

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2053

By: Boyd (Laura), Weaver, Cox,
Voskuhl, Blackburn and
Sadler

AS INTRODUCED

An Act relating to child abuse; amending 10 O.S.

1991, Section 1211, as last amended by Section 19, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Section 1211), which relates to training and education regarding child abuse; adding certain subjects; amending Section 4, Chapter 352, O.S.L. 1995 and 10 O.S. 1991, Sections 1102.1, as amended by Section 5, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995, 1107, as last amended by Section 10, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995, 1109, as last amended by Section 21, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995, 1123, as amended by Section 35, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995, 1117, as last amended by Section 38, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 and 1119, as amended by Section 40, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Sections 7002-1.1, 7002-1.2, 7003-2.1, 7003-3.7,

7003-6.2, 7003-7.1 and 7003-8.1), which relate to the Oklahoma Children's Code; requiring transfer of certain proceedings under certain circumstances; requiring appointment of guardian ad litem under certain circumstances; requiring health care facility to treat child promptly; requiring certain services be made available to certain entities; authorizing stay of certain orders under certain circumstances; requiring completion of certain form under certain circumstances; prohibiting placement with certain individuals; amending Section 10, Chapter 353, O.S.L. 1995, Section 12, Chapter 353, O.S.L. 1995 and 21 O.S. 1991, Section 843, as amended by Section 15, Chapter 353, O.S.L. 1995, and as renumbered by Section 20, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Sections 7110, 7112 and 7115), which relate to the Oklahoma Child Abuse Reporting and Prevention Act; deleting certain requirements for multidisciplinary teams; authorizing appointment of attorney at certain times; requiring attorney to do certain things; defining term; amending 22 O.S. 1991, Section 60.4, as last amended by Section 57, Chapter 290, O.S.L. 1994 (22 O.S. Supp. 1995, Section 60.4), which relates to protective orders; modifying agency to receive custody under certain circumstances; amending 63 O.S. 1991, Section 1-227.9, as amended by Section 1, Chapter 101, O.S.L. 1994 (63 O.S. Supp. 1995, Section 1-227.9), which relates to the Child Abuse Training and Coordination Council; adding certain duties; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1211, as last amended by Section 19, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Section 1211), is amended to read as follows:

Section 1211. A. The Supreme Court is required to establish by rule, education and training requirements for judges, associate judges, special judges, and referees who have juvenile court docket responsibility. The Administrative Director of the Courts shall be responsible for developing and administering procedures and rules for such courses for judicial personnel.

B. All judges having juvenile or domestic docket responsibility shall attend training pertinent to issues relating to juvenile law ~~and~~, child abuse and neglect and domestic abuse issues. The Administrative Office of the Courts shall monitor the attendance of judges having juvenile docket responsibility at such training.

C. District attorneys and assistant district attorneys whose duties include responsibility for the juvenile court docket shall complete education and training courses in juvenile law and child abuse and neglect. The District Attorneys Council shall be responsible for developing and administering procedures and rules for such courses for district attorneys and assistant district attorneys.

D. Any public defender, or assistant public defender, whose duties include responsibility for a juvenile court docket shall complete education and training courses in juvenile law and child abuse and neglect. The public defender shall be responsible for developing and administering procedures and rules for such courses.

E. Any attorney employed by or under contract with the Oklahoma Indigent Defense System whose duties include responsibility for a juvenile court docket shall complete education and training courses

in juvenile law and child abuse and neglect. The Executive Director of the Oklahoma Indigent Defense System shall be responsible for developing and administering procedures and rules for such courses.

F. Any court-appointed special advocate (CASA) available for appointment pursuant to the Oklahoma Children's Code or the Oklahoma Juvenile Code shall complete education and training courses in juvenile law and child abuse and neglect. The chief judge of the judicial district for which a court-appointed special advocate serves shall be responsible for developing and administering procedures and rules for such courses.

G. The training and education programs required by this section shall be developed and provided by or in cooperation with the Child Abuse Training and Coordinating Council.

SECTION 2. AMENDATORY Section 4, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7002-1.1), is amended to read as follows:

Section 7002-1.1 A. 1. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Article III of this Code, the district court of the county in which an alleged deprived child:

- a. resides,
- b. is found, or
- c. where the alleged acts of deprivation occurred,

shall have jurisdiction of any child who is or is alleged to be deprived, shall have jurisdiction of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless of where the parent, guardian, legal custodian, legal guardian or stepparent is found and shall have jurisdiction of any other adult person living in the home of such child.

2. When jurisdiction has been obtained over a child who is or is alleged to be a deprived child, such jurisdiction may be retained until the child becomes eighteen (18) years of age.

3. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other county.

4. When it is in the best interests of the child, a proceeding under this chapter shall be transferred to the district court in another county.

B. The district court in which a petition is filed which alleges that a child is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another district court within the state has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

C. If the district court in which a petition is filed pursuant to subsection B of this section sustains the petition, the district court shall have the jurisdiction to make a final determination on the petition or to transfer the proceedings to a court having prior jurisdiction over the child. Where the other proceeding is pending in the same judicial district in which the petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1102.1, as amended by Section 5, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7002-1.2), is amended to read as follows:

Section 7002-1.2 A. If the evidence in an action for a divorce, for alimony without a divorce, for an annulment, for custody of a child or for the appointment of a guardian of the person of a child, or in subsequent proceedings in such actions, indicates that a child is deprived, the referring court shall notify

the appropriate county office of the Department of Human Services that the child may be a victim of abuse or neglect. The county office shall conduct a preliminary inquiry or investigation concerning such report in accordance with priority guidelines established by the Department of Human Services. The Department shall submit all findings regarding the preliminary inquiry or investigation to the office of the district attorney. The Department shall also send a copy of its findings to said court and notify parties to the proceeding of the submission of the report to the court. The district attorney shall advise said court whether a deprived petition will be filed by their office. If no deprived petition is filed, the court may take appropriate action regarding the custody of or appointment of a guardian for the child or children.

B. Nothing in this section shall preclude the referring court from entering an order to have the child or children taken into protective custody if evidence presented to the referring court indicates a child is in surroundings that are such as to endanger the welfare of the child. If a child is taken into protective custody by such an order, the provisions of Article III of the Oklahoma Children's Code shall apply.

C. If in any proceeding listed in subsection A of this section, it is alleged that a child has been subject to abuse or neglect, the court shall appoint a guardian ad litem for the child for that proceeding and any related proceedings.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1107, as last amended by Section 10, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-2.1), is amended to read as follows:

Section 7003-2.1 A. A child may be taken into protective custody prior to the filing of a petition:

1. By a peace officer or employee of the court, without a court order if the child's surroundings are such as to endanger the welfare of the child;

2. By an order of the district court issued upon the application of the office of the district attorney. The application presented by the district attorney may be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is reasonable suspicion to believe the child is in need of protection due to abandonment, abuse or neglect, or is in surroundings that are such as to endanger the welfare of the child. The application may be verbal, which shall be supported by facts sufficient to demonstrate to the court that there is reasonable suspicion to believe that the child is in need of protection due to abandonment, abuse or neglect or is in surroundings that are such as to endanger the welfare of the child. If verbal, a written application shall be submitted to the district court no later than the close of the next day that the court is open for business; and

3. By order of the district court when the child is in need of medical treatment or mental health treatment in order to protect the child's health or welfare and the child's parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action pursuant to this article.

B. Whenever a child is taken into protective custody:

1. Such child may be taken to a children's shelter located within the county where protective custody is assumed or, if there is no children's shelter within the county, to a children's shelter designated by the court;

2. Except as otherwise provided by subsection C of this section, such child may be taken before a judge of the district court for the purpose of obtaining an order for protective custody.

The child may be placed in the custody of the Department, if ordered by the court, for placement in a relative's home or in foster care if such placement is determined by the Department to meet the needs of the child;

3. Such child may be taken directly to or retained in a health care facility for medical treatment, when it reasonably appears to the peace officer or court employee that the child is in need of immediate medical treatment to preserve the child's health or to determine whether the child is a victim of abuse or neglect, or as otherwise directed by the court, for which the child shall receive prompt treatment at the health care facility; or

4. Such child may be taken directly to or retained in a mental health facility for mental health care, or inpatient mental health evaluation or inpatient mental health treatment, in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act, when it reasonably appears to the peace officer or court employee that the child is in need of emergency mental health care to preserve the child's health, or as otherwise directed by the court; and

5. Except as otherwise provided by subsection C of this section, the district court of the county where the protective custody is assumed shall be immediately notified, verbally or in writing, that the child has been taken into protective custody. If notification is verbal, written notification shall be sent to the district court by the close of business on the next day that the court is open for business.

C. The court may provide, in an order issued pursuant to this section or by a standing order or rule, for the disposition of children taken into protective custody and notification of the protective custody. Such order or rule shall be consistent with the provisions of subsection B of this section, but may also:

1. Designate a licensed child care facility other than a children's shelter appropriate for the temporary care of deprived children if such facility is willing to provide care;

2. Authorize the release of a child from protective custody in accord with such criteria as the court specifies or the placement of a child with such responsible persons as the court may designate and who are willing to provide care for the child pending further proceedings; and

3. Require such notice to the court concerning the assumption of protective custody and the disposition of children taken into protective custody as the court may direct.

D. No child taken into protective custody pursuant to this section shall be confined in any jail, adult lockup, or adult or juvenile detention facility. No child shall be transported or detained in a secure facility in association with delinquent, criminal, vicious, or dissolute persons.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 1109, as last amended by Section 21, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-3.7), is amended to read as follows:

Section 7003-3.7 A. If the parents, guardian, or other legal custodian of the child requests an attorney and is found to be without sufficient financial means, counsel shall be appointed by the court if a petition has been filed alleging that the child is a deprived child or if termination of parental rights is a possible remedy, provided that the court may appoint counsel without such request, if it deems representation by counsel necessary to protect the interest of the parents, guardian or other legal custodian. If the child is not otherwise represented by counsel, whenever a petition is filed pursuant to the provisions of this part, the court shall appoint a separate attorney, who shall not be a district attorney, for the child regardless of any attempted waiver by the

parent or other legal custodian of the child of the right of the child to be represented by counsel.

B. Whenever a petition is filed alleging that a child is a deprived child, the court may appoint a guardian ad litem for the child at any time subsequent to the filing of the petition and shall appoint a guardian ad litem upon the request of the child or his attorney and whenever a court-appointed special advocate is available to the court to serve as a guardian ad litem regardless of whether or not a guardian ad litem has been requested by the child or his attorney. ~~The availability of a court-appointed~~ Court-appointed special advocate services shall be ~~determined by the executive director of the court appointed special advocate program for the county~~ made available to each judicial district.

1. The guardian ad litem shall not be a district attorney, an employee of the office of the district attorney, an employee of the court, an employee of a juvenile bureau, or an employee of any public agency having duties or responsibilities towards the child.

2. Whenever a court-appointed special advocate is available for appointment as a guardian ad litem as provided by this subsection, the court shall give priority to the appointment of a court-appointed special advocate as the guardian ad litem of a deprived child.

C. 1. The court-appointed special advocate shall be given access to the court file and access to all records and reports relevant to the case and to any records and reports of examination of the child's parent or other custodian, made pursuant to the laws relating to child abuse and neglect.

2. A court-appointed special advocate shall serve without compensation and shall have such other qualifications and duties and responsibilities as may be prescribed by rule by the Supreme Court.

3. Any person participating in a judicial proceeding as a court-appointed special advocate shall be presumed prima facie to be

acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed. Any person serving in positions of management of a CASA organization, including members of the Board of Directors acting in good faith, shall be immune from any civil liability or any vicarious liability for the negligence of any CASA organization advocates, managers, or directors.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 1123, as amended by Section 35, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-6.2), is amended to read as follows:

Section 7003-6.2 A. Any interested party aggrieved by any order or decree may appeal to the Supreme Court in the same manner as other appeals are taken to the Supreme Court of this state.

B. The pendency of an appeal thus taken shall not suspend the order of the district court regarding a child, nor shall it remove the child from the custody of that court or of the person, institution or agency to whose care such child has been committed, unless the Supreme Court shall so order or unless a special review application has been filed with the presiding judge of the district court issuing the order or decree. A special review application shall be filed within three (3) days of the order or decree. As used in this section, "special review application" means a verified petition filed with a presiding judge of a district court stating specific factual information that was not considered by the trial court and is serious enough to the health and welfare of the child to stay the order or decree of the court while the appeal is pending. The pendency of an appeal from an order of adjudication shall not prevent the district court from holding a dispositional hearing unless the appellate court shall so order.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 1117, as last amended by Section 38, Chapter 352, O.S.L. 1995, and as

renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-7.1), is amended to read as follows:

Section 7003-7.1 A. 1. Whenever the court transfers custody of a child as provided in this article, the person, institution, agency, or Department receiving custody shall have the right to, and shall be responsible for, the care and control of the child, and shall have the duty and authority to provide food, clothing, shelter, medical care, education, and discipline for the child. The court shall complete a form approved by the Oklahoma Supreme Court to verify that all necessary information has been considered prior to the custody transfer. Except for an emergency psychiatric admission pursuant to the Inpatient Mental Health Treatment of Children Act, said person, institution, agency or department may provide or arrange for the provision of an inpatient mental health evaluation or inpatient mental health treatment of such child only pursuant to a court order as provided by the Inpatient Mental Health Treatment of Children Act. Nothing in this subsection shall be interpreted to prohibit or preclude the provision of outpatient mental health services, including an outpatient mental health examination, counseling, educational, rehabilitative or other similar services to said child, as necessary and appropriate, in the absence of a specific court order for such services.

2. The medical care, surgery and extraordinary care shall be charged to the appropriate agency where the child qualifies for the care under law, rule, regulation or administrative order or decision.

3. Nothing in this subsection shall be interpreted to:

- a. relieve a parent of the obligation to provide for the support of the child as otherwise provided by law, or
- b. limit the authority of the court to order a parent to make support payments or to make payments or reimbursements for medical care or treatment,

including mental health care or treatment, to the person, institution, agency or Department having custody of the child, or

- c. abrogate the right of the child to any benefits provided through public funds for which the child is otherwise eligible.

4. No person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in an emergency, as determined by competent medical authority.

B. The person, institution, agency, or Department having legal custody of a child pursuant to an order of the court shall receive notice of court proceedings regarding the child as provided in Part 3 and Part 5 of this article and shall be allowed to intervene upon application as a party to all court proceedings pertaining to the care and custody of the child including, but not limited to: adjudication, disposition, review of disposition, termination of parental rights and proceedings pursuant to the Inpatient Mental Health Treatment of Children Act.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1119, as amended by Section 40, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7003-8.1), is amended to read as follows:

Section 7003-8.1 In placing a child in the custody of an individual or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents. ~~However, it~~ It shall be left to the discretion of the judge to place children where their

total needs will best be served. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual that has been convicted of any crime involving domestic abuse.

SECTION 9. AMENDATORY Section 10, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7110), is amended to read as follows:

Section 7110. A. By July 1, 1997, in coordination with the Child Abuse Training and Coordinating Council, ~~the~~ each district attorney's office ~~in counties having fifty or more incidents of confirmed child sexual abuse or physical abuse reported to the Department of Human Services in the preceding year~~ shall be responsible for convening a meeting of a coordinated multidisciplinary team, if such a team is not already in existence. If it is feasible to establish such a team, the lead agency shall be chosen by the members of the team. The team shall intervene in reports involving sexual abuse or severe physical abuse and neglect in order to make responsible efforts to minimize the number of interviews necessary with a child-victim.

B. The coordinated multidisciplinary team may include but need not be limited to:

1. Mental health professionals licensed pursuant to the laws of this state or licensed professional counselors;

2. Police officers or other law enforcement agents with a role in, or experience or training in child abuse investigation;

3. Medical personnel with experience in child abuse identification;

4. Child protective services workers within the Department of Human Services;

5. Multidisciplinary team coordinators, or a Child Advocacy Center Director; and

6. A county district attorney or a designee.

C. 1. To the extent that resources are available to each of the various multidisciplinary child abuse and neglect teams throughout the state, the functions of the team shall include, but not be limited to, the following specific functions:

- a. review investigations, assess service delivery, and facilitate efficient and appropriate disposition of cases through the criminal justice system,
- b. develop a written protocol for investigating child sexual and serious physical abuse cases and for interviewing child abuse victims. In addition, each team shall develop agreements signed by member agencies that specify the role of the team,
- c. increase communication and collaboration among the professionals responsible for the reporting, investigation, prosecution and treatment of child abuse and neglect cases,
- d. eliminate duplicative efforts in the investigation and the prosecution of child abuse cases,
- e. identify gaps in service or all untapped resources within the community to improve the delivery of services to the victim and family,
- f. encourage the development of expertise with discipline-specific training and cross-discipline training,
- g. formalize a case review and case tracking process for all or problematic cases of child abuse and neglect, and
- h. standardize investigative procedures for the handling of child abuse and neglect cases.

2. All investigations of child sexual abuse and serious physical abuse and interviews of child abuse victims shall be

carried out by appropriate personnel using the protocols and procedures specified in this section.

3. If trained personnel are not available in a timely fashion and, in the judgment of a law enforcement officer or the Department of Human Services, there is reasonable cause to believe a delay in investigation or interview of the child abuse victim could place the child in jeopardy of harm or threatened harm to a child's health or welfare, the investigation may proceed without full participation of all personnel. This authority applies only for as long as reasonable danger to the child exists. A reasonable effort to find and provide a trained investigator or interviewer shall be made.

D. Nothing in this section shall preclude the use of:

1. Hospital or treatment-based team reviews for client-specific purposes; and

2. Teams in existence prior to July 1, 1995, and coordination of such teams.

E. Such multidisciplinary service team shall have full access to any service or treatment plan and any personal data known to the Department which is directly related to the implementation of this section.

SECTION 10. AMENDATORY Section 12, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7112), is amended to read as follows:

Section 7112. A. In every case filed pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the judge of the district court shall appoint an attorney-at-law to appear for and represent a child who is the alleged subject of child abuse or neglect in such case. The judge of the district court may appoint an attorney-at-law to represent an alleged abused or neglected child prior to a case being filed if necessary to protect the rights and best interests of the child. The attorney may be allowed a reasonable fee for such services to be paid from the court fund to be fixed by

the district court. The attorney shall meet with the child and shall attend all court proceedings prior to receiving the fee from the court fund. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section. The attorney shall be charged with the representation of the child's best interests. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

B. A court-appointed special advocate as defined by the Oklahoma Children's Code and the Oklahoma Juvenile Code may be appointed to represent a child who is the alleged subject of child abuse or neglect. The court-appointed special advocate shall be given access to all reports relevant to the case and to any reports of examination of the child's parents or other custodian made pursuant to this section.

C. At such time as the information maintained by the statewide registry for child abuse, sexual abuse, and neglect is indexed by perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 843, as amended by Section 15, Chapter 353, O.S.L. 1995, and as renumbered by Section 20, Chapter 353, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7115), is amended to read as follows:

Section 7115. Any parent or other person who shall willfully or maliciously engage in child abuse or neglect or who shall otherwise willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of eighteen (18), or sexually abuse, sexually exploit or otherwise abuse or neglect such child, or who shall cause, procure or permit any of said acts to be done, shall upon conviction be punished by imprisonment in the State Penitentiary not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment. As used in this section, "permit" means that a person knows or should know that a child may be at risk of being abused while being cared for by an individual.

SECTION 12. AMENDATORY 22 O.S. 1991, Section 60.4, as last amended by Section 57, Chapter 290, O.S.L. 1994 (22 O.S. Supp. 1995, Section 60.4), is amended to read as follows:

Section 60.4 A. A copy of the petition, notice of hearing and a copy of any ex parte order issued by the court shall be served upon the defendant in the same manner as a summons. Ex parte orders shall be given priority for service by the sheriff's office and can be served twenty-four (24) hours a day. When the defendant is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the defendant, a copy of the petition, notice of hearing and a copy of any ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken into custody by the Department of Human Services.

B. Within fifteen (15) days of the filing of the petition the court shall schedule a full hearing on the petition, regardless of whether an emergency ex parte order has been previously issued, requested or denied. Provided, however, when a minor child has been

removed from the residence and placed in the temporary custody of the Department of Human Services, the court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency ex parte order has been previously issued, requested or denied.

C. At the hearing, the court may grant any protective order to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim, including committing any minor child into the custody of the Department of Human Services.

D. Protective orders authorized by this section may include the following:

1. An order to the defendant not to abuse or injure the victim;
2. An order to the defendant not to visit, assault, molest, harass or otherwise interfere with the victim;
3. An order to the defendant not to threaten the victim;
4. An order to the defendant to cease stalking the victim;
5. An order to the defendant to cease harassment of the victim;
6. An order to the defendant to leave the residence;
7. An order awarding attorney fees;
8. An order awarding court costs; and
9. An order placing any minor child in the custody of the Department of Human Services.

E. After notice and hearing, protective orders authorized by this section may require the plaintiff or the defendant or both to undergo treatment or participate in the counseling services necessary to bring about cessation of domestic abuse against the victim. Either party or both may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

F. When necessary to protect the victim and when authorized by the court, protective orders granted pursuant to the provisions of this section may be served upon the defendant by a peace officer,

sheriff, constable, or policeman or other officer whose duty it is to preserve the peace, as defined by Section 99 of Title 21 of the Oklahoma Statutes.

G. Any protective order issued pursuant to subsection C of this section shall not be for a fixed period but shall be continuous until modified or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant. If a child has been removed from the residence of a parent or custodial adult because of repeated domestic abuse committed by the child and is placed in the custody of the ~~Department of Human Services~~ Oklahoma Office of Juvenile Affairs, the parent or custodial adult may refuse the return of such child to the residence, until the child demonstrates a cessation of abusive behavior.

H. No order issued under the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation, child support or division of property or any other like relief obtainable under Sections 101 et seq. of Title 43 of the Oklahoma Statutes.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 1-227.9, as amended by Section 1, Chapter 101, O.S.L. 1994 (63 O.S. Supp. 1995, Section 1-227.9), is amended to read as follows:

Section 1-227.9 A. There is hereby created the Child Abuse Training and Coordination Council.

B. The Oklahoma Commission on Children and Youth shall appoint a Child Abuse Training and Coordination Council which shall be composed of nineteen (19) members, as follows:

1. One member shall be a representative of child welfare services within the Department of Human Services;

2. One member shall be a representative of juvenile services within the Department of Human Services;

3. One member shall be a representative of maternal and child health services within the State Department of Health;

4. One member shall be a representative of the State Department of Health;

5. One member shall be a representative of the State Department of Education;

6. One member shall be a representative of the Department of Mental Health and Substance Abuse Services;

7. One member shall be a representative of the Oklahoma State Medical Association and shall be a member of the Oklahoma Chapter of the American Academy of Pediatrics;

8. One member shall be a representative of the judiciary;

9. One member shall be a representative of the Oklahoma Osteopathic Association and shall be a pediatric osteopathic physician;

10. One member shall be a representative of the District Attorney's Council;

11. One member shall be a representative of the Council on Law Enforcement, Education and Training;

12. One member shall be a representative of the Department of Corrections;

13. One member shall be a representative of Court Appointed Special Advocates;

14. One member shall be a representative of the Oklahoma Bar Association;

15. One member shall be a representative of the Oklahoma Psychological Association;

16. One member shall be a representative of the Oklahoma Chapter of the National Association of Social Workers;

17. One member shall be a representative of the Oklahoma Association of Youth Services;

18. One member shall be a representative of the Indian Child Welfare Association; and

19. One member shall be a representative of the Advisory Task Force on Child Abuse and Neglect appointed by the Governor.

C. The appointed members shall be persons having expertise in the dynamics, identification and treatment of child abuse and neglect and child sexual abuse.

D. The Training and Coordination Council shall:

1. Establish objective criteria and guidelines for multidisciplinary and, as appropriate for each discipline, discipline-specific training on child abuse and neglect for professionals with responsibilities affecting children, youth and families;

2. Review curricula and make recommendations to state agencies and professional organizations and associations regarding available curricula and curricula having high standards of professional merit;

3. Review and approve curricula regarding child abuse and neglect used in law enforcement officer training by the Oklahoma Council on Law Enforcement Education and Training;

4. Cooperate with and assist professional organizations and associations in the development and implementation of ongoing training programs and strategies to encourage professionals to participate in said training programs; and

~~4.~~ 5. Make reports and recommendations regarding the continued development and improvement of said training programs to the State Commissioner of Health, the Oklahoma Commission on Children and Youth, and each affected agency, organization and association.

SECTION 14. This act shall become effective November 1, 1996.

