

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 87

By: Morgan

AS INTRODUCED

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. 2000, Section 7110), which relates to coordinated multidisciplinary child abuse teams; clarifying language; and providing an effective date.

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 33, Chapter 374, O.S.L. 2000 (10 O.S. Supp. 2000, Section 7110), is amended to read as follows:

Section 7110. A. 1. In coordination with the Child Abuse Training and Coordination Council, each district attorney shall develop a multidisciplinary child abuse team in each county of the district attorney or in a contiguous group of counties.

2. The lead agency shall be chosen by the members of the team. The team shall intervene in reports involving child sexual abuse or child physical abuse or neglect.

B. The multidisciplinary child abuse team members shall 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~~ director of a child advocacy center; and

6. The district attorney or assistant district attorney.

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

a. whenever feasible, in order to effectively respond to child abuse reports, law enforcement and child welfare staff shall ~~conduct joint investigations in an effort to effectively respond to child abuse~~ jointly investigate child abuse reports,

b. develop a written protocol for investigating child sexual abuse and child physical abuse or neglect cases and for interviewing child victims. The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved so as to increase the efficiency in handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process. In addition, each team shall develop confidentiality statements and interagency agreements signed by member agencies that specify the cooperative effort of the member agencies to the team. These documents will be approved by the Child Abuse Training and Coordination Council. The Child Abuse Training and Coordination Council shall conduct an annual review of the teams to ensure the teams are functioning effectively. Teams not meeting the minimal standards as promulgated by the Child Abuse Training and Coordination Council

shall be removed from the list of functioning teams in the state,

- 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 through training. Each team member and those conducting child abuse investigations and interviews of child abuse victims shall be trained in the multidisciplinary team approach, conducting legally sound and age-appropriate interviews, effective investigation techniques and joint investigations as provided through the Child Abuse Training and Coordination Council,
- g. formalize a case review process and provide data as requested to the Child Abuse Training and Coordination Council, and
- h. standardize investigative procedures for the handling of child abuse and neglect cases.

2. All investigations of child sexual abuse and child physical abuse or neglect and interviews of child abuse or neglect victims shall be carried out by appropriate personnel ~~using the~~ pursuant to 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 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 The Department shall make a reasonable effort to find locate and provide a trained investigator ~~or interviewer shall be made.~~

D. 1. A 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 multidisciplinary child abuse team.

2. Any 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 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

Coordination 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 Coordination 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 Coordination 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 7110.1 and 7110.2 of this title.

SECTION 2. This act shall become effective November 1, 2001.

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CJ

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