

NOTICE OF REGULAR MEETING

PASTEUR MEDICAL BUILDING
1111 N. LEE AVENUE, SUITE 500
OKLAHOMA CITY, OKLAHOMA

January 22, 2016
9:00 a.m.

AGENDA

- I. Call to order and determination of quorum *Chairman Jay Scott Brown*
- II. Welcome and Introductions *Chairman Jay Scott Brown*

Review and approval of the minutes from the October 23, 2015 and December 11, 2015, Commission meetings. Discussion and possible action
- III. Discussion and possible action, Director's report on Agency Activities and Legislative Update *Lisa Smith*
- IV. Presentation from Peaceful Family Solutions *Brent Katigan, Heather Cox*
- V. Discussion and possible vote to initiate Permanent Rulemaking Process and file Notice of Rulemaking Intent with the Oklahoma Secretary of State regarding OAC Title 135: *Chairman Jay Scott Brown*
Grant Moak
 - a. Chapter 10. Programs, Boards, and Councils: Operation and Administration
 - (1) Subchapter 3. Office of Juvenile System Oversight [AMENDED]
 - (2) Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams [AMENDED]
 - (2) Subchapter 26. Juvenile Forensic Evaluator Credentialing [NEW]
- VI. Discussion and possible action, Update on Homeless Youth Report *Anthony Kibble*
- VII. Discussion and possible action on reports from agencies/organizations *All*
- VIII. Adjournment

Director's Report

October 14, 2015 through January 19, 2016

OCCY UPDATES:

OCCY is pleased to announce that the contracts with the free standing Multidisciplinary Teams on Child Abuse and Neglect (MDT's) have been executed with 33 of the 36 MDT's. The three remaining MDT's we are awaiting paperwork from are Lincoln, Seminole, and Stephens County. Also attached is the 2015 Report on the CAMA/CAMTA Funding Formula in compliance with Senate Bill 534. This report was developed in partnership with the Child Advocacy Centers and the Free Standing MDT's. It was delivered to the Legislature on December 23, 2015. OCCY has entered into a MOU with OKDHS for the transfer of CAMA funds in the amount of \$766,873.92 which has been deposited into the OCCY CAMTA account to fund the freestanding MDT's.

PERSONNEL ACTIONS:

There were no personnel actions to report during this time period.

BUDGET: OCCY presented their FY 2017 Budget Request/Performance Outcomes to the Senate Health and Human Services Appropriations Committee on December 9, 2015. We are scheduled to present to the House Human Services Appropriations Committee on February 3, 2016. We have also submitted to both chambers 5,7,10 percent cuts in our operating budgets.

LEGISLATIVE:

Senate Bill 457-By Senator AJ Griffin and Representative Jason Nelson created the juvenile competency standard for Oklahoma involving a child charged in a delinquent proceeding. The bill takes into account, a child who has a developmental disability, developmental immaturity, intellectual disabilities or mental illness and who cannot understand the nature and objectives of the Juvenile Court proceedings or who cannot assist in their defense and establishes competency guidelines for these juveniles. This bill went into effect on January 1, 2016, emergency rules were adopted at the Special Meeting of the Commission on December 11, 2015. Permanent Rules will be coming to the Commission at the January meeting. A list of provisionally approved juvenile forensic evaluators has been submitted to the Administrative Office of the Courts.

SB-511 by Senator Kay Floyd and Representative Lee Denney established the Advisory Council on Child Homelessness. It places this Council at OCCY, and designated the Planning and Coordination Steering Committee as the entity to work on this issue. This was done based on the work of the P and C Steering Committee related to Strengthening Services for Custody Youth. This report was presented to the Commission at their October Commission meeting. OCCY's report was submitted to the Legislature on November 18, 2015.

HB-2611 by Representative Mark McCullough and Senator AJ Griffin effective November 1, 2015, allows OCCY to request the OSBI to conduct an investigation into child abuse cases when the local entities have not done so. Rules for this procedure are being submitted to the Commission in the January packet.

New Session Bill-SB 1067 introduced by Senator AJ Griffin allows OCCY to send child abuse/neglect cases over to the Attorney General's office for review. This bill is a result of cases where local district attorneys have not intervened/nor recused in child abuse/neglect cases.

ACTIVITIES:

October 15, 2015	Meeting with Youth Villages
October 21, 2015	Meeting with the Office of Client Advocacy
October 22, 2015	Meeting with OKDHS Foster Care
October 23, 2015	OCCY Commission Meeting
October 29, 2015	OCCY Annual Charitable Chili Cook Off
October 30, 2015	Juvenile Justice Collaborative Meeting
November 3, 2015	Senate Interim Study on Child Care
November 4, 2015	Meeting with Big Brothers Big Sisters
November 5, 2015	Meeting with M and R Consulting
November 9, 2015	CAMA/CAMTA Formula Funding Meeting
November 10, 2015	Meeting with Representative Nelson
November 12, 2015	Juvenile Forensic Evaluator Training
November 17, 2015	OCCY Staff Meeting
November 18, 2015	Board of Child Abuse Examination Meeting
November 18, 2015	Phone Conference Representative Bennett
November 24, 2015	Child Care Roundtable with Senator Floyd
December 2, 2015	Meeting with OMES Contracts/Procurement
December 3, 2015	OCCY Developmental Disability Committee
December 4, 2015	Juvenile Judges Advisory Oversight Committee

December 4, 2015 CAC's and MDT's meeting

December 4, 2015 Juvenile Justice Collaborative

December 7, 2015 HHS Cabinet Meeting

December 9, 2015 Senate Budget Hearing

December 10, 2015 Meeting with Darrell Weaver Director BBBS

December 11, 2015 Meeting with Senator AJ Griffin

December 11, 2015 Special OCCY Meeting

December 15, 2015 OCCY Holiday Luncheon

December 17, 2015 Juvenile Justice Collaborative

December 17, 2015 Meeting with Representative Ownbey

January 6, 2015 Child Care Roundtable Senator Floyd

January 7, 2015 Meeting with Peaceful Family Solutions

January 13, 2015 OCCY Developmental Disability Committee

Multidisciplinary Team Performance Measures and Recommendations
and
CAMA/CAMTA Funding Formula Review and Recommendations

SB 534 requires the Oklahoma Commission on Children and Youth to create a report to the Oklahoma Legislature outlining performance measures for all multidisciplinary teams, including those associated with child advocacy centers, and recommendations on the funding formula no later than December 31, 2015.

A group of Child Advocacy Centers (CAC) and Freestanding Multidisciplinary teams met to discuss the current funding formula for CAMA and CAMTA funds. The group also discussed developing new outcomes for teams and centers as well as looking at ways to make both teams and CAC's more efficient and effective to the populations that they serve.

HISTORY OF THE FUNDING FORMULA AND THE MEASURES USED TO DISTRIBUTE THE FUNDING

Multidisciplinary teams were required for each District Attorney's district. This was changed to each county with the District Attorney's office being the lead agency. The original funding formula was as follows:

Tulsa and Oklahoma City received \$600,000 each.

33 Multidisciplinary teams were funded at \$25,000 each

27 Non-Urban Child Abuse Centers were funded between \$12,000 -\$150,000 based on the population of the county, number of child abuse cases and severity of child abuse cases.

CURRENT FUNDING FORMULA

The funding formula was changed in 2002 to its current disbursement amounts. The funding formula is as follows:

Funding distribution pursuant to the provisions of this section shall be determined:

1. By multiplying the number of applicants in each category by the corresponding weight as follows:
 - a. freestanding multidisciplinary child abuse team - 1,
 - b. hospital team - 1,
 - c. nonurban centers – 4,
 - d. mid-level nonurban centers – 6, and
 - e. urban centers – 24;
2. Adding together the weighted results for all categories;
3. Dividing the weighted result for each category by the sum of the weighted results for all categories;
and

4. Equally distributing funding to each applicant in the corresponding category based on the amounts obtained by multiplying the total available funding by the calculated percentages. The total amount for all freestanding multidisciplinary teams as determined by the formula provided in this subsection shall be transferred to the Child Abuse Multidisciplinary Team Account (CAMTA) Fund established by Section 2 of this act and contracts with each freestanding multidisciplinary team shall be completed no later than January 1 of each year.

Multidisciplinary Team Performance Measurements

Multidisciplinary teams associated with a CAC and Freestanding Multidisciplinary teams each have performance measurements which show the team's ability to organize, conduct joint investigations with law enforcement and child welfare for a uniform response to child abuse reports.

Each team annually reviews the Interagency Agreement and has it signed by the agencies supporting the freestanding multidisciplinary child abuse team.

Each team utilizes a Confidentiality Statement .

Each team conducts joint investigations whenever feasible involving law enforcement and child welfare in an effort to respond to child abuse reports;

Each team has written investigation and interview protocols for investigating child maltreatment .

Each team utilizes a case review process.

Each team annually completes the Annual Survey document and submits it to the Commission.

The data elements collected in the survey are:

- County
- # of children, age range, ethnicity
- Type of suspected abuse (sexual, physical, neglect)
- Who the perpetrator maybe: Parent/step parent, parent's boy/girlfriend, other relative, stranger, unknown
- Were alcohol, drugs, domestic violence, divorce/custody, and mental illness involved

Each team's members participate in on-going professional development training.

Each team develops individual and team expertise.

Identify a multidisciplinary child abuse team fiscal agent . Each fiscal agent has a written Financial Accountability policy that includes but is not limited to: a process for development of an annual budget, signature requirements for checks issued, quarterly expenditure report, cash receipts, cash disbursements, reconciliation, purchasing, and payroll.

POSSIBLE PERFORMANCE MEASUREMENTS:

The MDT's and FMDT's discussed additional performance measurements but were clear that just looking at the number of reviews done per county would be penalizing smaller counties. A common form to report both MDT and FMDT outcomes is needed. Additional performance measurements that were discussed include:

- "severity of child abuse case"
- Total cases both DHS and law enforcement and the percent that received a review.
- surveys that gather opinions on effectiveness from team members and outside related parties

OTHER THOUGHTS THAT CAME OUT OF THE MEETING:

Defining what "core services" means and the costs associated with "core services";

Developing an expansion plan for new teams and CAC's;

How to share administrative costs;

Re-assessing the need for MDT's to be mandated per county or District Attorney district.

Tier approach to funding FMDTs

RECOMMENDATIONS

1. An additional year is needed to further work on examining the current formula and developing a new formula if one is warranted.
2. Additional time is also need to review current "qualitative" surveys conducted by some MDTs, CAC's and FMDT's. Other states' measurements need to be reviewed and could be included in Oklahoma's qualitative analysis. MDT's and FMDT's need a common format to present our outcomes.
 - MDT's and FMDTs need specific data from DHS to create a more robust outcome system.
 - Definitions related to confirmations, cases and substations are needed.
 - How to incorporate cases that do not come from DHS like those that come through law enforcement.

TITLE 135. Commission on Children and Youth

Chapter 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

Subchapter 26. Juvenile Forensic Evaluator Credentialing

135:10-26-1. Origin and Authority

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

135:10-26-2. Definitions

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

1. “Commission” shall refer to the Oklahoma Commission on Children and Youth;
2. “Competent” and “competency” refer to a child’s ability to understand the nature and objectives of a proceeding against the child or to assist in the child’s defense. A child is incompetent if, due to developmental disability, developmental immaturity, intellectual disability, or mental illness, the child is presently incapable of understanding the nature and objective of proceedings against the child or of assisting in the child’s defense;
3. “Credentialed forensic evaluator” means a licensed psychologist, psychiatrist or other physician with necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render such opinions for the court;
4. “Developmental disability” means a severe and chronic disability that is attributable to a mental or physical impairment. Such disabilities include, but are not limited to, cerebral palsy, epilepsy, autism, or other neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior;
5. “Developmental immaturity” means a condition based on a juvenile’s chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability;
6. “Director” means the Director of the Oklahoma Commission of Children and Youth;
7. “Intellectual disability” means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social and practical adaptive skills;
8. “Juvenile Competency Evaluation Professional Committee” or “Professional Committee” shall mean those persons appointed by the Director to perform the duties provided for by this subchapter; and
9. Mental illness” has the same meaning as in paragraph 11 of Section 5-502 of Title 43A of the Oklahoma Statutes.

135:10-26-3. Credentialing Process

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

1. Submit an application on a form prepared by the Director in consultation with the Professional Committee;
2. Hold a current license to practice in Oklahoma;
3. Provide documentation of clinical experience consisting of at least two thousand (2,000) hours, of which one thousand (1,000) hours must be postdoctoral, in the assessment, diagnosis or

treatment of children and/or adolescents with developmental disability, developmental immaturity, intellectual disability or mental illness;

4. Demonstrate professional experience conducting comprehensive/integrated psychological evaluations of children and/or adolescents which shall include administering intellectual/cognitive, personality and behavioral measures; and
5. Successfully complete the Oklahoma Juvenile Forensic Evaluator Training including a post-training written exam.

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

C. Final Approval.

1. The Professional Committee shall submit to the Commission for final approval the names of those evaluators whose first report meets minimum criteria as determined by the Professional Committee. Persons approved by the Commission shall remain on the list of credentialed evaluators for a period of three (3) years. Approved evaluators must retake and successfully complete the Juvenile Forensic Evaluator Training at the end of each three-year period in order to remain on the list.
2. If an evaluator's first evaluation report does not meet minimum criteria, the Professional Committee shall notify the court. The Professional Committee shall also inform the evaluator of the deficiencies, make mentoring available, and provide an opportunity for the evaluator to submit one additional report contingent upon referral by a court. If the Professional Committee determines that the second evaluation report does not meet minimum criteria, the Professional Committee shall notify the court and the evaluator's name shall be removed from the list of credentialed evaluators. A person whose name is removed from the list may reapply and must retake and successfully complete the Oklahoma Juvenile Forensic Evaluator Training.

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

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

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

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

1. Developing and administering the Oklahoma Juvenile Forensic Evaluator Training;
2. Reviewing evaluator applications and determining whether an applicant meets minimum criteria for provisional approval;

3. Reviewing in a timely fashion reports submitted by provisionally approved evaluators, and recommending evaluators to the Commission for final approval; and
4. Performing any other duties as directed by the Commission.

DRAFT

DRAFT CHANGES TO FSMDT RULES – DRAFT 3

135-10-25-6. Eligibility Standards for a Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team [AMENDED]

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

(1) A freestanding multidisciplinary child abuse team shall demonstrate through documentation that the team has met at least six consecutive months; ~~at least four of the six meetings shall be for case reviews of alleged child abuse;~~

(2) A freestanding multidisciplinary child abuse team shall demonstrate through documentation that the team has met at least four times to staff cases of alleged child abuse;

~~(2)~~ (3) A freestanding multidisciplinary child abuse team shall have written joint investigation protocol, interagency agreement, and confidentiality statements;

~~(3)~~ (4) A freestanding multidisciplinary child abuse team will have a letter of support from their District Attorney or Assistant District Attorney; and

~~(4)~~ (5) A freestanding multidisciplinary child abuse team will have participated in the initial freestanding multidisciplinary child abuse team training.

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

~~(a) Process for removal.~~

~~(1) Commission staff shall submit a recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team as to the Commission Director or the Commission Director designee within (30) days of the annual on-site review.~~

(1) Within thirty (30) days of the annual on-site review, Commission staff may:

(A) submit a recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team to the Commission Director or the Director's designee; or

(B) instruct the Freestanding Multidisciplinary Child Abuse Team to draft and submit an improvement plan for correction of deficiencies identified in the review.

(2) If Commission staff recommends removal of a team, the Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney shall submit all responses to the recommendation for removal to the Commission Director or Commission Director designee within (10) days of receipt of the notice.

(3) If Commission staff instructs a team to draft and submit an improvement plan, the staff shall conduct a follow-up review to determine compliance with the plan. If the deficiencies have not been corrected, or if the team fails to draft and submit a plan, Commission staff may recommend that the Commission Director or the Director's designee remove the team.

~~(3)~~ (4) The Commission Director or designee shall be the final decision maker regarding the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.

~~(4)~~ (5) The Commission Director or Commission Director Designee will make the final decision within (30) days of the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the listing of Freestanding Multidisciplinary Child Abuse Teams.

~~(5)~~ (6) Commission staff will send a finding letter within (45) days of the recommendation to remove a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.

~~(6)~~ (7) Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney may appeal the final decision of removal to the Commission.

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

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

~~(1) **Legal Basis.** The Oklahoma Commission on Children and Youth is subject to the Oklahoma Open Records Act Section 24A.1 et.seq. of Title 51 of the review unless they are required by law to be kept confidential.~~

~~(2) **Freestanding Multidisciplinary Child Abuse Team Records.** All Oklahoma Commission on Children and Youth Freestanding Multidisciplinary Child Abuse Team records required to establish the level of functioning of a Freestanding Multidisciplinary~~

~~Child Abuse Team are considered public records shall be open and available for public inspection during reasonable hours.~~

~~(3) Location of Freestanding Multidisciplinary Child Abuse Team Records. Freestanding Multidisciplinary Child Abuse Team records shall be located at the Oklahoma Commission on Children and Youth office and shall be inspected at that location. The Oklahoma Commission on Children and Youth is located at 1111 North Lee Avenue, Suite 500, and Oklahoma City, Oklahoma, 73118.~~

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

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

135:10-25-9 Complaint Procedure [NEW]

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

135:10-25-10 Public Inspection of Freestanding Multidisciplinary Child Abuse Team Records [NEW]

(1) Legal Basis. The Oklahoma Commission on Children and Youth is subject to the Oklahoma Open Records Act Section 24A.1 et.seq. of Title 51 of the review unless they are required by law to be kept confidential.

(2) Freestanding Multidisciplinary Child Abuse Team Records. All Oklahoma Commission on Children and Youth Freestanding Multidisciplinary Child Abuse Team records required to establish the level of functioning of a Freestanding Multidisciplinary Child Abuse Team are considered public records shall be open and available for public inspection during reasonable hours.

(3) Location of Freestanding Multidisciplinary Child Abuse Team Records. Freestanding Multidisciplinary Child Abuse Team records shall be located at the Oklahoma Commission on Children and Youth office and shall be inspected at that location. The Oklahoma Commission on Children and Youth is located at 1111 North Lee Avenue, Suite 500, and Oklahoma City, Oklahoma, 73118.

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

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

Title 135. Commission on Children and Youth
Chapter 10. Programs, Boards, and Councils: Operation and Administration
Subchapter 3. Office of Juvenile System Oversight

135:10-3-2. Duties and responsibilities

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

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

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

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

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

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

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