

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1461

By: Coleman

AS INTRODUCED

An Act relating to children; amending 63 O.S. 2001, Sections 1-227.1, 1-227.4 and 1-227.6, which relate to the Child Abuse Prevention Act; modifying definition; modifying and increasing membership of certain interagency child abuse prevention task force; specifying qualifications; removing obsolete language; removing authority of certain entities; providing for transfer of certain funds; specifying duties and responsibilities of certain interagency child abuse prevention task force; requiring certain lists; specifying time limits; repealing 63 O.S. 2001, Section 1-110.1, which relates to the Children First Fund; repealing 70 O.S. 2001, Section 10-105.3, as amended by Section 2, Chapter 437, O.S.L. 2002 (70 O.S. Supp. 2002, Section 10-105.3), which relates to parent education programs; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-227.1, is amended to read as follows:

Section 1-227.1 As used in the Child Abuse Prevention Act:

1. "Child abuse prevention" means services and programs designed to prevent the occurrence or recurrence of child abuse and neglect as defined ~~in Section 845 of Title 21 of the Oklahoma Statutes but as limited by Section 844 of Title 21 of the Oklahoma Statutes~~ by the Oklahoma Child Abuse Reporting and Prevention Act. Except for the purpose of planning and coordination pursuant to the provisions of the Child Abuse Prevention Act, the services and programs of the Department of Human Services which are mandated by state law or which are a requirement for the receipt of federal funds with regard to deprived, destitute or homeless children shall not be subject to the provisions of the Child Abuse Prevention Act;

2. "Child Abuse Training and Coordination Council" or "Training Council" means the council responsible for the development of training curricula established by Section ~~6~~ 1-227.9 of this ~~act~~ title;

3. "Primary prevention" means programs and services designed to promote the general welfare of children and families;

4. "Secondary prevention" means the identification of children who are in circumstances where there is a high risk that abuse will occur and assistance, as necessary and appropriate, to prevent abuse or neglect from occurring;

5. "Tertiary prevention" means those services provided after abuse or neglect has occurred which are designed to prevent the recurrence of abuse or neglect;

6. "Department" means the State Department of Health;

7. "Director" means the Director of the Office of Child Abuse Prevention;

8. "District" means the local child abuse prevention planning and coordination areas established pursuant to Section 1-227.2 of this title;

9. "District task force" means the local child abuse prevention and coordination body established pursuant to the provisions of Section 1-227.5 of this title;

10. "Office" means the Office of Child Abuse Prevention;

11. "Interagency child abuse prevention task force" means the state child abuse prevention planning and coordinating body established pursuant to the provisions of Section 1-227.4 of this title;

12. "Commission" means the Oklahoma Commission on Children and Youth; and

13. "Child Abuse Prevention Fund" means the revolving fund established pursuant to Section 1-227.8 of this title.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-227.4, is amended to read as follows:

Section 1-227.4 A. The Commission on Children and Youth shall appoint an interagency child abuse prevention task force which shall be composed of ~~sixteen (16)~~ seventeen (17) members as follows:

1. ~~Two~~ Three of whom shall be representatives of the child welfare services of the Department of Human Services;

2. One of whom shall be a representative of the maternal and child health services of the State Department of Health;

3. One of whom shall be a representative ~~of~~ from the ~~child guidance services of the State Department of Health~~ Office of Child Abuse and Prevention;

4. One of whom shall be a representative of the Department of Education;

5. Three of whom shall be representatives of the Department of Mental Health and Substance Abuse Services, one each with expertise in the treatment of mental illness, substance abuse and domestic violence;

6. One of whom shall be a ~~representative of the Office of the Chief Medical Examiner~~ child advocate who has a demonstrated interest in improving children's services and who is not employed by a state agency or a private organization that receives state funds;

7. One of whom shall be a representative of the Oklahoma Chapter of the American Academy of Pediatrics;

8. One of whom shall be a representative of the ~~judiciary, the legal profession, or law enforcement~~ Department of Juvenile Justice; and

9. Five of whom shall be persons having expertise in the identification and treatment of families at risk of child abuse and neglect and who shall be representatives of private agencies, programs and services for the prevention of child abuse and neglect.

One of the five shall be a licensed psychologist and one shall represent a faith-based organization.

B. The terms of members of the task force appointed pursuant to paragraphs 3, 6, 8 and 9 of subsection A of this section shall begin July 1, 2003.

C. The Office of Child Abuse Prevention, in cooperation with the Children and Family Services Division of the Department of Human Services and the interagency child abuse prevention task force of the Oklahoma Commission on Children and Youth, shall prepare the comprehensive state plan for prevention of child abuse and neglect for the approval of the Commission. The development and preparation of said plan shall include but not be limited to:

1. Adequate opportunity for appropriate local private and public agencies and organizations and private citizens to participate in the development of the state plan at the local level. Appropriate local groups shall include but not be limited to community mental health centers, district attorney's offices, courts having juvenile docket responsibility, school boards, private or public programs with recognized expertise in working with families at risk of child abuse and neglect, voluntary self-help abuse prevention and treatment programs, day care centers, law enforcement and private or public programs with expertise in maternal and infant health care;

2. Guidelines for the formation of the district child abuse prevention task forces provided for in Section 1-227.5 of this title and establishment of a basic format to be utilized by the district task forces in the preparation of district plans, the provision of technical assistance to district task forces as requested and review of the district plans in order to determine compliance with the provisions of subsection E of Section 1-227.5 of this title; and

3. Incorporation of the district plans and information provided by district task forces and public and private agencies into the comprehensive state plan.

~~C. D.~~ 1. The interagency child abuse prevention task force ~~and the Office of Child Abuse Prevention~~ shall review and evaluate all proposals submitted for grants or contracts for child abuse prevention programs and related social services. Upon completion of such review and evaluation, the interagency child abuse prevention task force ~~and the Office of Child Abuse Prevention~~ shall make the final recommendations as to which proposals should be funded pursuant to the provisions of the Child Abuse Prevention Act and Section 4 of this act and shall submit its findings to the Oklahoma Commission on Children and Youth. The Commission shall review the findings of the interagency child abuse prevention task force ~~and the Office of Child Abuse Prevention~~ for compliance of such approved proposals with the comprehensive state plan and district plans prepared pursuant to the provisions of the Child Abuse Prevention Act. Proposals submitted by religious or faith-based organizations shall be given equal consideration for funding.

2. Upon ascertaining compliance with said plans, the Commission shall deliver the findings of the interagency child abuse prevention task force ~~and the Office of Child Abuse Prevention~~ to the Commissioner of Health.

3. The Commissioner shall authorize the Office of Child Abuse Prevention to use the Child Abuse Prevention Fund to fund such grants or contracts for child abuse prevention programs and services which are ~~approved by the Commissioner.~~

~~4. Whenever the Commissioner approves a grant or contract which was not recommended by the interagency task force and the Office of Child Abuse Prevention, the Commissioner shall state in writing the reason for such decision.~~

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-227.6, is amended to read as follows:

Section 1-227.6 A. The State Department of Health, in its annual budget requests, shall identify the amount of funds requested for the implementation of the Child Abuse Prevention Act.

B. From monies appropriated or otherwise available to the Office of Child Abuse Prevention through state, federal or private resources the Commissioner of Health shall implement the provisions of the Child Abuse Prevention Act and shall disburse such monies in the following manner:

1. The Commissioner shall establish a formula for the distribution of funds for the establishment, development or improvement of both public and private programs and services for the prevention of child abuse and neglect which shall provide for the allocation of funds to each district based upon the percentage of the total state reported cases of abuse and neglect reported in the district and the percentage of the total state population under the age of eighteen (18) and upon the child abuse prevention service and program needs of the district as identified in the district plan and, ~~after January 1, 1986,~~ the comprehensive state plan;

2. ~~After July 1, 1985, the~~ The allocation of any funds available to each district shall be contingent upon the completion of the plan for the prevention of child abuse and neglect for the district as required in the Child Abuse Prevention Act, and the acceptance of the plan as being complete by the Office of Child Abuse Prevention and the interagency child abuse prevention task force. Any allocated funds which are not utilized within a district shall be reallocated to the remaining districts in accordance with the formula required by paragraph 1 of this subsection; and

3. For the continuing development and establishment of child abuse prevention training programs and multidisciplinary and

discipline-specific training programs for professionals with responsibilities affecting children, youth and families.

C. Appropriations made for distribution by the Office for grants or contracts for child abuse prevention programs and services shall be deposited in the Child Abuse Prevention Fund.

D. The Office shall develop and publish requests for proposals for grants or contracts for child abuse prevention programs and services which shall require no less than a ten percent (10%) cash or in-kind match by an agency or organization receiving a grant or contract and which are designed to meet identified priority needs.

1. ~~After July 1, 1985, said priorities~~ Priorities shall be based upon information contained in the district child abuse prevention plans and ~~after January 1, 1986,~~ shall also be based upon the comprehensive state child abuse prevention plan; and

2. A priority ranking shall be made based upon the extent to which a proposal meets identified needs, criteria for cost effectiveness, provision for an evaluation component providing outcome data and a determination that the proposal provides a mechanism for coordinating and integrating these preventive services with other services deemed necessary for working effectively with families who are at risk of child abuse or neglect; and

3. Each district child abuse prevention task force shall review the proposals submitted to the Office from within its district and shall forward a copy of a report of such review together with any recommendations to the Office and the interagency child abuse prevention task force prior to the letting of grants or contracts pursuant to each request for proposals.

~~E. On or before November 1, 1984, the Oklahoma Commission on Children and Youth shall transfer to the Office of Child Abuse Prevention the administration of all existing grants or contracts which have been let by said Commission pursuant to appropriations made to said Commission for the purpose of letting grants or~~

~~contracts for child abuse prevention programs and shall also transfer to the Office any unexpended or unencumbered monies which have been appropriated to said Commission for such purpose. The Office shall administer the existing grants or contracts for child abuse prevention programs which are transferred to it by the Oklahoma Commission on Children and Youth in accordance with the policies and conditions pursuant to which such grants or contracts were let and the provisions of any contracts between said Commission and any agency or organization receiving such grants or contracts.~~

~~F. On and after January 1, 1986, all~~ 1. All budget requests submitted by any public agency to the Legislature for the funding of programs related to child abuse and neglect prevention shall conform to the comprehensive state plan and any subsequent updates or revisions of said plan developed pursuant to the provisions of the Child Abuse Prevention Act.

2. Except for the purposes of planning and coordination pursuant to the provisions of the Child Abuse Prevention Act, the services and programs of the Department of Human Services which are mandated by state law or which are a requirement for the receipt of federal funds with regard to deprived, destitute or homeless children shall not be subject to the provisions of this subsection.

F. On July 1, 2003, any funds remaining in the Children First Fund, established pursuant to Section 1-110.1 of this title, shall be transferred to the Child Abuse Prevention Fund for allocation pursuant to the provisions of the Child Abuse Prevention Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-227.10 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Prior to the next funding cycle the interagency child abuse prevention task force shall compile and publish a list of not less than five approved child abuse prevention programs, of which at least one must include provisions for providing services to families



in which substance abuse, mental illness or domestic violence are contributing factors. Each approved program shall have clearly defined goals and objectives and an evaluation component that includes monitoring and evaluation of long-term client outcomes.

1. Programs and services shall be targeted to the areas of the state and population having the greatest need for them. The programs and services shall be designed to meet the needs of the area and population.

2. Requests for proposals developed by the task force shall be based upon documented service needs and identified priorities. The request for proposals shall clearly identify the program or service requirements, the population to be served, and performance expectations. The task force shall adopt clear, written guidelines to ensure uniformity in the management, monitoring and enforcement of contracts for services. If in-state private providers are unable or unwilling to respond to the proposal, then out-of-state providers should be encouraged to respond. In addition, the task force shall encourage religious and faith-based organizations to respond to the proposal.

3. Proposals recommended for funding by the task force shall include a service referral component that ensures that a continuum of services is made available and readily accessible to families at risk of abuse or neglect. All programs must document the number and nature of all referrals made and the outcome of such referrals.

4. The interagency task force shall encourage the development of research-based pilot programs designed to serve families at risk of abuse or neglect in which substance abuse, mental illness or domestic violence are contributing factors. If funding is made available, such pilot programs shall be time-limited, have clearly defined objectives and shall include an independent evaluation component. Provided, no more than five percent (5%) of the total

annual appropriation to the Child Abuse Prevention Fund may be used to fund such pilot programs.

B. The task force through the Oklahoma Commission on Children and Youth is hereby authorized to, and shall, enter into cooperative agreements with the Department of Human Services, the State Department of Health, and the Department of Mental Health and Substance Abuse Services for the collaborative utilization of existing programs necessary to prevent child abuse and neglect and reduce the incidence thereof.

SECTION 5. REPEALER 63 O.S. 2001, Section 1-110.1, is hereby repealed.

SECTION 6. REPEALER 70 O.S. 2001, Section 10-105.3, as amended by Section 2, Chapter 437, O.S.L. 2002 (70 O.S. Supp. 2002, Section 10-105.3), is hereby repealed.

SECTION 7. 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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