

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 SENATE BILL NO. 85

By: Milacek

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6 AS INTRODUCED

7 An Act relating to children; amending Section 9,  
8 Chapter 352, O.S.L. 1995 (10 O.S. Supp., 10998,  
9 section 7005-1.1), which relates to preliminary  
10 inquires and investigations related to child abuse  
11 and neglect; expanding provisions under which the  
12 Department of Human Services shall be responsible for  
13 further investigations; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY Section 9, Chapter 352, O.S.L.  
17 1995 (10 O.S. Supp. 1998, Section 7003-1.1), is amended to read as  
18 follows:

19 Section 7003-1.1. A. 1. Upon notification or receipt of a  
20 report that a child may be deprived or whenever the county office  
21 determines that there are reasonable grounds to believe that a child  
22 may be deprived, the Department of Human Services shall conduct a  
23 preliminary inquiry or investigation in accordance with priority  
24 guidelines established by the Department.

25 2. Notification or receipt of a report that a child may be a  
26 victim of abuse or neglect, and any investigation or assessment made  
27 as a result of such notification or report, shall be subject to and  
28 conducted pursuant to the provisions of the Oklahoma Child Abuse  
29 Reporting and Prevention Act.

30 3. The Department shall forward its findings to the district  
31 attorney's office.  
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1 B. 1. If, after the preliminary inquiry or investigation, the  
2 Department determines that:

3 a. an alleged abuse or neglect of a child was perpetrated  
4 by someone other than a person responsible for the  
5 child's health and welfare, and

6 b. an alleged abuse or neglect of a child does not appear  
7 to be attributable to failure on the part of a person  
8 responsible for the child's health or welfare to  
9 provide protection for the child,

10 the Department shall immediately verbally notify an appropriate  
11 local law enforcement agency for the purpose of conducting a  
12 possible criminal investigation. The verbal notification to the  
13 local law enforcement agency shall be followed by a written referral  
14 transmitted no later than the close of the next day that the local  
15 law enforcement agency is open for business.

16 2. During the preliminary inquiry or investigation, the  
17 Department shall determine whether the alleged perpetrator is a  
18 parent of any child or is otherwise a person responsible for any  
19 child's health or welfare. If the alleged perpetrator is determined  
20 to be a parent of a child or is otherwise a person responsible for  
21 any child's health or welfare, such determination shall constitute  
22 reasonable grounds to conduct a preliminary inquiry or investigation  
23 regarding such child pursuant to subsection A of this section.

24 3. After making the referral to the law enforcement agency, the  
25 Department shall not be responsible for further investigation of the  
26 case unless:

27 a. notice is received from the law enforcement agency as  
28 provided by subsection C of this section ~~or,~~

29 b. the alleged perpetrator is a person responsible for  
30 any child's health or welfare, or

31 c. the appropriate law enforcement agency requests the  
32 Department, in writing, to participate in the

1 investigation. Upon such written request, the  
2 Department may assist in the investigation of physical  
3 or sexual abuse of a child perpetrated by a person  
4 other than the parent or person responsible for the  
5 health and welfare of the child.

6 4. The Commission for Human Services shall promulgate rules for  
7 the implementation of the provisions of this subsection. Such rules  
8 shall include, but not be limited to, provision for adequate and  
9 appropriate inquiry or investigation by the Department prior to  
10 notification of a local law enforcement agency.

11 C. 1. Any law enforcement agency receiving a referral as  
12 provided in this section shall provide the Department of Human  
13 Services' local child welfare office with a copy of the report of  
14 its investigation resulting from a referral from the Department or  
15 shall provide a written statement as to why a criminal investigation  
16 was not conducted.

17 2. a. Whenever, in the course of any criminal investigation,  
18 a law enforcement agency determines that there is  
19 cause to believe that a child may be or is alleged to  
20 be abused, neglected or deprived by reason of the acts  
21 or omissions of a person responsible for the health  
22 and welfare of the child or the failure on the part of  
23 a person responsible for the child's health or welfare  
24 to provide protection for the child, the law  
25 enforcement agency shall immediately verbally contact  
26 the local child welfare office for the purpose of an  
27 investigation by that office.

28 b. The verbal notification to the local child welfare  
29 office shall be followed by a written referral to the  
30 Department of Human Services no later than the close  
31 of the next day that the Department is open for  
32 business.

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

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