ENGROSSED HOUSE
BILL NO. 2718

By: Calvey and Cargill of the House

and

Reynolds of the Senate

An Act relating to children; amending 10 O.S. 2001, Section 7108, which relates to the Oklahoma Child Abuse Reporting and Prevention Act; requiring certain information to be provided to certain persons upon initial contact; requiring training; providing for contents; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7108, is amended to read as follows:

Section 7108. A. ~~As~~ At the initial time of contact with a parent or other person responsible for a child's health, safety, or welfare who is the subject of an investigation pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the child protective services worker shall advise such person of the specific complaint or allegation made against the person. If the worker is unable to locate the parent or other person, as soon as possible after initiating ~~an~~ the investigation of ~~a~~ the parent or other person ~~having responsibility for the health or safety of the child pursuant to the Oklahoma Child Abuse Reporting and Prevention Act~~, the child protective services worker shall provide to the parent or person a brief and easily understood written description of the investigation process. Such notice shall include:

1. A statement that the investigation is being undertaken by the Department of Human Services pursuant to the requirements of the Oklahoma Child Abuse Reporting and Prevention Act in response to a report of child abuse or neglect;

2. A statement that the identity of the person who reported the incident of abuse is confidential and may not even be known to the Department since the report could have been made anonymously;

3. A statement that the investigation is required by law to be conducted in order to enable the Department of Human Services to identify incidents of abuse or neglect in order to provide protective or preventive social services to families who are in need of such services;

4. A statement that, upon completion of the investigation, the parent or other person will receive a letter from the Department which will inform such parent or other person:

a. that the Department has found insufficient evidence of abuse or neglect, or

b. that there appears to be probable cause to suspect the existence of child abuse or neglect in the judgment of the Department;

5. An explanation of the procedures of the Department of Human Services for conducting an investigation of alleged child abuse or neglect, including:

a. a description of the circumstances under which the Department would seek to remove the child from the home through the judicial system, and

b. an explanation that the law requires the Department to refer all reports of alleged criminal child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

6. The procedures to follow if there is a complaint regarding the actions of the Department or to request a review of the findings made by the Department during or at the conclusion of the investigation;

7. The person's right to review all records filed with the court concerning the investigation, provided the review shall not include the name of the person who filed the report specified in Section 7103 of this title, and provided the review would not jeopardize an ongoing criminal investigation or adjudicatory hearing;

8. The person's right to seek legal counsel;

9. References to the statutory and regulatory provisions governing child abuse and neglect and how the person may obtain copies of those provisions; and

10. The process the person may use to acquire access to the child if the child is removed from the home.

B. If the Department determines that a family assessment may be needed, the Department shall, at the time of the initial contact, provide the parent of the child with the following information:

1. The purpose of the contact with the family;

2. The name of the child protective services worker responding and such person's office telephone number; and

3. The assessment process to be followed during the Department's intervention with the family including the possibility that the family may be referred for prevention or intervention-related services and that the family may be expected to participate in such services.

C. All child protective services workers shall be trained in their legal duties to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, if required. The training curriculum shall include instruction in the Fourth Amendment to the U.S. Constitution and parents' rights.

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 24th day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate