An Act

ENROLLED SENATE
BILL NO. 19x

By: Thompson (Roger) and Hall of the Senate

and

Wallace, Martinez, and Munson of the House

An Act relating to legal representation for children and parents; creating the Family Representation and Advocacy Act; providing short title; defining term; establishing the Family Representation and Advocacy Program within the Administrative Office of the Courts; stating purpose of Program; requiring certain request for proposals; requiring submission of bids pursuant to the Oklahoma Central Purchasing Act; establishing duties and responsibilities of Program; requiring employment of executive director; establishing qualifications for executive director; establishing duties of executive director; providing authority for Program to enter into certain contracts; establishing qualifications for counsel providing services to the Program; requiring equitable service through judicial districts; requiring adequate compensation for counsel and interdisciplinary contractors; authorizing certain annual review; authorizing creation of advisory board for certain purposes; creating the Family Representation and Advocacy Program Revolving Fund; stating purpose of Fund; directing disbursement of funds; authorizing certain administrative fee; requiring maintenance of certain books and records; authorizing certain annual audits; authorizing use of percentage of funds for staff and operations; requiring certain annual report; providing for codification; and providing an effective date.

SUBJECT: Legal representation for children and parents

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

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

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

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

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

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

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

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

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

D. From funds appropriated or otherwise available for the purpose of implementing the Family Representation and Advocacy Act, the Administrative Office of the Court shall issue a request for proposals and contract with an eligible organization to administer the Family Representation and Advocacy Program through the

establishment of a central office for the state. The contract shall be the result of the request for proposals issued by the Administrative Office of the Courts and submission of competitive bids by eligible organizations pursuant to the Oklahoma Central Purchasing Act.

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

F. An executive director for the Family Representation and Advocacy Program shall be employed by the eligible organization and approved by the Administrative Office of the Courts or any board established pursuant to subsection K of this section. The executive director shall have at least ten (10) years of experience as a licensed attorney prior to appointment, be licensed to practice law in this state at the time of appointment and be familiar with the unique demands of representing children, parents, legal guardians, Indian custodians in deprived child cases in this state. The executive director shall serve full time and shall not engage in private practice of law outside of the Program. The executive director shall hire all staff including employees of the central office, contract attorneys or other legal providers eligible for appointment pursuant to Section 1-4-306 of Title 10A of the Oklahoma Statutes, and interdisciplinary contractors required to implement the Family Representation and Advocacy Act. The executive director shall submit budget requests and shall report quarterly to the Administrative Office of the Courts or any board established pursuant to subsection K of this section.

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

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

I. The Family Representation and Advocacy Program shall ensure that all areas of the state are equitably served and, based on the

appropriations available, shall prioritize judicial districts where attorneys are unavailable for court appointments or are minimally compensated. The Program shall determine where additional attorneys are needed within the state's judicial districts and shall develop additional resources.

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

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

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

A. There is hereby created in the State Treasury a revolving fund for the Administrative Office of the Courts to be designated the "Family Representation and Advocacy Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Administrative Office of the Courts for child and indigent parent, legal guardian, and Indian custodian legal and interdisciplinary representation services to be provided by the Family Representation and Advocacy Program. The revolving fund shall include funds appropriated to the fund, federal funds, gifts, donations, and grants. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Administrative Office of the Courts for the purpose of administering the Family Representation and Advocacy Program and for the provision of legal

and interdisciplinary services to indigent parents and children by and through the Family Representation and Advocacy Program. By January 31, 2024, and by January 31 of each year thereafter, the Administrative Office of the Courts shall disburse funds from the Family Representation and Advocacy Program Revolving Fund to the contracted eligible organization.

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

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

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

E. An annual report issued by the Administrative Office of the Courts outlining performance measures for the Family Representation

and Advocacy Program and recommendations for ongoing appropriations shall be transmitted to the Governor, the President Pro Tempore of the Oklahoma Senate and the Speaker of the House of Representatives no later than December 31 of each year.

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

Passed the Senate the 24th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 5:48 o'clock p. M.

By: Summer Cerny

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of June, 20 23, at 10:02 o'clock A M.

By: Brian Bingman

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 19x

OKLAHOMA CITY, OKLA., June 2, 20 23

TIME SIGNED: _____

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 19x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed Senate Bill 19x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to SENATE: Sumer Curry
Date/Time: 6/2/23; 12:50pm

SENATE:
By [illegible]
Date/Time 6/2/23 12:55pm

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE