

EHB 2007

THE STATE SENATE
Tuesday, April 4, 2000

ENGROSSED

House Bill No. 2007

ENGROSSED 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:

1 Section 7110. A. 1. In coordination with the Child Abuse
2 Training and Coordinating Council, each district attorney's district
3 shall be responsible for convening a meeting of a coordinated
4 multidisciplinary child abuse team, if such a team is not already in
5 existence to determine whether the establishment of a coordinated
6 multidisciplinary child abuse team is feasible in the district. If
7 the district attorney's office is unwilling or unable to convene the
8 meeting, the meeting shall be convened by one of the other entities
9 listed in subsection B of this section.

10 2. If it is feasible to establish such a team, the lead agency
11 shall be chosen by the members of the team. The team shall
12 intervene in reports involving sexual abuse or severe physical abuse
13 or neglect in order to make responsible efforts to minimize the
14 number of interviews necessary with a child-victim.

15 B. The coordinated multidisciplinary child abuse team members
16 may include, but need not be limited to:

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

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

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

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

3 5. Multidisciplinary child abuse team coordinators, or a Child
4 Advocacy Center Director; and

5 6. A district attorney or a designee.

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

10 a. review investigations, assess service delivery, and
11 facilitate efficient and appropriate disposition of
12 cases through the criminal justice system,

13 b. develop a written protocol for investigating child
14 sexual abuse and serious physical child abuse or
15 neglect cases and for interviewing child ~~abuse~~
16 victims. In addition, each team shall develop
17 agreements signed by member agencies that specify the
18 role of the member agencies on the team,

19 c. increase communication and collaboration among the
20 professionals responsible for the reporting,
21 investigation, prosecution and treatment of child
22 abuse and neglect cases,

- 1 d. eliminate duplicative efforts in the investigation and
2 the prosecution of child abuse and neglect cases,
3 e. identify gaps in service or all untapped resources
4 within the community to improve the delivery of
5 services to the victim and family,
6 f. encourage the development of expertise with
7 discipline-specific training and cross-discipline
8 training,
9 g. formalize a case review and case tracking process for
10 all or problematic cases of child abuse and neglect,
11 and
12 h. standardize investigative procedures for the handling
13 of child abuse and neglect cases.

14 2. All investigations of child sexual abuse and serious
15 physical child abuse or neglect and interviews of child abuse or
16 neglect victims shall be carried out by appropriate personnel using
17 the protocols and procedures specified in this section.

18 3. If trained personnel are not available in a timely fashion
19 and, in the judgment of a law enforcement officer or the Department
20 of Human Services, there is reasonable cause to believe a delay in
21 investigation or interview of the child ~~abuse~~ victim could place the
22 child in jeopardy of harm or threatened harm to a child's health or
23 welfare, the investigation may proceed without full participation of

1 all personnel. This authority applies only for as long as
2 reasonable danger to the child exists. A reasonable effort to find
3 and provide a trained investigator or interviewer shall be made.

4 D. 1. A coordinated multidisciplinary child abuse team may
5 enter into an agreement with the Child Death Review Board within the
6 Oklahoma Commission on Children and Youth and, in accordance with
7 rules promulgated by the Oklahoma Commission on Children and Youth,
8 conduct case reviews of deaths and near deaths of children within
9 the geographical area of that coordinated multidisciplinary child
10 abuse team.

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

20 E. Nothing in this section shall preclude the use of:

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

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

3 F. Such coordinated multidisciplinary child abuse team shall
4 have full access to any service or treatment plan and any personal
5 data known to the Department which is directly related to the
6 implementation of this section.

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

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

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

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

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

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

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

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

14 4. Expenditures from the account shall be made upon warrants
15 issued by the State Treasurer against claims filed as prescribed by
16 law with the Director of State Finance for approval and payment.

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

- 19 1. Coordinated multidisciplinary child abuse teams;
20 2. Nonurban child advocacy centers; and
21 3. Urban child advocacy centers.

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

- 1 a. all monies received by the Department pursuant to
2 Section 3 of this act,
3 b. interest attributable to investment of money in the
4 Account, and
5 c. money received by the Department in the form of gifts,
6 grants, reimbursements, or from any other source
7 intended to be used for the purposes specified or
8 collected pursuant to the provisions of this section
9 and Section 7110 of Title 10 of the Oklahoma Statutes.

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

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

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

1 33 coordinated multidisciplinary
2 child abuse teams \$25,000.00 each
3 27 nonurban child advocacy centers..... \$12,000.00 to
4 \$150,000.00 each pursuant to subsection B of this section
5 2 urban child advocacy centers \$600,000.00 each

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

11 2. The Child Abuse Training and Coordinating Council shall make
12 recommendations to the Department pursuant to Section 7110 of Title
13 10 of the Oklahoma Statutes for implementation of the provisions of
14 this subsection.

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

21 C. If on January 1, 2001, the numbers of teams and advocacy
22 centers specified in subsection A of this section have not been
23 established, the Department shall set aside any remaining monies in

1 the Account to be made available for the establishment of such new
2 teams and centers.

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

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

- | | | |
|----|---|--------------------|
| 11 | 1. Actions for divorce, alimony without divorce, separate | |
| 12 | maintenance, custody or support..... | \$72.00 |
| 13 | | <u>\$82.00</u> |
| 14 | 2. Any ancillary proceeding to modify or vacate a divorce | |
| 15 | decree providing for custody or support .. | \$30.00 |
| 16 | | <u>\$40.00</u> |
| 17 | 3. Probate and guardianship | \$72.00 |
| 18 | | <u>\$82.00</u> |
| 19 | 4. Annual guardianship report | \$20.00 |
| 20 | | <u>\$30.00</u> |
| 21 | 5. Any proceeding for sale or lease of real or personal | |
| 22 | property or mineral interest in probate or guardianship | |
| 23 | | \$30.00 |

1		<u>\$40.00</u>
2	6. Any proceeding to revoke the probate of a	
3	will.....	\$30.00
4		<u>\$40.00</u>
5	7. Judicial determination of death.....	\$45.00
6		<u>\$55.00</u>
7	8. Adoption.....	\$92.00
8		<u>\$102.00</u>
9	9. Civil actions and condemnation.....	\$72.00
10		<u>\$82.00</u>
11	10. Garnishment.....	\$10.00
12		<u>\$20.00</u>
13	11. Continuing wage garnishment	\$50.00
14		<u>\$60.00</u>
15	12. Any other proceeding after judgment.....	\$20.00
16		<u>\$30.00</u>
17	13. All others, including but not limited to actions for	
18	forcible entry and detainer, judgments from all other	
19	courts, including the Workers' Compensation	
20	Court.....	\$72.00
21		<u>\$82.00</u>
22	14. Notice of renewal of judgment.....	\$10.00
23		<u>\$20.00</u>

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

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

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

12 E. In any case in which a litigant claims to have a just cause
13 of action and that, by reason of poverty, the litigant is unable to
14 pay the fees and costs provided for in this section and is
15 financially unable to employ counsel, upon the filing of an
16 affidavit in forma pauperis executed before any officer authorized
17 by law to administer oaths to that effect and upon satisfactory
18 showing to the court that the litigant has no means and is,
19 therefore, unable to pay the applicable fees and costs and to employ
20 counsel, no fees or costs shall be required. The opposing party or
21 parties may file with the court clerk of the court having
22 jurisdiction of the cause an affidavit similarly executed
23 contradicting the allegation of poverty. In all such cases, the

1 court shall promptly set for hearing the determination of
 2 eligibility to litigate without payment of fees or costs. Until a
 3 final order is entered determining that the affiant is ineligible,
 4 the clerk shall permit the affiant to litigate without payment of
 5 fees or costs. Any litigant executing a false affidavit or counter
 6 affidavit pursuant to the provisions of this section shall be guilty
 7 of perjury.

8 SECTION 5. AMENDATORY 28 O.S. 1991, Section 152.1, as
 9 last amended by Section 1, Chapter 58, O.S.L. 1999 (28 O.S. Supp.
 10 1999, Section 152.1), is amended to read as follows:

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

- 14 1. For posting notices and filing certificates
 15 required by statute ~~\$20.00~~
 16 \$30.00
- 17 2. For the filing of any counterclaim or setoff
 18 pursuant to Section 1758 of Title 12 of the
 19 Oklahoma Statutes ~~\$10.00~~
 20 \$20.00
- 21 3. For mailing by any type of mail writs, warrants,
 22 orders, process, command, or notice for each
 23 person..... \$ 7.00

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

5 SECTION 6. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-29-00 - DO
10 PASS, As Coauthored.