

ENROLLED HOUSE
BILL NO. 2007

By: Thornbrugh, Bryant, Adkins,
Boyd, McCarter, Phillips,
Sullivan (John), Ingmire,
Roggow, Wells, Blackburn,
Claunch, Collins,
Deutschendorf, Gilbert,
Kirby, Lindley, Piatt,
Roach, Ross, Seikel, Staggs
and Toure of the House

and

Morgan, Weedn, Williams,
Milacek, Hobson, Pruitt,
Coffee, Crutchfield,
Dunlap, Harrison, Helton,
Herbert, Horner, Monson,
Rozell, Brown and Leftwich
of the Senate

An Act relating to children; amending Section 10, Chapter 353, O.S.L. 1995, as last amended by Section 1, Chapter 296, O.S.L. 1999 (10 O.S. Supp. 1999, Section 7110), which relates to coordinated multidisciplinary child abuse teams; adding neglect; requiring the Department of Human Services to disburse certain monies; creating the Child Abuse Multidisciplinary Account; making the fund continuing; requiring certain uses; providing for expenditures and deposits; providing for administration; specifying eligible entities; providing for contents; prohibiting transfer and certain other uses of funds; establishing formula for disbursement; requiring certain disbursement; providing for recommendations; requiring setting aside of certain funds; amending 28 O.S. 1991, Sections 152, as last amended by Section 54, Chapter 366, O.S.L. 1997 and 152.1, as last amended by Section 1, Chapter 58, O.S.L. 1999 (28 O.S. Supp. 1999, Sections 152 and 152.1), which relate to assessment of certain fees; increasing fees and certain charges in civil cases; providing for deposits; providing for codification; 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 1, Chapter 296, O.S.L. 1999 (10 O.S. Supp. 1999, Section 7110), is amended to read as follows:

Section 7110. A. 1. 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 child abuse team, if such a team is not already in existence to determine whether the establishment of a coordinated multidisciplinary child abuse team is feasible in the district. 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.

2. 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 or neglect in order to make responsible efforts to minimize the number of interviews necessary with a child-victim.

B. The coordinated multidisciplinary child abuse team members 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 and neglect investigation;

3. Medical personnel with experience in child abuse and neglect identification;

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

5. Multidisciplinary child abuse 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 coordinated multidisciplinary child abuse 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 abuse and serious physical child abuse or neglect cases and for interviewing child ~~abuse~~ victims. In addition, each team shall develop agreements signed by member agencies that specify the role of the member agencies on 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 and neglect 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 child abuse or neglect and interviews of child abuse or neglect 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. 1. A coordinated multidisciplinary child abuse 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 coordinated multidisciplinary child abuse team.

2. Any coordinated multidisciplinary child abuse 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.

E. 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.

F. Such coordinated multidisciplinary child abuse 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.

G. 1. When funds become available, the Department of Human Services, with the assistance of the Child Abuse Training and Coordinating Council, shall develop the eligibility criteria of applicants for disbursement of funds or for the disbursement of fees for specified services rendered.

2. The Department of Human Services, with the advice of the Child Abuse Training and Coordinating Council, is authorized to promulgate such rules as may be necessary to set minimum standards.

3. The Department of Human Services, with the assistance of the Child Abuse Training and Coordinating Council, may develop evaluation criteria to make recommendations for future eligibility and allocation decisions and to evaluate programs funded pursuant to this section.

4. The Department of Human Services shall disburse monies from the Child Abuse Multidisciplinary Account pursuant to the eligibility criteria established by the provisions of this subsection and Sections 2 and 3 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7110.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created in the Department of Human Services a revolving fund to be designated the "Child Abuse Multidisciplinary Account".

2. The account shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department pursuant to this act.

3. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the purposes provided in Section 7110 of Title 10 of the Oklahoma Statutes and Section 3 of this act.

4. Expenditures from the account 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.

B. The account shall be administered by the Department for the benefit of children of Oklahoma and made available to eligible:

1. Coordinated multidisciplinary child abuse teams;
2. Nonurban child advocacy centers; and
3. Urban child advocacy centers.

C. 1. The Child Abuse Multidisciplinary Account shall consist of:

- a. all monies received by the Department pursuant to Section 3 of this act,

- b. interest attributable to investment of money in the Account, and
- c. money received by the Department in the form of gifts, grants, reimbursements, or from any other source intended to be used for the purposes specified or collected pursuant to the provisions of this section and Section 7110 of Title 10 of the Oklahoma Statutes.

2. The monies deposited in the Child Abuse Multidisciplinary Account shall at no time become monies of the state and shall not become part of the general budget of the Department or any other state agency. Except as otherwise authorized by this section, no monies from the Account shall be transferred for any purpose to any other state agency or any account of the Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7110.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall allocate monies available in the Child Abuse Multidisciplinary Account with the following funding formula:

- 33 coordinated multidisciplinary child abuse teams \$25,000.00 each
- 27 nonurban child advocacy centers \$12,000.00 to \$150,000.00 each pursuant to subsection B of this section
- 2 urban child advocacy centers\$600,000.00 each

B. 1. By January 1, 2001, and by January 1 of each year thereafter, the Department shall disburse monies from the Child Abuse Multidisciplinary Account to eligible coordinated multidisciplinary child abuse teams and to eligible child advocacy centers.

2. The Child Abuse Training and Coordinating Council shall make recommendations to the Department pursuant to Section 7110 of Title 10 of the Oklahoma Statutes for implementation of the provisions of this subsection.

3. In determining the allocation of funds for nonurban child advocacy centers, the Department, with the recommendations of the Child Abuse Training and Coordinating Council, shall be based upon the population of a county, the number of child abuse complaints investigated within a county, the severity of abuse cases, and similar criteria.

C. If on January 1, 2001, the numbers of teams and advocacy centers specified in subsection A of this section have not been established, the Department shall set aside any remaining monies in the Account to be made available for the establishment of such new teams and centers.

SECTION 4. AMENDATORY 28 O.S. 1991, Section 152, as last amended by Section 54, Chapter 366, O.S.L. 1997 (28 O.S. Supp. 1999, Section 152), is amended to read as follows:

Section 152. A. In any civil case filed in a district court, the court clerk shall collect, at the time of filing, the following flat fees, none of which shall ever be refundable, and which shall be the only charge for court costs, except as is otherwise specifically provided for by law:

1. Actions for divorce, alimony without divorce, separate maintenance, custody or support ~~\$72.00~~
\$82.00
2. Any ancillary proceeding to modify or vacate a divorce decree providing for custody or support .. ~~\$30.00~~
\$40.00
3. Probate and guardianship ~~\$72.00~~
\$82.00
4. Annual guardianship report ~~\$20.00~~
\$30.00
5. Any proceeding for sale or lease of real or personal property or mineral interest in probate or guardianship
. ~~\$30.00~~
\$40.00
6. Any proceeding to revoke the probate of a will ~~\$30.00~~
\$40.00
7. Judicial determination of death ~~\$45.00~~
\$55.00
8. Adoption ~~\$92.00~~
\$102.00
9. Civil actions and condemnation ~~\$72.00~~
\$82.00
10. Garnishment..... ~~\$10.00~~
\$20.00
11. Continuing wage garnishment ~~\$50.00~~
\$60.00
12. Any other proceeding after judgment..... ~~\$20.00~~
\$30.00
13. All others, including but not limited to actions for forcible entry and detainer, judgments from all other courts, including the Workers' Compensation Court ~~\$72.00~~
\$82.00
14. Notice of renewal of judgment ~~\$10.00~~
\$20.00

B. Of the amounts collected pursuant to subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the Law Library Fund.

C. Of the amounts collected pursuant to paragraph 8 of subsection A of this section, the sum of Twenty Dollars (\$20.00) shall be deposited to the credit of the Voluntary Registry and Confidential Intermediary program and the Mutual Consent Voluntary Registry established pursuant to the Oklahoma Adoption Code.

D. Of the amounts collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be deposited to the credit of the Child Abuse Multidisciplinary Account.

E. In any case in which a litigant claims to have a just cause of action and that, by reason of poverty, the litigant is unable to pay the fees and costs provided for in this section and is financially unable to employ counsel, upon the filing of an affidavit in forma pauperis executed before any officer authorized by law to administer oaths to that effect and upon satisfactory showing to the court that the litigant has no means and is, therefore, unable to pay the applicable fees and costs and to employ counsel, no fees or costs shall be required. The opposing party or parties may file with the court clerk of the court having jurisdiction of the cause an affidavit similarly executed contradicting the allegation of poverty. In all such cases, the court shall promptly set for hearing the determination of eligibility to litigate without payment of fees or costs. Until a final order is entered determining that the affiant is ineligible, the clerk shall permit the affiant to litigate without payment of fees or costs. Any litigant executing a false affidavit or counter affidavit pursuant to the provisions of this section shall be guilty of perjury.

SECTION 5. AMENDATORY 28 O.S. 1991, Section 152.1, as last amended by Section 1, Chapter 58, O.S.L. 1999 (28 O.S. Supp. 1999, Section 152.1), is amended to read as follows:

Section 152.1 A. In civil cases, the court clerk shall collect and deposit in the court fund the following charges in addition to the flat fee:

1. For posting notices and filing certificates required by statute~~\$20.00~~
\$30.00
2. For the filing of any counterclaim or setoff pursuant to Section 1758 of Title 12 of the Oklahoma Statutes~~\$10.00~~
\$20.00
3. For mailing by any type of mail writs, warrants, orders, process, command, or notice for each person\$ 7.00
4. For the actual cost of all postage in each case in excess of\$ 7.00

5. For serving each writ, warrant, order, process, command, or notice for each person in one or more counties.....\$35.00
provided that if more than one person is served at the same address, one flat fee of Thirty-five Dollars (\$35.00) may be charged;
6. For sheriff's fees on court-ordered sales of real or personal property\$75.00
7. When a jury is requested~~\$50.00~~
\$60.00
8. For issuing each summons for each person.....\$ 5.00
9. For services of a court reporter at each trial held in the case.....\$20.00

The fees prescribed in paragraphs 5 and 6 of subsection A of this section shall be paid by the court clerk into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county where service is made or attempted or where the sheriff's sale occurs. All other fees shall be deposited into the local court fund in the county where collected.

B. Of the amounts collected pursuant to the provisions of paragraphs 1, 2 and 7 of subsection A of this section, the sum of Ten Dollars (\$10.00) shall be deposited to the credit of the Child Abuse Multidisciplinary Account.

SECTION 6. 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.

Passed the House of Representatives the 22nd day of February,
2000.

Speaker of the House of
Representatives

Passed the Senate the 4th day of April, 2000.

President of the Senate