

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1729

By: Harrison

AS INTRODUCED

An Act relating to children; amending 10 O.S. 7003-1.1, which relates to deprived investigations by Department of Human Services; requiring certain notification of rights; requiring certain waivers; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-1.1, is amended to read as follows:

Section 7003-1.1 A. 1. Upon notification or receipt of a report that a child may be deprived or whenever the county office determines that there are reasonable grounds to believe that a child may be deprived, the Department of Human Services shall conduct an assessment or investigation in accordance with priority guidelines established by the Department.

2. Notification or receipt of a report that a child may be a victim of abuse or neglect, and any investigation or assessment made as a result of such notification or report, shall be subject to and conducted pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act.

3. The Department shall forward its findings to the district attorney's office.

B. When the Department begins the assessment or investigation, the Department shall notify the parents of the child of their fourth amendment rights and must obtain a signed waiver of notification of their rights before proceeding with the assessment or investigation.

C. 1. If, after the assessment or investigation, the Department determines that:

- a. an alleged abuse or neglect of a child was perpetrated by someone other than a person responsible for the child's health, safety or welfare, and
- b. an alleged abuse or neglect of a child does not appear to be attributable to failure on the part of a person responsible for the child's health, safety or welfare to provide protection for the child,

the Department shall immediately verbally notify an appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation. The verbal notification to the local law enforcement agency shall be followed by a written referral transmitted no later than the close of the next business day.

2. The Department shall determine whether the alleged perpetrator is a parent of any child or is otherwise a person responsible for the child's health, safety or welfare. If the alleged perpetrator is determined to be a parent of a child or is otherwise a person responsible for the child's health, safety or welfare, such determination shall constitute reasonable grounds to conduct an assessment or investigation regarding such child pursuant to subsection A of this section.

3. After making the referral to the law enforcement agency, the Department shall not be responsible for further investigation of the case unless:

- a. notice is received from the law enforcement agency as provided by subsection C of this section,
- b. the alleged perpetrator is a person responsible for the child's health, safety or welfare, or
- c. the appropriate law enforcement agency requests the Department, in writing, to participate in the investigation. If funds and personnel are available,

as determined by the Director of Human Services, the Department may assist in the investigation of physical or sexual abuse of a child perpetrated by a person other than the parent or person responsible for the health, safety or welfare of the child.

4. The Commission for Human Services shall promulgate rules for the implementation of the provisions of this subsection. Such rules shall include, but not be limited to, provision for adequate and appropriate assessment or investigation by the Department prior to notification of a local law enforcement agency.

~~C.~~ D. 1. Any law enforcement agency receiving a referral as provided in this section shall provide the Department of Human Services' local child welfare office with a copy of the report of its investigation resulting from a referral from the Department or shall provide a written statement as to why a criminal investigation was not conducted.

2. a. Whenever, in the course of any criminal investigation, a law enforcement agency determines that there is cause to believe that a child may be or is alleged to be abused, neglected or deprived by reason of the acts or omissions of a person responsible for the health, safety or welfare of the child or the failure on the part of a person responsible for the child's health, safety or welfare to provide protection for the child, the law enforcement agency shall immediately verbally contact the local child welfare office for the purpose of an investigation by that office.

b. The verbal notification to the local child welfare office shall be followed by a written referral to the Department of Human Services no later than the close of the next business day.

SECTION 2. This act shall become effective November 1, 2005.

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