

NOTICE OF REGULAR MEETING

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

March 28, 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 January 22, 2016 Commission meeting. Discussion and possible action
- III. Discussion and possible action, Director's report on Agency Activities and Legislative Update *Lisa Smith*
- IV. Discussion and possible action to adopt permanent administrative rules pursuant to 75 O.S. § 303(E): *Chairman Jay Scott Brown*
Grant Moak
 - Title 135. Oklahoma 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 [AMENDED]
 - Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams
 - 135:10-25-6 [AMENDED]
 - 135:10-25-8 [AMENDED]
 - 135:10-25-9 [NEW]
 - 135:10-25-10 [NEW]
 - Subchapter 26. Juvenile Forensic Evaluator Credentialing
 - 135:10-26-1 [NEW]
 - 135:10-26-2 [NEW]
 - 135:10-26-3 [NEW]
 - 135:10-26-4 [NEW]
- V. Discussion and possible action on reports from agencies/organizations *All*
- VI. Adjournment

OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
PASTEUR MEDICAL BUILDING
1111 N. LEE AVENUE, SUITE 500
OKLAHOMA CITY, OKLAHOMA 73103

REGULAR MEETING
January 22, 2016

MINUTES

Call to order and roll call

Chairman Jay Scott Brown called the meeting to order at 10:03 a.m. Members present were: Jay Scott Brown, Sid Brown, Jason Charles, Ken Couchman, Wanda Felty, Nico Gomez, Todd Pauley, Richard Smothermon. Members not present: Mike Warren, Joy Hofmeister, Sheryl Marseilles, Terry Cline, David Boggs, Ron Peters, Edward Lake, Joe Cordova, James Saffle, Terri White, T. Keith Wilson.

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*

In order to maintain a Quorum, Jay Scott Brown opened with Agenda Item V. He then introduced Grant Moak.

Grant explained that the Emergency rules voted on in December had been approved by the Governor.

Grant then went over the proposed rules contained in the packet. He explained that at the March meeting the Commission would vote on final adoption.

Richard Smothermon moved to allow for the Notice of Rules Intent be filed with the Office of Administrative Rules. Todd Pauley seconded. All present voted in the affirmative. Motion Passed.

Review and approval of the minutes from the October 23, 2015 and December 11, 2015, Commission Meetings – *Chairman Jay Scott Brown*

Nico Gomez moved, Sid Brown seconded to approve the minutes of the October 23, 2015 and December 11, 2015, Commission Meetings as written. All present voted in the affirmative. Motion passed.

Director's report on Agency Activities and Legislative Update Discussion and possible action. – *Lisa Smith*

Lisa began with explaining to the Commission that the agency had been very busy. She talked about the MDT transition from the OKDHS to OCCY, emphasizing that P&C had executed thirty three MDT contracts. The transition did not result in any interruption in service. She also recognized Jack Chapman for creating a status report for the MDTs.

Lisa then informed the Commission that the OCCY Budget hearing for the House of

Representatives would be held on February 3rd. She emphasized how dire the budget looked.

Jay Scott Brown recommended that the Agency begin a move back to the “Core” mission to help offset budget cuts.

Finally, Lisa updated the Commission on some of the proposed legislation that would affect OCCY.

Discussion and possible action, Update on Homeless Youth Report – Anthony Kibble
Anthony informed the Commission that the report had been submitted to the Legislature in accordance with SB511. It had also been disseminated to all of the stakeholders.

He reported that they are looking towards legislation to help cleanup language in order to better define homelessness.

Anthony continued by explaining funding concerns on homeless youth programs and that most funding comes from the federal level.

Discussion and possible action on reports from agencies/organizations on the Commission – All

Jay Scott Brown took an opportunity to introduce to the Commission the new Chief Child Abuse Examiner, Dr. Sarah Passmore.

Wanda Felty, Sid Brown, Richard Smothermon, Nico Gomez, Dr. Ed Rhoades, Jason Charles, Ken Couchman, and Jay Scott Brown all gave updates for their agencies/programs.

Adjournment

The Commission adjourned at 11:03 AM

Next Meeting Date: March 28, 2016

Director's Report

January 19, 2016 through March 21, 2016

OCCY Updates

Congratulations goes to Anthony Kibble for successfully applying and receiving a Children's Justice Grant Act in the amount of \$100,347. for the upcoming 2017 fiscal year. This grant will be used for training of the Multidisciplinary Teams on Child Abuse and Neglect (MDT's) and PARB/CASA training. Good job Mr. Kibble!

Attached for your review is the 2015 free standing MDT's Annual Report.

OCCY is now in compliance with the Governor's Executive Order 2016-01 which instructed agencies, boards and commissions to include contact information for people currently serving on a governing body on the agency's Web page. Specifically, the OCCY website must include a webpage that lists the name of each individual serving on the Commission, a telephone number at which each Commissioner can be reached or a voice mail set up for that individual may be recorded; and a state email address at which any or all Commissioners may be contacted. After consultation with Grant Moak, from the Attorney General's office, OCCY has created an email address for all Commissioners at OCCYCommissioners@ok.gov and a single phone line has been dedicated to Commissioners at 405-606-4904. This information is listed on the OCCY website at <https://www.ok.gov/occy/> under the tab About OCCY. Mr. Walsh and I will be checking the website and phone messages weekly and will forward you information received.

Juvenile Competency-To date, we have received court orders to conduct juvenile competency evaluations in 9 counties:

Garvin, Creek, Muskogee, Tulsa, Oklahoma, Washita, Woodward, Kingfisher, and Sequoyah Counties.

4 psychologists have been assigned to conduct the juvenile competency evaluations.

We will be trying to schedule another round of training for juvenile forensic evaluators in the summer, if the demand for evaluations continues to increase.

Budget

OCCY along with all state agencies has taken a total of 7% budget cuts since July 1, 2016. Below is a list of how OCCY has reduced services in order to meet the 7% cuts totaling \$ 138,100.41:

1st Round – 3% = \$59,185.89

Reduce CDRB personnel by \$9,185.89

Reduce P&C personnel by \$50,000.

(Leave 2 positions vacant)

2nd Round – 4% = \$78,914.52

Reduce/eliminate contract for OMES IT	\$18,239.
Cancel SWYS & DRS contracts	\$ 9,500.
Cancel SWOSU contract	\$22,500.
Cancel BBBS contract	\$27,871.
Eliminate CPB funding	\$804.

We will be scheduling a meeting with the OCCY Budget Subcommittee to assist us in developing the July 2017 Budget Request when we know more about how deep the next round of reductions are.

Legislative

Senate Bill 1369 by Senator Floyd and Representative Munson provides a definition of homeless children and youth. OCCY through the Office of Planning and Coordination will be required to prepare a report on information concerning youth at risk of becoming homeless and runaways.

This bill has passed the Senate Floor and is scheduled to be heard in the House Children and Family Services Subcommittee on Tuesday, March 22, 2016.

House Bill 2971 by Representative Nelson and Senator Treat established the Child Welfare Review Committee for the Death/Near Deaths of Children with Disabilities. This bill provides for OCCY along with OKDHS to staff the meetings.

This bill has passed the House Floor and has been assigned to the Senate Health and Human Services Subcommittee.

Senate Bill 1211 by Senator Griffin and Representative Cockroft makes recommendations on the use of best practices in licensing standards for child care centers, family child care homes, residential child care facilities, child placing agencies and group homes. The Child Care Advisory Committee is required to consult with OCCY (and other state agencies) prior to implementing rules.

SB 1211 has passed the Senate Floor and is scheduled to be heard Tuesday, March 22, 2016, in the House Children and Family Services Subcommittee.

Senate Bill 1067-By Senator Griffin which would allow OCCY to refer certain cases of child abuse and neglect to the Attorney General's office failed to get a committee hearing.

Activities

January 20, 2016 Meeting with Tom Bates, Governor's Liaison to Child Welfare

January 22, 2016 OCCY Commission Meeting

January 28, 2016	Ethics Commission Training
February 2, 2016	OCCY Staff Meeting
February 3, 2016	House Human Services Appropriations Meeting
February 4, 2016	Senator Griffin Juvenile Justice Meeting
February 5, 2016	Representative Nelson Meeting on Child Welfare
February 8, 2016	Lt. Governor Lamb Meeting on OCCY
February 10, 2016	Health and Human Services Cabinet Meeting
February 16, 2016	House Children and Family Services Subcommittee Meeting
February 23, 2016	Phone conference with Jamie LeDoux on Child Welfare
February 23, 2016	Meeting with Senator Griffin on SB 1541
February 24, 2016	Child Advocacy Center Day at the Capitol
February 25, 2016	Meeting with Vera Institute of Justice-Ok Children of Incarcerated Parents
March 3, 2016	Meeting with Tricia Howell OKDHS Foster Care
March 4, 2016	Juvenile Judges Advisory Oversight Committee Meeting
March 8, 2016	OCCY Staff Meeting
March 10, 2016	Okfuskee County PARB Awards Ceremony
March 16, 2016	Health and Human Services Cabinet Meeting
March 18, 2016	PARB/CASA Conference Norman, Oklahoma
March 21, 2016	OCCY Public Hearing on Rules

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.

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.

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:

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

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

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

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

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

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

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

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

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

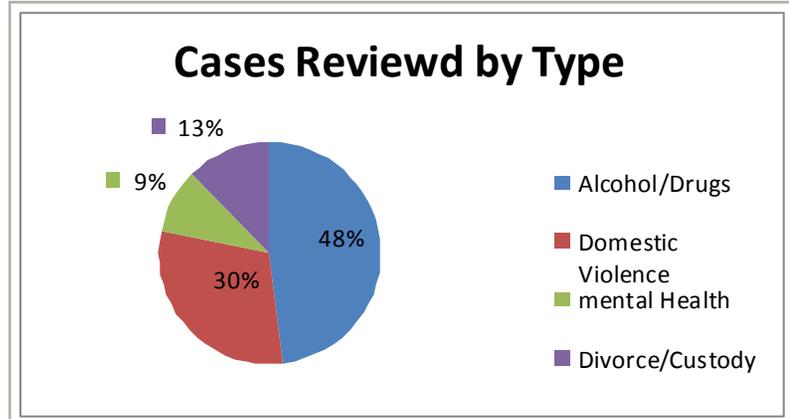
(4) Performing any other duties as directed by the Commission.

Oklahoma Commission on Children and Youth

Freestanding Multidisciplinary Team Annual Survey Results for SFY 2015

The Oklahoma Commission on Children and Youth (OCCY) was given the responsibility to develop, train and provide cost reimbursement to the Freestanding Multidisciplinary Teams within in each District Attorney's district.

The OCCY surveys the Freestanding Multidisciplinary teams each Fiscal Year to better understand the child and the family dynamics of the cases reviewed by each team. The Freestanding teams are also asked to identify areas of improvement and technical assistance. 36 Teams completed the SFY 2015 survey.

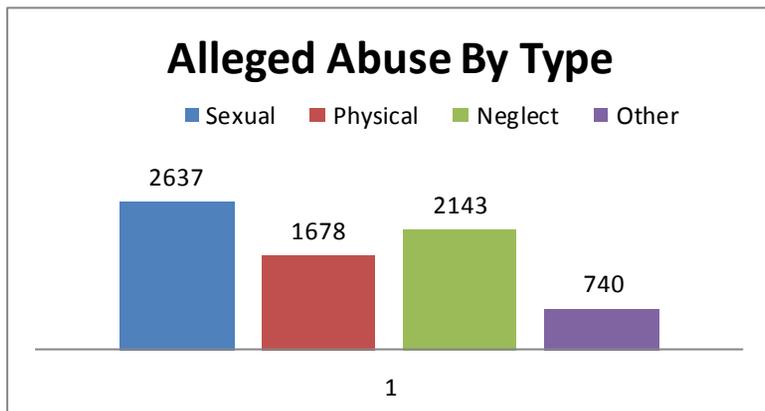
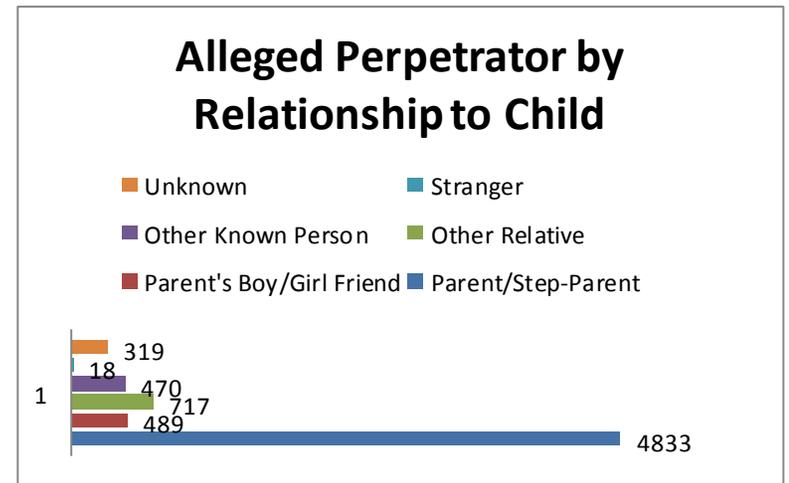


Demographics

5983 Children

ages	0-6	7-12	13-18
# of Children	2801	1976	1011

Racial Make-up					
Caucasian	Black	Hispanic	Native American	Asian	Multi-racial
3614	837	435	710	34	130



Training was the over-whelming need identified in the survey. Areas which boards feel they need to improve are: **community education, attendance** at meetings and **cooperation/successful conflict Resolution** within the team.