

EHB 2718

THE STATE SENATE
Thursday, April 8, 2004

ENGROSSED

House Bill No. 2718

As Amended

ENGROSSED HOUSE BILL NO. 2718 - By: CALVEY and CARGILL of the House and REYNOLDS of the Senate.

[children - Oklahoma Child Abuse Reporting and Prevention Act - provide information to certain persons - 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

1 person a brief and easily understood written description of the
2 investigation process. Such notice shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. The purpose of the contact with the family;

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

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

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

1 SECTION 2. This act shall become effective November 1, 2004.
2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-04 - DO
3 PASS, As Amended.