

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1049

By: Thornbrugh and Bryant of
the House

and

Morgan of the Senate

COMMITTEE SUBSTITUTE

An Act relating to children; amending Section 10, Chapter 353, O.S.L. 1995, as last amended by Section 18, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7110), which relates to child abuse intervention and prevention; creating the Child Abuse Multidisciplinary Account Revolving Fund and stating purpose therefor; providing for allocation of funds; providing for eligibility for funds; providing for development of criteria; providing for promulgation of rules; defining term; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 10, Chapter 353, O.S.L. 1995, as last amended by Section 18, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1998, 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, each district attorney's district shall be responsible for convening a meeting of a coordinated multidisciplinary team, if such a team is not already in existence. If the district attorney's office is unwilling or unable to convene the meeting, the meeting shall be convened by one of the other entities listed in subsection B of this section. 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 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. A multidisciplinary team may enter into an agreement with the Child Death Review Board within the Oklahoma Commission on Children and Youth and, in accordance with rules promulgated by the Oklahoma Commission on Children and Youth, conduct case reviews of deaths and near deaths of children within the geographical area of that multidisciplinary team.

E. Any multidisciplinary team reviewing deaths and near deaths of children shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the team relating to the review of the deaths and near deaths of children and a summary of the extent to which the state child protection system is coordinated with foster care and adoption programs and whether the state is efficiently discharging its child protection responsibilities. The report shall be completed no later than December 31 of each year.

F. 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.

G. 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.

H. There is hereby created in the State Treasury a revolving fund for the Department of Health for the Child Abuse Training and Coordination Program of the Office of Child Abuse Prevention to be designated the "Child Abuse Multidisciplinary Account (CAMA) Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from funding sources provided by law and from interest earned on the fund. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the purpose provided in subsection I of this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

I. The Department of Health, through the Child Abuse Training and Coordination Program of the Office of Child Abuse Prevention, shall be responsible for coordinating disbursements from the CAMA Revolving Fund. By January 1, 2000, and by January 1 of each year thereafter, the Child Abuse Training and Coordination Program shall disburse monies from the Child Abuse Multidisciplinary Account Revolving Fund to eligible community-based multidisciplinary child abuse teams and to eligible child advocacy centers. The Child Abuse Training and Coordinating Council (CATCC) shall make recommendations to the Department for implementation of the provisions of this subsection. Monies allocated under this subsection shall not be used as replacement revenues for currently available funds previously allocated by the state for child abuse tertiary prevention.

J. The Department of Health, through the Child Abuse Training and Coordination Program of the Office of Child Abuse Prevention, with the assistance of the CATCC, shall develop an application and determine eligibility of the applicants and:

1. Allocate funds, if the program is deemed eligible;
2. Conditionally allocate funds, with appropriate conditions, when necessary to establish eligibility; or
3. Deny funding.

K. In making the eligibility determination, the Child Abuse Training and Coordination Program, with the advice of CATCC, shall promulgate rules to set minimum standards.

L. Each year, the multidisciplinary child abuse team in the county and any eligible child advocacy center may submit to the Child Abuse Training and Coordination Program of the Office of Child Abuse Prevention noncompetitive applications for CAMA funds, outlining the proposed use of those funds. Funds may be used for the initiation of or ongoing support and maintenance of child advocacy centers or community-based multidisciplinary teams or both

such centers and teams. Any child advocacy center that is awarded CAMA funds shall not receive such funds unless the center enters into a contract with the Office of Child Abuse Prevention of the Department of Health for the services provided for in the application.

M. Two or more county multidisciplinary child abuse teams may join together to develop joint CAMA applications. The joint application shall be submitted as provided in subsection L of this section.

N. The Child Abuse Training and Coordination Program, with the assistance of the CATCC, shall develop evaluation criteria to make recommendations to the Department of Health regarding future eligibility and allocation decisions and to evaluate programs funded under this section.

O. The Child Abuse Training and Coordination Program, with the advice of CATCC, shall promulgate rules necessary to carry out the provisions of this section including, but not limited to, rules concerning the following:

1. Notices and time limits for applications;
2. Method of review and the role of advisory bodies; and
3. Escrowing lapsed funds for counties in which funds were not used.

P. As used in this section, "child advocacy center" means an entity that:

1. Coordinates all or part of the services provided for in this section with the office of district attorney of the county in which the entity is located;
2. Coordinates with the local Department of Human Services county office or offices within the service area; and
3. Provides with the application a letter of support from a police department and a sheriff in the area served.

SECTION 2. This act shall become effective July 1, 1999.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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