

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1335

By: Calvey

COMMITTEE SUBSTITUTE

An Act relating to children; amending Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 19, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7111), which relates to the Oklahoma Child Abuse Reporting and Prevention Act; requiring expungement for certain complaints; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 19, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7111), is amended to read as follows:

Section 7111. A. There is hereby established within the Department of Human Services an information system for the maintenance of all reports of child abuse, sexual abuse, and neglect made pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act.

B. The Division of Children and Family Services of the Department of Human Services shall be responsible for maintaining a suitably cross-indexed system of all the reports.

C. The records maintained shall contain, but shall not be limited to:

1. All information in the written report required by Section 7103 of this title;

2. A record of the final disposition of the report including services offered and services accepted;

3. The plan for rehabilitative treatment; and

4. Any other relevant information.

D. Data and information maintained and related to individual cases shall be confidential and shall be made available only as authorized by state or federal law.

E. The Commission for Human Services shall promulgate rules governing the availability of such data and information.

F. Rules promulgated by the Commission shall encourage cooperation with other states in exchanging reports in order to effect a national registration system.

G. No person shall allow the data and information maintained to be released except as authorized by Article V of the Oklahoma Children's Code.

H. ~~Records obtained by the Department shall be maintained by the Department until otherwise provided by law~~ Any reference to a complaint of child abuse against a person and any reference to any facts relating to an investigation of any such complaint shall be fully expunged from files under the control of the Department or any other agency of the state or a political subdivision thereof, or which the Department or any other agency of the state or a political subdivision thereof has provided to a court or other agency, no later than one (1) year after the complaint was first made against the person, except for:

1. Cases under pending criminal litigation;

2. Cases under deferred adjudication where the terms of the deferred adjudication have not yet been met; and

3. Cases where a criminal conviction has been obtained against the person.

SECTION 2. 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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