted the following actions taken thus far:

- Partnering with the Oklahoma State Department of Education for food benefits.
- Expanding emergency allocations for SNAP benefits.
- Providing quality and sustainability payments for childcare.
- Providing specialty grants for childcare centers that focus on children with special needs.

Secretary Brown also responded to questions regarding different areas of childcare.

Presentation: State Plan for the Prevention of Child Abuse and Neglect

– Ms. Beth Martin, Director of Family Support and Prevention at the Oklahoma State Department of Health

Ms. Martin, presented on the progress of the State Plan for the Prevention of Child Abuse and Neglect. Activities utilized to create the Plan include:

- Meeting biannually with stakeholders and partners to assure collaborations.
- Surveying professionals, stakeholders, and the community at large.
- Focusing on areas of family and community involvement, addressing gaps, and preparing for the next state plan.

Legislative Update

– Jennifer Hardin, OCCY Legislative Liaison

Ms. Hardin provided an update regarding interim studies. A few of the interim studies will focus on the following topics:

- Ways to incentivize, train, and retain behavioral health professionals, author Representative Josh West.
- The lack of physician oversight of medical marijuana patients under the age of 18; author Representative Cynthia Roe.
- The financial cliff associated with subsidies provided by the Oklahoma Department of Human Services (OKDHS); author Representative Mark Lawson.
- The long-term effects of child sex abuse and possible amendments to the Hidden Predator Act; author Representative Carol Bush.

Secretary Brown left the meeting at 10:35am.

Presentation: Child Death Review Board Recommendations

– Lisa Rhoades, OCCY Program Manager for the Oklahoma Child Death Review Board

Ms. Rhoades provided an overview of case data from 2019, and presented the 2021 annual recommendations. Some of the information provided include:

- A total of 136 deaths were reviewed and closed in 2019 with accidents being the primary manner of death.
- A total of 106 near deaths were reviewed and closed in 2019 with physical abuse as the primary injury. Recommendations below include supporting efforts in combating abusive head trauma, expand education on safe sleep, and law enforcement obtaining more detailed information in suicide investigations and reporting suicides to the OKDHS.

- **Abusive Head Trauma**

In 2019, the Board reviewed and closed four deaths and 30 near deaths that were attributed to abusive head trauma, occurring in both metropolitan areas, as well as rural. In 2010, the Preparing for a Lifetime, It's Everyone's Responsibility Infant Mortality Reduction Initiative created the Infant Injury Workgroup charged with recruiting hospitals to provide, free-of-charge, the Period of PURPLE© Crying, an abusive head trauma prevention education program. There are currently 39 of 46 birthing hospitals across the state that provide this education, through the Preparing for a Lifetime; It's Everyone's Responsibility Infant Injury Workgroup. The Board recommends this program continue to be funded and ensure all birthing hospitals provide this education in the expectation that caregivers may acquire skills that empower their capability to keep an infant safe.

- **Unsafe Sleep**

In 2019, infant deaths comprised over 30% of the deaths reviewed and closed (45 out of 136) and of these, 34 (75.6%) were noted to be due to an unsafe sleep environment; in an additional three cases, this could not be determined but was not ruled out. These deaths are also occurring in both urban and rural areas. To the Board's knowledge, there is limited instruction on infant safe sleep available for non-professional caregivers across the state, and recommend an environmental scan be conducted to determine what, if any, caregiver education is being provided and by whom. The Board further recommends safe sleep education be provided in areas identified by the scan as lacking safe sleep education.

- **Suicide**

Identification of prevention needs to reduce suicides has been difficult for the Child Death Review Board, due to suicide death investigation reports lacking information such as a family history of suicide, previous attempts, mental health history, and use of behavioral health medications. It is often difficult to ascertain if the child even left a suicide note. The Board recommends law enforcement agencies increase the thoroughness of their investigation to include such details, so that specific prevention needs can be identified. The thoroughness needs to include notification of the death to Oklahoma Department of Human Services.

Director Fruendt moved to accept the recommendations from the Child Death Review Board. Judge Warren seconded the motion. All members present voted in the affirmative.

Director's Report

– *Annette Wisk Jacobi, OCCY Executive Director*

In addition to a written report, Director Jacobi shared information regarding the Youth Crisis Mobile Response Team of Heartline, community listening sessions with OICA, and the 2020 Kids Count Data Report developed by the Oklahoma Policy Institute.

A handout was provided.

Commissioner Announcements

– *All*

There were no announcements

Chairman Remarks

– *Chairperson Lindsay Laird*

Chairperson Laird thanked Assistant Director James, the Finance Committee, and OMES for their contributions in preparing the budget report. She also reminded the commissioners of the requirements of in-person attendance to meet quorum. She congratulated Secretary Brown and OKDHS for receiving the “Most Innovative Agency” award at the Oklahoma Governor’s Summit. .

Adjournment

– *Chairperson Lindsay Laird*

District Attorney Marsee moved to adjourn the meeting. Director Fruendt seconded the motion. The meeting adjourned at 11:07 a.m.

Future Meeting Dates

September 17, 2021

November 19, 2021

COMMISSION MEETING MINUTES

**Special Meeting
September 21, 2021
1:00 p.m.**

Commissioners present in person: Rachel Holt, Kalie Kerth, Lindsay Laird, Jonathan Hall, Angela Marsee, Jackie Aaron, Ginarie Harrington, Brenda Myers, Justin Brown, Joy Hofmeister, Carrie Slatton-Hodges, and John Schneider.

Commissioners present virtually: Mike Warren

Guests present: Sandra Balzer and Melissa Buchman-Hamilton

Staff present: Annette Wisk Jacobi, Mark James, Amanda Jett, Brittany Hunt-Jassey, Rob Agnew, Lisa Rhoades, Joseph McGrath, Harold Jergenson, Regina James, Ellen Lohrenz, Nicole George, Jimmy Widdifield Jr, Tina Pendergraft, Keith Pirtle, Adrienne Elder, and Danielle Dill

Call to Order and Determination of Quorum

– *Chairperson Lindsay Laird*

Chairperson Laird called the special meeting to order at 1:01 p.m.

Welcome and Introductions

– *Chairperson Lindsay Laird*

Chairperson Laird welcomed everyone to the meeting. Introductions were given.

Presentation of the State Fiscal Year 2023 OCCY Proposed Budget Request

-- *Mark James, Assistant Director*

Chairperson Laird announced that recent developments have led to the decision to postpone requesting an increase in the State Fiscal Year 2023 Budget Request, thus tabling the discussion. Director Jacobi stated that OCCY will review the agency's budget with OMES to ascertain the current financial situation.

Superintendent Hofmeister questioned whether the Commission needed to vote on the SFY23 Budget Request regardless of the amount (flat or increased). Asst. Director James stated that a flat budget had been voted on during the previous meeting.

Presentation of the Freestanding Multidisciplinary Teams: Annual Review and Proposed Determination of Functioning Status

– *Jimmy Widdifield, Jr.*

Jimmy Widdifield, Jr., Program Manager for the Freestanding Multidisciplinary Teams (FSMDTs), provided an overview on the status for the State's FSMDTs. The information provided included:

- Thirty-seven (37) teams operate in the state independent of child advocacy centers (CACs).
- The teams receive funding from the Child Abuse Multidisciplinary Team Account (CAMTA).
- The FSMDTs served approximately 3,800 children between July 2020 and June 2021.

- Funds awarded from the Children Justice Act were used to provide professional and continuing education trainings.
- Each FSMDT sets the criteria for reviewing cases in their respective jurisdictions
- The scores from the annual reviews showed that all thirty-seven teams maintained functioning status.

Commissioner Slatton-Hodges moved to approve the thirty-seven Freestanding Multidisciplinary Teams as functioning teams and receive funding for calendar year 2022. Commissioner Schneider seconded the motion. All members present voted in the affirmative with the exception of District Attorney Marsee, Commissioner Aaron, and Commissioner Myers abstaining from the vote.

Presentation of Proposed OCCY Commission Meeting Dates for Calendar Year 2022

– Chairperson Lindsay Laird

The proposed commission meeting dates for calendar year 2022 were January 21, March 11, May 20, June 17, August 5, September 16, and November 18.

Commissioner Slatton-Hodges moved to approve the dates of January 21, March 11, May 20, June 17, August 5, September 16, and November 18 for the calendar year 2022 commission meeting schedule. Commissioner Schneider seconded the motion. All members voted in the affirmative with the exception of District Attorney Marsee who was temporarily unavailable during the vote.

Commissioner Harrington left the meeting.

OCCY/OICA Summer Stops Resolution

– Chairperson Lindsay Laird

Chairperson Laird announced that OCCY, along with the Oklahoma Institute for Child Advocacy (OICA), has completed summer stops in Weatherford, Tulsa and Lawton, and has three more stops scheduled. She also announced that a resolution was written in appreciation to community leaders and stakeholders for their efforts for serving children and youth, and their families.

Commissioner Slatton-Hodges moved to accept the resolution as it was written. Dr. Kerth seconded the motion. All members present voted in the affirmative.

A handout was provided.

Review and Approval of the Minutes from the June 25, 2021, Commission Meeting

– Chairperson Lindsay Laird

Review and approval of the June 25, 2021, commission meeting minutes was tabled until the next scheduled meeting on November 19, 2021.

Adjournment

– Chairperson Lindsay Laird

Secretary Brown motioned to adjourn the Commission meeting. Commissioner Myers seconded the motion. The Commission meeting adjourned at 2:02 p.m.

Future Meeting Dates

November 19, 2021

DRAFT

OCCY State Plan for Services to Child and Youth
Effort Update
Jill Geiger Consulting

1. **Discovery Phase** April – October 2021
 - Budget analysis
 - Legislation analysis
 - Public Survey
 - Summer Stop Tours
 - Review of recent reports impacting children and families
 - Initial report draft
 2. **Synthesis Phase** November 2021 – January 2022
 - Summarizing quantitative and qualitative data to discern themes
 - Reviewing recommendations from recent similar reports to confirm themes
 - Ensuring themes are accurate representation of Commission's present and future goals
 - Substantive component finalization – narrative, recommendations, appendices
 3. **Delivery Phase** February – July 2022
 - Present draft State Plan to Commission for awareness / action
 - Present approved State Plan to Legislature for consideration during Session
 - Incorporate any input as needed
 - Deliver final State Plan for Services to Children and Youth to Legislature by July 1, 2022
-

We're currently in the Synthesis phase. Data from surveys and summer stops indicate the following as most consistently identified themes

1. Prevention efforts are more effective but less available
2. Infrastructure Needs
 - a) Transportation challenges
 - b) Technological inadequacies
 - c) Childcare barriers
3. Mental Health Supports
4. Early Childhood Workforce Issues

Review of 18 (and counting) recent reports addressing some component of the child services system in the state yielded over 100 separate recommendations or goals articulated by at least 17 separate entities to the same 3 recipients: Governor, Speaker, Pro Tem

- 26 separate recommendations related to Prevention
- 20 separate recommendations related to Infrastructure
- 17 separate recommendations related to Mental Health
- 10 separate recommendations related to Workforce
- Other pertinent recommendations around Access to Services, Technology and Data, Collaboration Strategies, and Coordinated Investment approaches



Proposed Legislative Agenda Second Session of the 58th Legislature

BILLS REGARDING OCCY PROGRAMS

- OCCY General Admin Bill

Previously run as SB 537 by Sen. Paul Rosino, this administrative bill would amend multiple sections of Oklahoma law in order to make OCCY operations more efficient and effective. The statutory changes to Title 10 are as follows:

- Strike the requirement to include a member representing a community partnership board;
- Require the inclusion of a tribal member with ICWA experience;
- Provide eligibility for a member appointed to fill a vacancy to serve four additional two-year terms;
- Authorize the Commission to use available public or private funds to compensate members of the Parent Partnership Board for their time, reimburse for childcare expenses, and provide for necessary material and supplies to carry out their duties as well as reduce barriers to their participation;
- Limit the use of the Children's Endowment Fund to purposes outlined in the statute;

NOTE: It may be advisable to run multiple administrative bills based on subject matter, at the discretion of the Commission.

- OCCY State Plan for Services to Children and Youth

Title 10 requires that OCCY shall create an annual State Plan for Services to Children and Youth, to be transmitted by July 1 to the director of the Office of Management and Enterprise Services as well as the director of each affected agency. It is the recommendation of the Office of Planning and Coordination that Title 10 be amended to require the development of a State Plan every three to five years, with a deadline of January 1.

BILLS RELATING TO CHILDREN AND YOUTH

- Backseat Restraint

Previously run as HB 2742 by Rep. Ross Ford, this bill would amend Title 47 to require the use of a child passenger restraint system for child passengers between eight and twelve years of age and under four feet nine inches. Older, taller children would be required to be secured by a seatbelt.

- Jury Trials

It is the recommendation of the State Post Adjudication Review Board (State PARB) that Oklahoma eliminate the right to request a jury trial on the termination of parental rights procedures. Keith Pirtle, Post Adjudication Review Boards Program Manager will present on this recommendation at the Commission meeting.

OCCY State Plan for Services to Child and Youth
Effort Update
Jill Geiger Consulting

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- 26 separate recommendations related to Prevention
- 20 separate recommendations related to Infrastructure
- 17 separate recommendations related to Mental Health
- 10 separate recommendations related to Workforce
- Other pertinent recommendations around Access to Services, Technology and Data, Collaboration Strategies, and Coordinated Investment approaches

This report is a study conducted for the Supreme Court. The SC has received and reviewed it, but remains neutral regarding any views expressed in the report, neither endorsing nor rejecting them at this time.

BEST PRACTICES FOR THE DISTRICT COURT TERMINATION OF PARENTAL RIGHTS PANDEMIC JUDICIAL ADVISORY COMMITTEE SUB-COMMITTEE REPORT

March 4, 2021

SUB-COMMITTEE MEMBERS:

Judge W. Mike Warren-Chair
Judge Lydia Green
Judge F. Pat VerSteeg
Judge Brent G. Russell

Judge Elizabeth Brown
Judge Michael Flanagan
Judge Martha Rupp Carter
Judge Rebecca Gore

PURPOSE:

The sub-committee began its investigation by exploring whether COVID-19 was having a major impact on achieving permanency. We were able to quickly determine that although the numbers of out-of-home-placements-without- permanency had risen, most of our Oklahoma Courts had only been closed for short time periods, having reopened under the guidelines established by the Jury Trial Best Practices Subcommittee in July, 2020, and the Pandemic Judicial Advisory Committee established by Chief Justice Gurich. But although most Courts were open and operating, we learned that some judicial districts had no plans to conduct jury trials before early 2021, hoping the Virus would by that time have lessened its impact. And although some Courts were delaying their jury dockets, others, specifically Oklahoma County Juvenile Division, were conducting jury termination trials full-steam-ahead, as quickly as they could be placed on the jury trial docket. The Tulsa County Juvenile Division was at first more cautious due to the Covid-19 numbers. We were satisfied the Courts

were handling all juvenile cases as expediently as they possibly could, given the need to maintain distancing and safety for all participants in the courtroom. COVID-19 did not account for the delays in achieving permanency for the large numbers of children we were about to discover in limbo, without permanency.

OBJECTIVES:

1. Determine what the best practices and procedures are that should be utilized to achieve permanency for children who have been removed and are currently in out-of-home placements:
 - A. By examining the Courts with Juvenile Docket responsibilities throughout the State of Oklahoma, and;
 - B. Comparing the best practices and procedures used by other states with those used in Oklahoma, to determine whether we should consider adopting some of their procedures as our own.
2. Answer the following question: Is COVID-19 the major player causing permanency delays, or are the delays being contributed by other factors as well—what are they?, and finally:
3. Is there a way to improve timeliness in achieving permanency for children?

OKLAHOMA CHILDHOOD TRAUMA:

“Oklahoma Leads The Nation In Childhood Trauma,” the title of a 2019, 8-part special report in the Tulsa World newspaper, only begins to tell the story.

Chris Calvert, author of the August 2020 Oklahoma Bar Article, “Trial by Jury: unequal Protection for Oklahoma’s Abused and Neglected Children,” noted that the CDC-Kaiser Permanente Adverse Childhood

Experiences study has become the accepted standard for assessing overall childhood emotional health and well-being. The results of their study suggests that Oklahoma children in the deprived and neglected system are faring poorly and it should be a call to arms for all of us to find a way to improve the plight of children in our state.

A 2017 national survey found 30.4% of Oklahoma's children had been exposed to two or more Adverse Childhood Experiences (ACEs), the highest percentage in the country. Earlier surveys also showed Oklahoma had the highest percentage of children with four or more ACEs.

Why does it matter? Compared to children with zero ACEs, those with four or more ACEs are:

- 12 times more likely to attempt suicide;
- 4.6 times more likely to suffer depression;
- 4.7 times more likely to abuse drugs;
- 7.4 times more likely to become an alcoholic;
- 2x as likely to suffer a stroke or have heart disease;
- 2x as likely to not finish high school; and

As adults, they die 20 years earlier than other adults.

In 2017, Oklahoma had the highest female incarceration rate and the second-highest male incarceration rate in the country. The resulting 26,000 children with one incarcerated parent are 70% more likely to become incarcerated themselves.

It's hard to overstate the consequences of childhood trauma. Over the last two decades, science has uncovered how childhood adversity (ACEs) changes our brains, literally altering the brain's architecture in ways that can prevent the child from becoming a successful adult. The impacts from these experiences can carry forward

to the child's future children and even grandchildren. Oklahoma's deprived children are caught in a vicious cycle, where tomorrow they will inflict the same abuse, neglect, and poverty on their kids that they themselves face today. The interests of deprived children are more compelling than previously recognized, especially for those under age five, whose brains are most at risk.

Oklahoma has a systemic problem in achieving timely permanency for abused and neglected children, and delayed and unstable permanency are forms of childhood adversity we exact onto children who are already known to be the most traumatized in the country.

The COVID-19 pandemic is not a significant factor in achieving permanency, but only because the problem was so pervasive and of such magnitude before the pandemic that COVID-19-specific delays are difficult to distinguish.

While this sub-committee was initially focused on COVID-19's impact on jury trials, the frequency of jury trials is just a symptom of a larger problem. The root problem is best understood in the axiom, "You don't know what you don't know." We simply don't know; we fail to understand and appreciate the last two decades of science relating to abused and neglected children. As a result, we lack the requisite urgency in achieving timely permanency, and some of our well-intentioned efforts to protect children are, instead, harming them.

There are solutions to lessen the number of Adverse Childhood Experiences that have resulted in Oklahoma's #1 highest child-trauma ranking, but these solutions will require our willingness to change, creativity, and perhaps new, science-informed approaches. When parents aren't being good parents, we must remember the deprived child has an interest even more fundamental and even more

compelling-- the right to grow into adulthood free from the permanent negative effects of physical and mental abuse, and neglect.

We must take a step back and reassess how we see the parent-child relationship, especially given the scientifically proven facts, and the trends among our sister states who have recognized these facts.

OKLAHOMA'S CHILDREN OUT-OF-HOME NUMBERS:

We contacted Bonnie Clift, Deputy General Counsel for OKDHS, and asked if she could obtain the numbers, by county, of at least the larger counties in Oklahoma, of children being held in OKDHS custody outside the home, without permanency. She worked very hard on short notice, and prepared the following memo, below, as of October 29, 2020. We have highlighted portions below we consider very important. (Prepared by Bonnie Clift):

ISSUE: Are Jury trials on issue of termination of parental rights being held on a timely basis?

Information from counties around the state reflect situations that are similar to pre-COVID status. Courts are scheduling jury trial dockets at almost the same pace as they were in January and February, 2020, but the difference is that only 1-2 counties have actually conducted a jury trial for this issue since March, 2020.

But, the counties that have a high number of cases that are pending a jury trial on the termination of parental rights have in the past, consistently had a high number of pending cases. Currently, Tulsa County has over 400 cases, Oklahoma County has over 350 cases and Comanche and Cleveland County each have over 100 cases that are pending a trial on the issue of termination of parental rights. Pottawatomie County also has 75 pending cases and Muskogee County

has over 50 pending cases, with about 5 more counties with 30-40 pending cases.

The approach to working through these cases is multi-faceted when you consider all the moving parts of conducting a jury trial, especially in juvenile deprived matters. There is a prosecutor, an attorney representing the child, an attorney representing each parent, along with the Judge, and support staff as well as the jurors. From the responses around the state, the unanimous elements that slows down a case are:

- 1) The lack of sufficient, experienced prosecutors to prepare the cases for trial, and to also be able to maintain their day-to-day case work, with many counties only having a part-time ADA; and
- 2) The lack of attorneys to represent parents in these cases at trial and the needed resources for these attorneys to prepare for trial.

This makes sense, when you look at any given jury docket; each ADA may only be able to prepare for 3-4 cases and the attorneys representing the parents may only be able to prepare for 3-4 cases.

The second facet of responses dealt with the courts and the multiple settings of a case for trial from docket to docket. When a county only has 2-3 jury dockets a year, this practice can result in a lengthy delay for the resolution of these cases.

Possible approaches for Resolution

- A) Compose a group of staff to prepare and try these cases on a statewide or regional basis to include a Judge, 2-3 experienced prosecutors and attorneys to assist the legal representatives for parents and children to prepare and try these cases.

B) Hold Jury Dockets that are dedicated to juvenile matters only, with the group described above to try a larger number of cases at a docket.

Before our next scheduled meeting we contacted some of the judges in the respective counties mentioned. The judges provided estimates that were lower than what was provided to us from OKDHS.

We analyzed the data and learned that the judges and OKDHS were both right. But the collecting of data by each was entirely different:

OKDHS labeled a case ready for termination at the point in time they determined that Reasonable or Active efforts to achieve permanency had failed. The recommendation was then made by OKDHS to the Assistant District Attorney to prepare and file a Petition to Terminate the parent's rights;

The judges labeled a case ready for termination at the point the ADA had actually filed the Petition to Terminate and the case was waiting or had been placed on the docket for trial.

We learned that although OKDHS may have recommended to an ADA that a Petition to Terminate be filed after their efforts had failed, the Petition might not have been filed. The child would be in limbo—efforts had failed, but the case was not yet moving toward resolution. The ADA often would have a good reason not to have filed the Petition—he or she could only prepare 3, maybe 4 juvenile cases for jury trial on a given jury docket with his or her additional burden to prepare other matters for jury trial for that docket as well. It was too much to expect.

Another factor regarding data collection that would account for the

difference in numbers stems from how cases are counted. DHS General Counsel, Bonnie Clift, stated that DHS counts each child as a “case” in their numbers. However, generally when cases are placed on the jury docket for trial, courts count cases which have multiple children in them as one case. Bonnie Clift submitted that the difference between counting each child as a case versus counting one case with multiple children would account for a 66% difference. In other words, the case count including multiple children as one case would be approximately one third compared to the one child equals one case method.

USE OF JURY TRIALS IN OTHER STATES:

Of the fifty states and District of Columbia, only three states (Texas, Oklahoma, and Wyoming) allow the unrestricted use of juries when terminating parental rights; two additional states (Wisconsin and Virginia) allow juries but restrict their use. The jury right in Oklahoma and Texas has a constitutional dimension, while the right in Wyoming, Wisconsin, and Virginia is purely statutory.

Wyoming has a statutory right to a jury in a termination hearing, and the jury decides both the grounds for termination and whether termination is in the child’s best interest. WYO. STAT. ANN. § 14-2-312.

Wisconsin has a statutory right to a jury in a termination hearing, but the jury only decides the grounds for termination; the judge decides whether it’s in the child’s best interests. WIS. STAT. § 48.424(3).

Virginia does not allow a jury at the original termination hearing in the juvenile court, but on appeal to a circuit court, the judge has discretion to allow an advisory jury if a party requests; however, the jury is merely advisory—the judge does not have to follow their recommendation. VA. CODE ANN. § 16.1-296(F)

Courts in twenty-four states and the District of Columbia have been presented with the question, "Is there a constitutional right to a jury trial when terminating parental rights?" They have responded as follows:

Oklahoma has a constitutional right to a jury that is specific to termination hearings, but the right exists only when the State is a party. The right is required as a matter of constitutional due process. Oklahoma established this right in 1987 based on specific text in article II, section 19, which was subsequently removed in 1990. In 1997, the Oklahoma Supreme Court reaffirmed the constitutional right, requiring it under due process. A.E. v. State, 1987 OK 76; Gray v. Upp, 1997 OK 98; see also Christopher M. Calvert, *Trial by Jury: Unequal Protection for Oklahoma's Abused and Neglected Children*, OKLA. B. J., Aug. 2020, at 6, 8;

Texas interprets its constitution such that everyone in "all causes in the District Courts" has the right to demand a jury, regardless of whether the case is one in law or equity. (TEX. CONST. art. V, § 10). The constitutional right isn't specific to terminating parental rights, nor is it tied to due process. Texas also allows jury trials in divorce and custody matters.

Twenty-two states and the District of Columbia have ruled that there is no constitutional right to a jury when terminating parental rights: Nevada (2016), West Virginia (2014), Florida (2010), Alaska (2007), Arizona (2005), Wisconsin (2004), New Mexico (1997), Utah (1997), Tennessee (1996 and reaffirmed in 2004), Indiana (1995), Maine (1988), Michigan (1985), Wyoming (1984), Montana (1984 and reaffirmed in 2006), Kentucky (1983), North Carolina (1981), Illinois (1979 and reaffirmed in 2008), Oregon (1976), New York (1976),

Washington (1975), Georgia (1961), Kansas (1959 and reaffirmed in 1984), and the District of Columbia (1953).

Although those twenty-three courts took various approaches, three common themes emerge:

- 1) The Federal Constitution does not provide the right to a jury in termination proceedings because: (a) the Sixth Amendment only applies to criminal trials, and termination hearings are civil in nature; and (b) the Seventh Amendment is inapplicable to the states as it has not been incorporated into the Fourteenth Amendment;
- 2) A state constitution's guarantee of a jury for civil proceedings is "inviolable," which courts interpret as encompassing the right as it existed at Common Law or at statehood, a time when termination hearings did not exist; and
- 3) Constitutional due process does not require a jury when terminating parental rights. Some rely on *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971); others perform the balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976); some use both.

Below are a few cases where a court engaged in an in-depth analysis regarding the constitutional right to a jury trial:

- *In re Parental Rights as to M.F.*, 371 P.3d 995, 132 Nev. 209 (Nev. 2016);
- *In re K.J.*, 885 N.E.2d 1116 (Ill. App. Ct. 2008);
- *In re M.H.*, 2006 MT 208, 143 P.3d 103 (Mont. 2006);
- *State ex rel. Child., Youth & Fams. Dep't v. T.J.*, 1997-NMCA-021, 934 P.2d 293; and
- *In re T.B.*, 933 P.2d 397 (Utah. Ct. App. 1997);

TIMELY PERMANENCY IS PART OF A MUCH LARGER PICTURE:

In 1998, the ACEs study showed a direct relationship between adverse experiences during childhood, and poor physical, mental, and emotional outcomes in adults, including early death. At the same time, scientists were conducting parallel research on how a child's brain develops and discovering how those same adverse experiences damage the developing brain's structure and function, permanently. These events spurred additional research, providing new insight into what the interests of abused and neglected children really are. We aren't simply protecting children from abuse and neglect; we're protecting *their only opportunity to develop into a healthy, functioning adult.*

ACEs stands for Adverse Childhood Experiences, which are ten specific types of childhood adversity, including emotional, physical, or sexual abuse; emotional or physical neglect; and households with domestic violence, substance abuse, mental illness, divorce, or incarceration. According to the Center for Disease Control, at least five of the top ten leading causes of death are associated with ACEs. An "ACEs score" is the number of ACEs a person experiences before the age of eighteen. As one's ACEs score increases, so does the likelihood of suffering depression, attempting suicide, not completing high school, being unemployed, living in poverty, using illicit drugs, committing violence, being a victim of violence, being a smoker, engaging in risky behaviors that lead to unintended pregnancies or STDs, being an alcoholic, and suffering from chronic diseases such as heart disease or cancer, among others.

Data from 2016-2018 shows that during that span, 21% of Oklahoma's children, or 1 in 5 Oklahoma children under age 3 had *at least 2 ACEs*, the highest such percentage in the country. For context,

Arizona was next with 15%. Oklahoma's percentage was 263% higher than the U.S. average (8%) and 700% higher than Maryland and Massachusetts (3%), states having the lowest percentage. Almost as alarming is that only 53% of Oklahoma's children had zero ACEs. All other states were at or above 63% of their children having no ACEs, with the national average being 71%.

Brain development, and the expanding skillset children acquire during it, occurs in stages. During these stages, the brain is adapting to the child's unique environment, so while heredity plays a role, it's now known that optimal development also depends on a child encountering a sequence of certain types of experiences from reliable, nurturing caregivers. Each stage of development directly impacts how subsequent stages will develop. The first four to five years of a child's brain development is critical to laying a good foundation for emotional development during adolescence, which in turn is critical to laying a good foundation for executive-function development through early adulthood.

Absent positive relationships with reliable adult caregivers, essentially the definition of "neglect", the type of stress associated with abuse and neglect can alter a young child's brain development, even affecting "gene expression," determining when, or if, certain genes are activated. The activation or non-activation of a gene caused by ACEs can be passed from one generation to the next, and beyond. This means the impacts from abuse and neglect continue beyond today's deprived child to other generations.

If the stress is chronic or repeated, the brain's natural fear response can become stuck in the "on" position, flooding the body with chemicals that can damage or destroy neurons in critical brain areas

and elevating heart rate and blood pressure, eventually leading to heart disease. The potential consequences are devastating: difficulty learning, unable to succeed in school, unable to regulate emotions, lack of impulse control, unable to have healthy relationships with peers, unable to put others needs before their own or be effective parents, difficulty thinking logically or considering the consequences of their actions, unable to have empathy, suffering long-term depression, developing mental, emotional, or intellectual disorders, to mention a few.

Intensive, early intervention is key to minimizing the long-term effects of early trauma on a child's brain development. Stabilizing a damaged or altered brain before permanent damage occurs requires interventions targeting the specific parts of the brain that have been affected. The child's brain requires frequent, consistent replacement experiences of nurturance, stability, predictability, understanding, and support so the child's brain can begin adapting to a positive environment. Delayed permanency is a type of childhood adversity and something we do to a deprived child at the very end of his or her ordeal. Given what deprived children have already experienced and the potential damage already inflicted, delaying permanency is not in their best interest.

This is just a brief primer. We refer the reader to the sources below for more information, especially the first source, which is an article we relied on from the Child Welfare Information Gateway, a congressionally mandated and funded information service under the U.S. Department of Health and Human Services.

<https://acestoohigh.files.wordpress.com/2009/09/childbrains.pdf>
<https://www.cdc.gov/violenceprevention/aces/index.html>

<https://developingchild.harvard.edu/>

<https://www.childtrauma.org/>

<https://acestoohigh.com/>

<https://mchb.hrsa.gov/sites/default/files/mchb/Data/NSCH/nsc-ace-databrief.pdf>

* Numbers vary by data source, but more recent data suggests Oklahoma may have slightly improved its percentage of children with two or more ACEs, moving out of the very bottom ranking.

In 2019, The Tulsa World did a special report on ACEs and Oklahoma leading the nation in childhood trauma. It's located at: https://tulsaworld.com/news/specialreports-databases/special-report-oklahoma-leads-the-nation-in-childhood-trauma-how-does-this-affect-our-state/collection_7089b3a4-4b3f-5d9d-987d-58f32653a390.html

ARE JURY TRIALS NECESSARY IN TERMINATION HEARINGS?

Given the overwhelming weight of authority against using jury trials in termination hearings, we looked at Oklahoma's approach. Specifically, what are our objectives, and are we achieving them? Considering Arizona's brief negative experience with jury trials, there are legitimate questions of whether a jury is necessary.

In light of when and how Oklahoma instituted jury trials in termination hearings, it's clear the objective was to give parents a "fair" decision, which is a laudable goal. Unfortunately, we've never before measured the adverse impact of jury trials on deprived children. Based upon our data, it's arguable whether a jury at a termination hearing achieves its objective of a "fair" decision.

In Oklahoma when a judge makes the decision in a non-jury trial, he or she is required to make specific findings of fact based on admissible evidence that's both presented and admitted at the hearing. The findings must support the judge's legal conclusions, and those conclusions must support the ultimate decision. On the other hand, a jury makes the decision by checking boxes on a form. Though the standard of review is the same on appeal for both judges and juries, there's more to review when a judge makes the decision, and it's easier to see the decision's bases. In a close case, it would seem easier to ensure a fair decision by verifying what the judge was thinking as opposed to guessing the collective thought of six jurors. If the case isn't close, then it *shouldn't* matter who makes the decision, but as six individuals trying to function as one, a jury adds a degree of unpredictability we generally don't see with a judge. Predictability would seem more consistent with the idea of fairness than unfairness.

Making specific findings with reference to the evidence presented also helps ensure a judge doesn't include information from outside the hearing, mitigating concerns of the judge's bias based on prior knowledge with the case. The judge's findings are easy to review, and he/she knows it.

Some believe any prior knowledge could lead to a "bias" where the judge pre-decides a case. This focus on only being fair to the parent is an objective that harms deprived children. It protects parents at the children's expense. The judge is the one with the specialized training in deprived-related issues, the one who knows the family's history and capabilities, the one with experience in such cases, the one trained in the science of a child's brain development, and thus, most importantly, the one positioned to reach the best decision. The parents contribute to

whatever body of prior knowledge the judge has, so as long as the evidence is admissible and presented at the hearing, it can hardly be considered “unfair” to the parent.

When Arizona reformed its Child Protective Services (what Oklahoma calls OKDHS) in 2003, it provided a statutory right to a jury with a three-year sunset provision, meaning the right would go away in three years unless the legislature expressly extended it. Some of the key findings in a report to the Arizona Supreme Court, after interviewing key participants, give hints to why the legislature didn’t extend the jury right, letting it expire in 2006.

The report indicated that jury requests by parents were more likely in cases exhibiting certain similar characteristics, such as chronic substance abuse, serious mental health issues, parents with criminal charges, and the termination ground being “time out of the home,” where the child had been in foster care for fifteen months or more. These characteristics are arguably associated with cases where the parent is likely to lose if a judge is making the decision. In other words, a jury trial gives these parents a slim chance to “win” when they would (and should) otherwise “lose.” This is certainly good news for the parent, but with little to no expectation of eventually regaining custody of the child, it unreasonably delays the child’s permanency, making the parent’s “win” the child’s “loss.” Also in the report, parental rights were terminated roughly 90% of the time, regardless of whether a judge or jury made the decision. Everyone interviewed agreed that between a judge and jury, there was very little, if any, difference in the likelihood of termination. This begs the question, “Are jury trials necessary in termination hearings?”

Arizona’s analysis may be particularly relevant because, like

Oklahoma, that state has two “urban” counties, and the report shows that, also like Oklahoma, cases proceed differently in those urban counties than they do in their rural counterparts. TERMINATION OF PARENTAL RIGHTS BY JURY TRIALS IN ARIZONA: A SECOND YEAR ANALYSIS (2005), available at:

https://www.azcourts.gov/Portals/46/Publications/tpr_jury_trial.pdf

DATA COLLECTION- JUDICIAL REPORTING/TRAINING:

Arizona’s analysis makes one thing obvious—we need data. When making decisions, such as whether jury trials are necessary, it’s easy to operate based on what we think/assume is true, what was true twenty years ago, or what we hope is true. Ensuring deprived children achieve timely permanency, or protecting deprived children in general, will require a concerted effort to collect the data necessary for making evidence-based decisions. While DHS has made progress in this area, there is more we should do. For example, in the last five years, how many termination hearings were held? How many were to a judge? How many were to a jury? What were the termination rates of each? What’s the termination rate of a specific judge? Of the parents that won a termination hearing, how did the case end, e.g., did they eventually get their children back? Did the children remain out of the home anyway because of the same problems as before? What’s the average time to serve process? How often do we have to publish notice? What case characteristics are statistically significant?

Though the 1999 best-practice guidelines from the Children’s Bureau, an agency under the U.S. Department of Health and Human

Services, was targeted for state legislatures, it has utility for the judiciary as well. The guidelines recommend monitoring courts' compliance with mandatory timelines, and it specifically recommends holding a termination hearing within ninety days of filing the termination petition and providing a decision within fourteen days of starting the hearing. GUIDELINES FOR PUBLIC POLICY AND STATE LEGISLATION GOVERNING PERMANENCE FOR CHILDREN, IV-2,3 (1999), available at:

<http://ia802607.us.archive.org/20/items/guidelinesforpub00duqu/guidelinesforpub00duqu.pdf>

PERMANENCY MEDIATION:

Permanency mediation is one of the tools in a judge's toolbox, but it's currently an under-utilized asset, so courts are missing out on the earlier disposition of cases, and children are missing out on achieving earlier permanency.

The AOC's Oklahoma Early Settlement Program provides a court access to neutral mediators trained in issues underlying child permanency and deprived cases. The mediator meets with the parties of a case in an informal setting, facilitating a discussion that allows everyone to confidentially collaborate towards a solution.

While some courts have been using mediation for quite some time, others, especially rural counties, have yet to embrace mediation and its potential benefits. It may be because the county has few cases and the judge doesn't think it necessary, or it could be because a judge allows the parties time to "go out and talk about it." But mediations provide a neutral facilitator who brings "fresh eyes" to the problem, and the confidential setting gives an opportunity for parties, especially parents, to feel like they're being heard.

But even courts employing mediation can under-utilize it by confining its use to the last stages of a case where the goal is for the parent to relinquish instead of facing a termination hearing. While mediation at that point can prevent a termination hearing, had the mediation occurred earlier in the case, such as at the first sign of trouble, the parent may have been put in a better position to succeed or seen that relinquishing was the better choice much earlier. Mediation can also be helpful in competing placements or competing adoptions, allowing the parties to amicably reach agreement instead of a judge imposing a decision, thereby creating “winners” and “losers.”

Permanency mediation at least provides the opportunity for earlier permanency, and just as important, it can also provide the opportunity for the permanency to be amicable to everyone involved.

GUARDIANSHIPS:

Two types of guardianships are available for the court’s consideration at or before disposition. The first is found in Title 10A, and is probably less used than the second.

The reluctance to pursue a Title 10A guardianship is because the requirements to be met are more numerous and restrictive. Section 1-4-709(A) sets out eight different factors, all of which must be met before the Court may approve the guardianship. Further, such guardianships may only be requested by the DA or the child’s attorney, and to some extent require DHS approval (Section 1-4-709(C)).

A Title 10A guardianship is permanent and requires the deprived child case remain open for a minimum of one year for the court’s review. After one year, the court may close the file if it believes that reviews are no longer necessary.

Termination of a Title 10A guardianship can only occur when the child reaches the age of majority, or at the request of the guardian, DA, or child. The parent may not terminate the guardianship.

The second type of guardianship, and the type of guardianship more commonly used, is the Title 30 guardianship. Title 30 guardianships are handled outside the deprived case, and often result when OKDHS instructs a family member to “Get a guardianship”, to avoid the necessity of the child coming into custody. It can be requested by anyone and is less restrictive and burdensome to obtain. The benefit of seeking a Title 30 guardianship is that it terminates the Court’s jurisdiction in the deprived child case, therefore ending DHS involvement. As a result, some Courts wisely adopt the In-treatment Service Plan prepared by OKDHS as a requirement for the parents to meet before termination of the guardianship can occur. A Title 30 guardianship does allow the parent to petition the court for termination of the guardianship, so it is not considered permanent.

However, there is a major built-in setback when considering a Title 30 guardianship as an alternative, on the part of the caregivers. When relative or other kinship placements are made under foster care situations, there is significant state funding available to continue financial assistance for the monetary burden of caring for the children. Once a guardianship is approved under Title 30, such funding is either lost or is severely restricted. Several factors must be considered and approved before any financial assistance is awarded under a Title 30 guardianship, and even when approved, it is not as much as previously received under a foster care setting. Also, unlike adoption proceedings in a child welfare case, funds for attorney fees are not as readily available in a guardianship proceeding. So, in either

the Title 10(A), or the Title 30 guardianship, they may not have the financial support or services to ensure that the children are achieving permanency. But the parents can be required to pay child support to the guardians in a Title 30 guardianship. This may be a significant burden on the parents, affecting their financial stability. The result may have been better if the children had been in custody long enough to allow the parents to become financially stable.

It is apparent that guardianship is considered a positive remedy and an alternative to termination of parental rights. And it is usually more readily accepted by parents, especially when faced with the possibility of termination.

CONCLUSION:

Given what science has uncovered the past two decades, it's time to reflect on, if not rethink, the legal framework we apply to the parent-child relationship, a framework that primarily developed between 1923 and 1982, a time when children were, at least implicitly, treated as parental property.

The science and statistics show abused and neglected children have an interest even more compelling than their parents, but one we have yet to recognize and consider. Oklahoma's children have a right that their childhood be unencumbered with avoidable adversity. This adversity includes delayed permanency. If children are truly individuals and not property, then perhaps parenting is more a privilege or trust than a fundamental right.

The following are additional ideas, thoughts, and questions arising from this subcommittee we feel are worth considering going forward. Admittedly, some may require participation from other branches of the government:

- Would parents benefit from limited discovery, such as interrogatories and admissions? What about using summary procedures? A lot of states apply their normal rules of civil procedure to these types of cases. Some states have dedicated juvenile rules of civil procedure. What are the pros and cons of each? See Fla. R. Juv. P. at <https://www.flcourts.org/content/download/217911/file/Florida-Rules-of-Juvenile-Procedure.pdf>
- We need to ensure children's permanency isn't delayed due to the volume of appeals or from appeals that are frivolous. Options include "merit briefs" (a.k.a. "Anders briefs"), making appeals discretionary, see Ga. Code § 5-6-35 and Ga. Ct. App. R. 31, and an appellate court dedicated to deprived cases (with constitutional issues still going to the supreme court).
- Court appeals involving a deprived child should be given the highest priority, time-wise. In the child's life, months seem like years.
- Review hearings in a deprived case need to mean something, which dovetails with quality representation. If there are questions with whether DHS is making reasonable efforts, it needs to be brought up at the next review hearing, or in a motion if the review hearing is more than a few weeks away. Parents are most successful when put into a position to succeed early. Allowing such issues to continue and then putting DHS on trial in a termination hearing only serves to undermine the parent's chances of success and delay the child's permanency.
- For deprived cases, operating at the county level is inefficient as it's the level with the fewest resources. Combining rural counties

into larger “blocks” and pooling resources creates economies of scale, such as requiring fewer juvenile judges and fewer attorneys. With fewer participants, they can be better compensated, which in turn, can mandate specialized training and higher-quality performance. A related concept is virtual representation of parents by highly trained attorneys from urban areas.

- Monitor compliance with best practices through data analysis, personal interviews, client evaluations, and maybe even an independent ombudsman.



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