

# OKLAHOMA COMMISSION ON CHILDREN AND YOUTH

Oklahoma Dental Association  
317 N.E. 13<sup>th</sup> St.  
Oklahoma City, Oklahoma

## REGULAR MEETING

June 25, 2009

### MINUTES

#### Call to order and roll call

Chairman Bouse called the meeting to order at 9:07 a.m. Members present were: Bart Bouse, Darlene Callahan, Gene Christian, Ken Couchman, Wanda Felty, Lisa Hammond, Howard Hendrick, Ben Loring, Mike O'Brien, and Brent Thackerson. Members not present: Tom Alford, Mike Fogarty, Sandy Garrett, Terrica Grunewald, Rocky McElvany, Claudette Selph, and Terri White.

#### Review and approval of minutes from the May 22, 2009, Regular Commission meeting

Hendrick moved, Callahan seconded to approve the minutes of the May 22, 2009, Regular Commission meeting as presented. Bouse and Thackerson abstained. All other members present voted in the affirmative. Motion passed.

A special presentation (Governor's Commendation) was made to Mr. Cliff Aldridge, Oversight Specialist, who will be retiring after 27 years with the State of Oklahoma, December 1, 2009.

#### CONGRATULATIONS CLIFF!!!

#### Legislative Update – *Anne Roberts, Executive Director, Oklahoma Institute for Child Advocacy*

Ms. Roberts reported that children, youth and families did have good things happen for them during the recent legislative session. This was the first year when both the Senate and House were controlled by Republicans and they were able to get some things done as the result of that; however, the Governor did veto a number of things that they wanted to do.

The most sweeping change that was made had to do with child welfare. As many will recall, over the past few years a group has worked tirelessly and line-by-line to clean up the language in Title 10; **HBs 2028** and **2029**. These bills were followed up by HBs 1734 and 2032, mandating some changes within the Office of Juvenile System Oversight (OJSO).

Ms. Roberts distributed to everyone a summary of Gains and Losses for Children and Youth, as well as the Oklahoma Institute for Child Advocacy, Children's Information Network, Final Report, #20.

She highlighted the items from these reports as follows:

**HB 2026** – This bill was the healthcare reform bill that, while not specifically addressing children's issues with regard to health coverage, it builds upon the Insure Oklahoma program which is a premium assistance program.

**SB 399** – Childhood Obesity – expanding the Safe Routes to School Program; redoing traffic patterns; creating more sidewalks, and doing public awareness about the need for children to be able to walk or ride a bike to school.

**SB 135** – Children with Disabilities – Parents of children with autism brought forth again the proposal to mandate that health insurance coverage be applicable to children with autism; that portion of the bill did not pass, but a companion bill did pass that would expand the services that are available for children with autism by bringing in about three ADA therapists to provide services to children and to provide the clinical supervision for students who want to be trained and certified in the autism arena.

Ms. Roberts stated that the Youth Transitioning Taskforce bill (595) did not pass in the legislature; however, the taskforce continues to meet and press on with its efforts to address issues with transitioning youth such as housing, mental health challenges, substance abuse, etc.

**Director's Report on Agency Activities – Lisa Smith**

A written report from Ms. Smith was included in the Commission packet.

She highlighted some of the information included in this report as follows:

Ms. Smith congratulated Ms. Brandy Smith, Ms. Jacqueline Pereira, and Dr. Gary Theilan (OCCY Contractor), under the leadership of Mr. Jack Chapman for the highly successful Community Partnership Board Annual meeting recently held at the OSU/OKC campus.

Ms. Smith also highlighted the flow chart that was included with her report; this is as the result of HB 1734 and is part of the bill that affects the Commission effective July 1, 2009. It transfers the licensing (certification process) of the two state operated facilities; Pauline Mayer Shelter in OKC and the Laura Dester Shelter in Tulsa, from the DHS – Office of Child Care to the OCCY. They have met with the DHS Office of Child Care and have consulted with the agency attorney, Mr. Grant Moak from the AG's office and have put together a basic plan to make the process as seamless and streamlined as possible.

OCCY will be making a site visit in the first week or two in July; looking at the structures, safety, new personnel records on employees hired since the last site visit and will issue a provisional certificate.

**Discussion and possible action on the FY'2010 OCCY Budget Work Program – Lisa Smith and Diane Lewis**

A written budget report was included in the Commission packet.

Ms. Lewis indicated that the OCCY appropriation for FY-2010 was reduced by \$528,241 (12.9%); however, we did receive a \$3,152.00 revenue shortfall in June 2009. The agency is absorbing the cuts by not filling a support staff position that was given to us last year to assist with the mandate on child death reports, as well as not filling a position in JOIN (Joint Oklahoma Information Network). She further indicated that the agency took a 50% temporary position and turned into a 100% position with 30% of the position being used for the Office of Juvenile System Oversight, 10% being used to help support the work of the Office of Planning and Coordination, and the remaining 60% being used for JOIN. All this makes for a 2.5 FTE reduction for the agency as a whole.

She is requesting that the Commission approve the budget work program for FY-2010 in the amount of \$3,796,668.

Christian moved, O'Brien seconded to approve the FY-2010 OCCY Budget in the amount of \$3,796,668, as well as to allow the Director to use and make available to the agency any carryover

funds from FY-2009; as well as the ability to adjust budget amounts as necessary with any additional funds that may become available in FY-2010, and report use of such funds to the full Commission at future meetings. All members present voted in the affirmative. Motion passed unanimously.

**Discussion and possible action on the 2008 Annual Report and State Plan for Services to Children and Youth – Lisa Smith and Jack Chapman**

A draft of the OCCY Annual Report and State Plan for 2008 was included in the Commission packet.

The report is broken up into three sections that individually relates to the three (3) mandates of the agency; (1) Independent monitoring; (2) planning and coordination of local and state services; and (3) test models and demonstration projects.

Mr. Chapman briefly addressed each section of the report as it was presented, and asked that the Commission adopt and approve the 2008 State Plan and Annual Report for the OCCY, as presented.

Loring moving, Callahan seconded to approve the 2008 State Plan and Annual Report for the OCCY as presented. All members present voted in the affirmative. Motion passed unanimously.

**Discussion and possible action on the 2009-2010 State Plan Recommendations – Ben Loring and Brandy Smith**

Mr. Loring stated that State Plan Recommendations committee along with a few OCCY staff met after the last Commission meeting in May to discuss what they'd like to do as far as the upcoming OCCY retreat. Basically, there will be assessment of what was accomplished in regards to the previous year's plan and work on getting the plan to be more comprehensive and coherent for progression in future years.

Ms. Brandy Smith pointed out that included in the Commission packet was a list of proposed Goals and Recommendations for 2009-2010 that the P&C staff and the Recommendations Committee are asking the Commission to adopt today and to focus on during the Retreat, as well as part of the work the Commission and staff will work on accomplishing over the next year. Those goals are:

1. Develop and Expand Behavioral Health Services
2. Increase Access to Healthcare Services
3. Develop and Expand Positive Youth Development Programs and Services
4. Increase and Develop Services to Children in Custody and Transitioning out of Custody

Loring moved, Christian seconded to approve the Proposed Goals and Recommendations for 2009-10 as presented. All members present voted in the affirmative. Motion passed unanimously.

**Report from the Nomination/Recession Committee on appointment to the Child Abuse Training and Coordinating Council (CATCC) – Howard Hendrick, Jerry Fry, and Ben Loring**

A written report from the Nomination/Recession Commission on an appointment to the Child Abuse Training and Coordinating Council was included in the Commission packet.

Commissioner Hendrick also noted that former Commissioner Jerry Fry sat on this committee; however, now that is no longer a member, this committee would need a replacement. Commissioner Brent Thackerson agreed to replace Mr. Fry on this committee. **THANK YOU BRENT, GLAD YOU ARE BACK!!!**

Hendrick moved, O'Brien seconded to approve the recommendation of the Committee to appoint Mr. Kenny Holloway to the CATCC, representing the Oklahoma Department of Corrections. All

members present voted in the affirmative. Motion passed unanimously.

**Report from the Office of Juvenile System Oversight (OJSO) to include topics for proposed systemic oversight in accordance with HB 2032 – Joanne Verity and OJSO Staff**

A written report from the Office of Juvenile System Oversight was included in the Commission packet, along with a copy of the power point presentation Ms. Verity presented on HB 2032 and how it will impact the work of the OJSO.

Ms. Verity stated that in HB 2032, it basically amends Title 10 Section 601.6; clarifies that the OJSO has the authority to interview all residents at facilities; changes the regular oversight responsibilities, that they are to visit state operated children institutions and facilities not less than one, but no more than two times in a year unannounced, and during these visits, conduct issue specific systemic monitoring and complaint investigation at **all** facilities, and within all of the children and youth service system; i.e., child welfare, schools, child support, DHS custody issues, etc.

Ms. Verity provided a summary of the systemic issues that the OJSO is proposing as follows:

1. A systemic review of transition programs and initiatives in residential facilities for youth and children.
  - *The Oklahoma Partnership for Children's Behavioral Health has committed to the development of a Transition to Independence process for Oklahoma youth exiting custody.*
  - *Facility programs should contribute to this statewide continuum of care.*
2. A systemic review of the processes and criteria used to determine when to file deprived petitions in all judicial districts. Based upon findings of its review, if necessary, the OJSO proposes to work in coordination with the District Attorneys Council to develop a recommended, consistent process that will be used statewide by D.A. office. Note: the issue is not about the **number** of petitions filed in a district, but the differences upon which decisions are made to file or not to file a petition.
  - *Perhaps one judicial process is more efficient/effective than another.*
  - *District attorneys in various districts use different criteria to determine whether or not a petition is filed.*
3. A systemic review regarding common recurring child welfare issues.
  - *Based on complaint investigations and recommendations made by the OJSO, four areas of concern have been identified; (1) failure to appropriately screen referrals; (2) failure to thoroughly review or consider a families child welfare history when determining findings of an investigation; (3) failure to follow-up on information disclosed during an investigation to appropriately assess risks and safety of child(ren) to identify appropriate services to child(ren) and their families; and (4) failure to follow court orders and maintain good working relationships with other entities involved in child abuse and neglect investigations that would ensure court protection of children.*
  - *The OJSO is proposing a statewide systemic review regarding the four specific areas of concern to determine if they are indeed systemic problems and concerns across the state.*
4. A systemic review concerning the way child welfare workers address substance use issues and how those issues affect children's safety.
  - *The OJSO evaluated 50 child deaths/near deaths case during the period of November 1, 2008, through May 31, 2009; and 23 of the 50 cases reviewed were found to have documented substance use in previous case history. Through reviewing the referrals in the 23 cases, the OJSO found that county workers and supervisors failed to follow OKDHS policies when referrals document substance use; the county workers and supervisors failed to follow up on referrals where OKDHS finding were "services recommended." County workers and supervisors inappropriately screened out referrals where substance use had been indicated.*
  - *The OJSO proposes conducting a systemic review of selected cases in selected counties to evaluate whether or not substance use issues can be handled in a way to ensure the safety of children more effectively.*

Commissioners Hendrick and Hammond, each asked that the OJSO also add to the systemic review of selected cases, reviews of Judges and District Attorneys and what they do with cases during a court proceeding, as a lot of what some of the DHS workers and supervisors do is the result of what they are told to do by the courts.

Commissioner Hammond also stated that OJSO should include reviewing foster care placements; she stated that she has regularly had to deal with changes in foster care placements due to substance use.

5. A systemic review concerning the status of behavior management issues in OJA facilities.
  - *Based on documentation reviewed by the OJSO during routine oversight visits, they have found what looks to be an increase in the use of different types of confinements; be it room, physical restraints, and/or group punishments, that have occurred within OJA contracted facilities, as well as in secure OJA facilities.*
  - *With the change in SB 595, due to become effective later this year, it provides responsibility to the OJA to certify its secure placement system and set its own standards at the L.E. Rader Center, COCJ and SWOJC.*
  - *It is of the opinion of the OJSO staff that this is a systemic issue that should be looked into and dealt with more in depth.*

Commissioner Christian stated that the OJA has requested that they be able to certify/license their secure facilities and move them from under the DHS licensing. He stated that this is going to be a huge issue because he's heard from one federal court that the Terry D. decision says "not to restrain", and another federal magistrate that says "the Terry D. law needs to be overturned; OJA is not restraining enough". He stated that he will continue to push for the use of restraints as long as they continue to see assaults upon staff and other residents.

Hammond moved, Loring seconded to approve the systemic issues identified and presented by the OJSO staff, as well as any additional items Commissioners added as systemic issues to be reviewed. All members present voted in the affirmative. Motion passed unanimously.

## **Public Comment**

None

## **New Business**

Written reports from both the Office of Planning and Coordination and the Post Adjudication Review Advisory Board were included in the Commission packet.

## **Adjournment**

Chairman Bouse adjourned the meeting at 11:02 a.m.