

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 790

By: Leftwich, Adelson,
Ballenger, Bass, Burrage,
3 Corn, Crutchfield,
Easley, Eason McIntyre,
4 Garrison, Gumm, Ivester,
Johnson (Constance),
5 Laster, Lerblance,
Paddack, Rice, Riley,
6 Sparks, Sweeden, Wilson
and Wyrick of the Senate

7
8 and

9 Steele of the House

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11
12 (child abuse and neglect - definition -
13 emergency)

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16 AUTHORS: Add the following House Coauthors: Pittman, McDaniel
17 (Jeannie), McDaniel (Randy), Peterson (Pam), Kern,
Jackson, Brannon, Smithson, Winchester and Morgan

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AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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21 "(Letha Kay Louise Slate Act - child abuse and
22 neglect - definition - noncodification -
23 emergency)

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1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

3 SECTION 1. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 This act shall be known and may be cited as the "Letha Kay
6 Louise Slate Act".

7 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7003-3.7, as
8 last amended by Section 3 of Enrolled House Bill No. 2195 of the 1st
9 Session of the 51st Oklahoma Legislature, is amended to read as
10 follows:

11 Section 7003-3.7

12 A. 1. a. If the parents, legal guardian or custodian of the
13 child requests an attorney and is found to be without
14 sufficient financial means, counsel shall be appointed
15 by the court if a petition has been filed alleging
16 that the child is a deprived child or if termination
17 of parental rights is a possible remedy; provided that
18 the court may appoint counsel without such request, if
19 it deems representation by counsel necessary to
20 protect the interest of the parents, legal guardian or
21 custodian.

22 b. The court shall not be required to appoint an attorney
23 for any person other than for the parents, legal
24

1 guardian or custodian of the child pursuant to the
2 provisions of this paragraph.

3 2. a. Whenever a petition is filed pursuant to the
4 provisions of this part, the court shall appoint a
5 separate attorney, who shall not be a district
6 attorney, regardless of any attempted waiver by the
7 parent, legal guardian or custodian of the child of
8 the right of the child to be represented by counsel.
9 The parent, legal guardian or custodian shall not
10 select the child's attorney. If financially capable,
11 the parent, legal guardian or custodian shall
12 reimburse the Court Fund for the services of a court-
13 appointed attorney for the child.

14 b. The attorney appointed for the child shall make
15 arrangements to meet with the child as soon as
16 possible after receiving notification of the
17 appointment. Except for good cause shown, the
18 attorney shall meet with the child not less than
19 twenty-four (24) hours prior to any hearing in such
20 proceeding. The attorney may speak with the child
21 over the telephone if a personal visit is not possible
22 due to exigent circumstances. If a meaningful
23 attorney-client relationship between the child and the
24 attorney is prohibited due to age or disability of the

1 child, the attorney shall contact the custodian or
2 caretaker of the child prior to the hearing.

3 c. The attorney shall be given access to all reports,
4 records and other information relevant to the case and
5 to any reports of examination of the child's parents,
6 legal guardian or custodian made pursuant to this
7 section. The attorney shall represent the child and
8 any expressed interests of the child. The attorney
9 shall make such further inquiry as the attorney deems
10 necessary to ascertain the facts, to interview
11 witnesses, examine and cross-examine witnesses, make
12 recommendations to the court and participate further
13 in the proceedings to the degree appropriate for
14 adequately representing the interests of the child.

15 3. The attorney shall be allowed a reasonable fee for such
16 services as determined by the court, as authorized by law.

17 B. 1. Whenever a petition is filed alleging that a child is a
18 deprived child, the court may appoint a guardian ad litem for the
19 child at any time subsequent to the filing of the petition or for
20 any other action related to the child.

21 2. The court shall appoint a guardian ad litem upon the request
22 of the child, the attorney of the child, the Department of Human
23 Services, a licensed child-placing agency, or any other party to the
24 action.

1 3. A guardian ad litem shall not be a district attorney, an
2 employee of the office of the district attorney, the child's
3 attorney, an employee of the court, an employee of a juvenile
4 bureau, or an employee of any public agency having duties or
5 responsibilities towards the child.

6 4. The guardian ad litem shall be appointed to objectively
7 advocate on behalf of the child and act as an officer of the court
8 to investigate all matters concerning the best interests of the
9 child. In addition to other duties required by the court and as
10 specified by the court, a guardian ad litem shall have the following
11 responsibilities:

- 12 a. review documents, reports, records and other
13 information relevant to the case, meet with and
14 observe the child in appropriate settings, and
15 interview parents, foster parents, health care
16 providers, child protective services workers and any
17 other person with knowledge relevant to the case,
- 18 b. advocate for the child's best interests by
19 participating in the case, attending any hearings in
20 the matter and advocating for appropriate services for
21 the child when necessary,
- 22 c. maintain the confidentiality of information related to
23 a case as required by Article 7 of the Oklahoma
24 Children's Code,

- 1 d. monitor the child's best interests throughout any
2 judicial proceeding, and
- 3 e. present written reports on the child's best interests
4 that include conclusions and recommendations and the
5 facts upon which they are based.

6 5. The guardian ad litem shall be given access to the court
7 files and agency files and access to all documents, reports, records
8 and other information relevant to the case and to any records and
9 reports of examination of the child's parent or other custodian,
10 made pursuant to the laws relating to child abuse and neglect
11 including reports generated by service providers.

12 6. On or before December 31, 2007, the Administrative Director
13 of the Courts shall develop a standard operating manual for
14 guardians ad litem which shall include, but not be limited to, legal
15 obligations and responsibilities, information concerning child
16 abuse, child development, domestic abuse, sexual abuse, and parent
17 and child behavioral health and management including best practices.
18 After publication of the manual, all guardians ad litem shall
19 certify to the court in which he or she is appointed as a guardian
20 ad litem that the manual has been read and all provisions contained
21 therein are understood. The guardian ad litem shall also certify
22 that he or she agrees to follow the best practices described within
23 the standard operating manual. The Administrative Director of the
24 Courts shall provide public access to the standard operating manual

1 and shall periodically review and revise the manual as deemed
2 necessary.

3 C. 1. Whenever a court-appointed special advocate program is
4 available to the court to serve as a guardian ad litem, priority
5 shall be given to appointment of the court-appointed special
6 advocate to serve as guardian ad litem for the child regardless of
7 whether a guardian ad litem has been requested pursuant to the
8 provisions of this subsection.

9 2. A Court-Appointed Special Advocate Program shall be made
10 available to each judicial district.

11 3. For purposes of the Oklahoma Children's Code, the terms
12 "court-appointed special advocate" and "guardian ad litem" shall
13 have the same function. In like manner, a court-appointed special
14 advocate, except as specifically otherwise provided by law or by the
15 court, shall have the same power, duties and responsibilities as
16 assigned to a guardian ad litem by law and shall have such other
17 qualifications, duties and responsibilities as may be prescribed by
18 rule by the Supreme Court.

19 4. A court-appointed special advocate shall serve without
20 compensation.

21 5. No court-appointed special advocate shall be assigned a case
22 before:

23 a. completing a training program in compliance with
24 nationally documented Court-Appointed Special Advocate

standards. Documentation of training shall be submitted annually by local Court-Appointed Special Advocate Programs to the Oklahoma Court-Appointed Special Advocate Association, and

- b. being approved by the local Court-Appointed Special Advocate Program, which will include appropriate criminal background checks as provided in paragraph 6 of this subsection.

6. a. Each local court-appointed special advocate program shall require a criminal history records search conducted by the Oklahoma State Bureau of Investigation, and any other background check requirements as set forth in Oklahoma Court-Appointed Special Advocate Association state standards for local programs, for any person making application to become a court-appointed special advocate volunteer or to be employed by the local court-appointed special advocate program.

- b. If the prospective court-appointed special advocate volunteer or employee of the local court-appointed special advocate program has lived in Oklahoma for less than one (1) year, a criminal history records search shall also be obtained from the criminal

1 history state repository of the previous state of
2 residence.

3 c. The criminal history records search conducted by the
4 Oklahoma State Bureau of Investigation provided
5 herein, subject to the availability of funds, shall be
6 deemed to be for law enforcement purposes as set forth
7 in subsection B of Section 150.9 of Title 74 of the
8 Oklahoma Statutes.

9 D. 1. Any person participating in a judicial proceeding as a
10 court-appointed special advocate shall be presumed prima facie to be
11 acting in good faith and in so doing shall be immune from any civil
12 liability that otherwise might be incurred or imposed.

13 2. Any person serving in a management position of a court-
14 appointed special advocate organization, including a member of the
15 Board of Directors acting in good faith, shall be immune from any
16 civil liability or any vicarious liability for the negligence of any
17 court-appointed special advocate organization advocates, managers,
18 or directors.

19 E. The provisions of this section shall not apply to adoption
20 proceedings and actions to terminate parental rights which do not
21 involve a petition for deprived status of the child. Such
22 proceedings and actions shall be governed by the Oklahoma Adoption
23 Code.

1 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7003-5.1, is
2 amended to read as follows:

3 Section 7003-5.1 A. After making an order of adjudication for
4 a deprived child, the court shall hold a dispositional hearing, at
5 which all evidence helpful in determining the proper disposition
6 best serving the interest of the deprived child, including but not
7 limited to oral and written reports, may be admitted and may be
8 relied upon to the extent of its probative value, even though not
9 competent for the purposes of the adjudicatory hearing.

10 B. Before making an order of disposition, the court shall
11 advise the district attorney, the parents, guardian, custodian or
12 responsible relative, and their counsel, of the factual contents and
13 the conclusion of reports prepared for the use of the court and
14 considered by it, and afford fair opportunity, if requested, to
15 controvert them. The court shall provide parents, guardians, and
16 legal custodians full and timely access to all reports that are
17 considered by the court in any custody or visitation proceeding.

18 C. An order of disposition shall include a specific finding and
19 order of the court relative to the liability and accountability of
20 the parents for the care and maintenance of the child as authorized
21 by Part 7 of this article, except where custody is placed with both
22 parents.

23 ~~C.~~ D. On its own motion or that of the district attorney, or of
24 the parent, guardian, custodian, responsible relative or counsel,

1 the court may adjourn the hearing for a reasonable period to receive
2 reports or other evidence and, in such event, shall make an
3 appropriate order for temporary custody of the child, or his release
4 from temporary custody subject to supervision by the court, during
5 the period of the continuance.

6 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7005-1.4, as
7 amended by Section 8, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2006,
8 Section 7005-1.4), is amended to read as follows:

9 Section 7005-1.4 A. Department of Human Services agency
10 records pertaining to a child may be inspected and their contents
11 disclosed without a court order to the following persons upon
12 showing of proper credentials and pursuant to their lawful duties:

13 1. The court having the child currently before it in any
14 proceeding pursuant to this title, any district court or tribal
15 court to which such proceedings may be transferred, employees and
16 officers of the court in the performance of their duties, including
17 but not limited to guardians ad litem appointed by the court,
18 postadjudicatory review boards, court-appointed special advocates,
19 and members of the Child Death Review Board;

20 2. Any district court which has ordered a home study by the
21 Department in an action for divorce, annulment, custody of a child,
22 or appointment of a legal guardian of a child, or any subsequent
23 proceeding in such actions; provided, however, the Department may
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1 limit disclosure in the home study to summaries or to information
2 directly related to the purpose of such disclosure;

3 3. A district attorney, United States Attorney or Attorney
4 General of this or another state and the employees of such offices
5 in the course of their official duties pursuant to this title or the
6 prosecution of crimes against children or upon their request in
7 their official capacity as advisor in a grand jury proceeding;

8 4. The attorney representing a child who is the subject of a
9 proceeding pursuant to the provisions of this title including the
10 attorney representing a child pursuant to the provisions of
11 subsection C of Section 7002-1.2 of this title or representing a
12 child pursuant to the laws relating to child abuse and neglect.
13 Such attorney may also access other records listed in subsection A
14 of Section 7005-1.2 of this title for use in the legal
15 representation of the child;

16 5. Employees of juvenile bureaus in the course of their
17 official duties;

18 6. Employees of a law enforcement agency of this or another
19 state and employees of a child protective service agency of another
20 state or federally recognized Indian tribe in the course of their
21 official duties pertaining to investigations of a report of known or
22 suspected child abuse or neglect or crimes against children or for
23 the purpose of determining whether to place a child in protective
24 custody;

1 7. The Oklahoma Commission on Children and Youth as provided by
2 Sections 601.2 and 601.6 of this title;

3 8. The Office of Juvenile Affairs;

4 9. Persons and agencies authorized by Section 7005-1.7 of this
5 title;

6 10. Members of multidisciplinary teams or multidisciplinary
7 personnel designated by the Department of Human Services,
8 investigating a report of known or suspected child abuse or neglect
9 or providing services to a child or family which is the subject of
10 the report;

11 11. A physician who has before him or her a child whom the
12 physician reasonably suspects may be abused or neglected or any
13 health care or mental health professionals involved in the
14 evaluation or treatment of the child, the child's parents, legal
15 guardian, foster parent, custodian or other family members;

16 12. Any public or private agency or person authorized by the
17 Department to diagnose, or provide care, treatment, supervision or
18 other services to a child who is the subject of a report or record
19 of child abuse or neglect, provided the Department may limit such
20 disclosure to summaries or to information directly necessary for the
21 purpose of such disclosure;

22 13. Any federally recognized Indian tribe or state or county
23 child protective services or child welfare agency providing for or
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1 supervising the diagnosis, care, treatment, supervision or other
2 services provided such child;

3 14. A parent, legal guardian or custodian of the child who is
4 the subject of such records; provided, that records disclosed shall
5 be limited to juvenile court records as defined by Section 7005-1.1
6 of this title. All other agency records pertaining to or related to
7 any alleged or adjudicated abuse or neglect of the child shall not
8 be inspected or disclosed pursuant to this paragraph;

9 15. Any person or agency for research purposes, if all of the
10 following conditions are met:

11 a. the person or agency conducting such research is
12 employed by the State of Oklahoma or is under contract
13 with this state and is authorized by the Department of
14 Human Services to conduct such research, and

15 b. the person or agency conducting the research ensures
16 that all documents containing identifying information
17 are maintained in secure locations and access to such
18 documents by unauthorized persons is prohibited; that
19 no identifying information is included in documents
20 generated from the research conducted; and that all
21 identifying information is deleted from documents used
22 in the research when the research is completed;

23 16. Persons authorized by and in the manner provided in the
24 Oklahoma Child Abuse Prevention and Reporting Act;

1 17. A foster parent, with regard to records concerning the
2 social, medical, psychological or educational needs of a child
3 currently placed with that foster parent or of a child being
4 considered for placement with that foster parent;

5 18. The Governor or to any person the Governor designates, in
6 writing;

7 19. Any federal official of the United States Department of
8 Health and Human Services;

9 20. The Oklahoma Health Care Authority;

10 21. Any member of the Legislature approved in writing by the
11 Speaker of the House of Representatives or the President Pro Tempore
12 of the Senate;

13 22. Any person or agency authorized to receive any paper,
14 record, book or other information pursuant to the Oklahoma Adoption
15 Code pertaining to a child who is the subject of an adoption
16 proceeding or relatives who are related to such child within the
17 third degree of consanguinity;

18 23. Employees of any state or federal corrections or law
19 enforcement agency in the performance of their official duties
20 concerning presentence investigations or supervision of a parent of
21 an alleged or adjudicated deprived child or the legal guardian,
22 custodian or any other adult member of the child's home who is
23 responsible for the care of the child; and
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1 24. An employee of a state agency of this or another state in
2 the performance of such employee's official duties concerning the
3 establishment of paternity or the establishment or enforcement of a
4 child support order or other entitlement for the benefit of a child;
5 provided, the Department shall limit disclosure to information
6 directly related to the purpose of such disclosure.

7 B. In accordance with the rules promulgated for such purpose
8 pursuant to the provisions of Section 620.6 of this title, records
9 may be inspected and their contents disclosed without a court order
10 to participating agencies.

11 C. Nothing in this section shall be construed as prohibiting
12 the Department from disclosing such confidential information as may
13 be necessary to secure appropriate care, treatment, protection or
14 supervision of a child alleged to be abused or neglected.

15 D. Records and their contents disclosed pursuant to this
16 section shall remain confidential. The use of such information
17 shall be limited to the purposes for which disclosure is authorized.
18 It shall be unlawful and a misdemeanor for any person to furnish any
19 record or disclose any information contained therein for any
20 unauthorized purpose.

21 E. 1. In cases involving the death or near death of a child
22 when a person responsible for the child has been charged by
23 information or indictment with committing a crime resulting in the
24 ~~child's~~ death or near death of the child, there shall be a

1 presumption that the best interest of the public will be served by
2 public disclosure of certain information concerning the
3 circumstances of the investigation of the death or near death of the
4 child and any other investigations within the last three (3) years
5 concerning that child, or other children while living in the same
6 household.

7 2. At any time subsequent to seven (7) days, but no more than
8 thirty (30) days, of the date the person responsible for the child
9 has been criminally charged, the Department of Human Services, the
10 Oklahoma Commission on Children and Youth, or the district attorney
11 may, district court clerk, and the judge having jurisdiction over
12 the case shall release the following certain information to the
13 public as follows:

14 a. a confirmation ~~that~~ shall be provided by the
15 Department of Human Services as to whether a report
16 has been made concerning the alleged victim or other
17 children while living in the same household and
18 whether an investigation has begun,

19 b. a confirmation shall be provided by the Oklahoma
20 Commission on Children and Youth as to whether a
21 report has been made concerning the alleged victim or
22 other children while living in the same household and
23 whether an investigation has begun,

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1 c. confirmation shall be provided by the Department of
2 Human Services as to whether previous reports have
3 been made and the dates thereof, a summary of those
4 previous reports, the dates and outcome of any
5 investigations or actions taken by the Department of
6 Human Services in response to any report of child
7 abuse or neglect, and the specific recommendation made
8 to the district attorney by the Department of Human
9 Services, ~~and~~

10 d. confirmation shall be provided by the Oklahoma
11 Commission on Children and Youth as to whether
12 previous reports have been made and the dates thereof,
13 a summary of those previous reports, the dates and
14 outcome of any investigations or actions taken by the
15 Oklahoma Commission on Children and Youth in response
16 to any report of child abuse or neglect, and the
17 specific recommendation made to the district attorney
18 by the Oklahoma Commission on Children and Youth,

19 e. the district attorney shall disclose any actions taken
20 by the office of the district attorney after
21 ~~submission of~~ receiving any investigative report from
22 the Department of Human Services or the Oklahoma
23 Commission on Children and Youth, and

1 e. f. the dates of any judicial proceedings prior to the
2 ~~child's~~ death or near death of the child shall be
3 disclosed by the district court clerk,

4 g. specific recommendations made by the Department of
5 Human Services in any ~~progress~~ reports submitted to
6 the court shall be disclosed by the Department of
7 Human Services, a summary of each participant's

8 h. recommendations ~~made~~ submitted by each participant at
9 the judicial proceedings shall be provided in writing
10 by the judge having jurisdiction over the case

11 including recommendations made at the hearing as they
12 relate to custody or placement of a child, and

13 i. the rulings of the court shall be provided in writing
14 by the judge having jurisdiction over the case.

15 3. Any disclosure of information pursuant to this section shall
16 not identify or provide an identifying description of any
17 complainant or reporter of child abuse or neglect, and shall not
18 identify the name of the ~~child victim's~~ siblings of the child victim
19 or other children living in the same household, the parent or other
20 person responsible for the child or any other member of the
21 household, other than the person criminally charged.

22 F. For purposes of this section, the term "near death" means
23 the child is in serious or critical condition, as certified by a
24 physician, as a result of abuse or neglect.

1 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7003-6.2, as
2 amended by Section 5, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2006,
3 Section 7003-6.2), is amended to read as follows:

4 Section 7003-6.2 A. Any interested party aggrieved by any
5 order or decree may appeal to the Supreme Court pursuant to Section
6 7003-6.4 of this title and the rules of the Supreme Court of this
7 state.

8 B. The pendency of an appeal thus taken shall not suspend the
9 order of the district court regarding a child, nor shall it remove
10 the child from the custody of that court or of the person,
11 institution or agency to whose care such child has been committed,
12 unless the Supreme Court shall so order, except as provided in
13 subsection C of this section. The pendency of an appeal from an
14 order of adjudication shall not prevent the district court from
15 holding a dispositional hearing unless the appellate court shall so
16 order.

17 C. 1. If the court determines it would be in the best
18 interests of a child, the court may place the child in the legal
19 custody of the Department of Human Services. If the child is placed
20 in the custody of the Department, the court may not direct the
21 Department to place the child in a specific home or placement.

22 2. At any hearing including, but not limited to, hearings
23 conducted pursuant to Section 7003-8.6 of this title, where it is
24 determined that a child in state custody will be released from state

1 custody, the district attorney, or the attorney for the child, ~~or~~
2 ~~the Department of Human Services through the district attorney~~ may
3 give verbal notice to the court of an objection to the order of the
4 court and an intention to seek review of that order based on the
5 grounds that the order of the court releasing the child from state
6 custody creates a serious risk of danger to the health or safety of
7 the child. ~~The party giving notice of its objection to the order of~~
8 ~~the court and its intent to seek review of that order shall file~~
9 ~~with the presiding judge of the administrative judicial district a~~
10 ~~written application to review the order no later than 5:00 p.m. the~~
11 ~~following judicial day; provided, if the district attorney and the~~
12 ~~Department of Human Services disagree regarding the order of the~~
13 ~~court releasing the child from state custody, the written~~
14 ~~application to review the order on behalf of the Department shall be~~
15 ~~filed by the Department.~~

16 3. Upon giving such notice, the court issuing the custody order
17 in question shall stay the custody order filing of an application
18 and completion of review as provided in this section. The district
19 attorney or attorney for the child shall file with the presiding
20 judge of the administrative judicial district a written application
21 for review within three (3) judicial days from the custody order.
22 If a written application for review is not filed ~~by 5:00 p.m. the~~
23 ~~following judicial day~~ within such time period, or if a written
24 notice to the trial court withdrawing the objection is filed within

1 that time period, the objection will be deemed abandoned and the
2 stay shall be lifted.

3 4. Each application for review shall be assigned by the
4 presiding judge of the administrative judicial district to a judge
5 within that administrative judicial district with juvenile docket
6 responsibilities. The review shall be completed within five (5)
7 judicial days of the filing of the written application for review.
8 The review conducted by the reviewing judge shall address the
9 question of whether releasing the child from state custody creates a
10 serious risk of danger to the health or safety of the child. The
11 reviewing court shall review the record of the hearing and any other
12 evidence deemed relevant by the reviewing court. At the conclusion
13 of the review, the reviewing court shall issue its findings of fact
14 and conclusions of law and report them to the court issuing the
15 custody order under review.

16 5. A finding by the reviewing court that the order releasing
17 the child from state custody creates a serious risk of danger to the
18 health or safety of the child shall be controlling and the court
19 issuing the order under review shall proceed to enter a different
20 custody order. If the reviewing court finds that the order under
21 review does not create a serious risk of danger to the health or
22 safety of the child and that the order is otherwise appropriate then
23 the court issuing the order under review shall lift the stay and the
24 order shall be subject to appeal as provided in subsection A of this

1 section. The failure of any court to issue the stay mandated by
2 this subsection shall be subject to immediate mandamus to an
3 appropriate court.

4 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7102, as
5 last amended by Section 4, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
6 2006, Section 7102), is amended to read as follows:

7 Section 7102. A. 1. It is the policy of this state to provide
8 for the protection of children who have been abused or neglected and
9 who may be further threatened by the conduct of persons responsible
10 for the health, safety or welfare of such children.

11 2. It is the policy of this state that in responding to a
12 report of child abuse or neglect:

- 13 a. in any necessary removal of a child from the home,
- 14 b. in placements of a child required pursuant to the
15 Oklahoma Child Abuse Reporting and Prevention Act, and
- 16 c. in any administrative or judicial proceeding held
17 pursuant to the provisions of the Oklahoma Child Abuse
18 Reporting and Prevention Act,

19 ~~that~~ the best interests of the child shall be of paramount
20 consideration.

21 B. Except as otherwise provided by and used in the Oklahoma
22 Child Abuse Reporting and Prevention Act:

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1 1. "Abuse" means harm or threatened harm to a child's health,
2 safety or welfare by a person responsible for the child's health,
3 safety or welfare, including sexual abuse and sexual exploitation;

4 2. "Harm or threatened harm to a child's health or safety"
5 includes, but is not limited to:

- 6 a. nonaccidental physical or mental injury,
- 7 b. sexual abuse,
- 8 c. sexual exploitation,
- 9 d. neglect,
- 10 e. failure or omission to provide protection from harm
11 or threatened harm, or
- 12 f. abandonment;

13 3. "Neglect" means failure or omission to provide any of the
14 following:

- 15 a. adequate food, clothing, shelter, medical care, ~~and~~
16 or supervision,
- 17 b. special care made necessary by the physical or mental
18 condition of the child, or
- 19 c. abandonment;

20 4. "Child" means any unmarried person under the age of eighteen
21 (18) years, except any person convicted of a crime specified in
22 Section 7306-1.1 of this title or any person who has been certified
23 as an adult pursuant to Section 7303-4.3 of this title and convicted
24 of a felony;

1 5. "Person responsible for a child's health, safety or welfare"
2 includes a parent; a legal guardian; a custodian; a foster parent; a
3 person eighteen (18) years of age or older with whom the child's
4 parent cohabitates or any other adult residing in the home of the
5 child; an agent or employee of a public or private residential home,
6 institution, facility or day treatment program as defined in Section
7 175.20 of this title; or an owner, operator, or employee of a child
8 care facility as defined by Section 402 of this title;

9 6. "Sexual abuse" includes, but is not limited to, rape, incest
10 and lewd or indecent acts or proposals made to a child, as defined
11 by law, by a person responsible for the child's health, safety or
12 welfare;

13 7. "Sexual exploitation" includes, but is not limited to,
14 allowing, permitting, or encouraging a child to engage in
15 prostitution, as defined by law, by a person responsible for the
16 child's health, safety or welfare or allowing, permitting,
17 encouraging, or engaging in the lewd, obscene, or pornographic
18 photographing, filming, or depicting of a child in those acts as
19 defined by the state law, by a person responsible for the child's
20 health, safety or welfare;

21 8. "Multidisciplinary child abuse team" means any freestanding
22 team established pursuant to the provisions of Section 7110 of this
23 title. For purposes of this definition, "freestanding" means a team
24 not used by a child advocacy center for its accreditation;

1 9. "Child advocacy center" means a center and the
2 multidisciplinary child abuse team of which it is a member that is
3 accredited by the National Children's Alliance and shall be
4 classified, based on the child population of a district attorney's
5 district, as follows:

- 6 a. nonurban centers in districts with child populations
7 that are less than sixty thousand (60,000),
- 8 b. mid-level nonurban centers in districts with child
9 populations equal to or greater than sixty thousand
10 (60,000), but not including Oklahoma and Tulsa
11 Counties, and
- 12 c. urban centers in Oklahoma and Tulsa Counties.

13 10. "Assessment" means a systematic process utilized by the
14 Department of Human Services to respond to reports of alleged child
15 abuse or neglect which, according to priority guidelines established
16 by the Department, do not constitute a serious and immediate threat
17 to the child's health, safety or welfare. The assessment includes,
18 but is not limited to, the following elements:

- 19 a. an evaluation of the child's safety, and
- 20 b. a determination regarding the family's need for
21 services;

22 11. "Investigation" means an approach utilized by the
23 Department to respond to reports of alleged child abuse or neglect
24 which, according to priority guidelines established by the

1 Department, constitute a serious and immediate threat to the child's
2 health or safety. An investigation includes, but is not limited to,
3 the following elements:

- 4 a. an evaluation of the child's safety or welfare,
- 5 b. a determination whether or not child abuse or neglect
6 occurred, and
- 7 c. a determination regarding the family's need for
8 prevention and intervention-related services;

9 12. "Services not needed determination" means a report in which
10 a child protective services worker, after an investigation,
11 determines that there is no identified risk of abuse or neglect;

12 13. "Services recommended determination" means a report in
13 which a child protective services worker, after an investigation,
14 determines the allegations to be unfounded or for which there is
15 insufficient evidence to fully determine whether child abuse or
16 neglect has occurred, but one in which the Department determines
17 that the child and the child's family could benefit from receiving
18 prevention and intervention-related services;

19 14. "Confirmed report - services recommended" means a report
20 which is determined by a child protective services worker, after an
21 investigation and based upon some credible evidence, to constitute
22 child abuse or neglect which is of such a nature that the Department
23 recommends prevention and intervention-related services for the
24

1 parents or persons responsible for the care of the child or
2 children, but for which initial court intervention is not required;

3 15. "Confirmed report - court intervention" means a report
4 which is determined by a child protective services worker, after an
5 investigation and based upon some credible evidence, to constitute
6 child abuse or neglect which is of such a nature that the Department
7 finds that the child's health, safety or welfare is threatened;

8 16. "Child protective services worker" means a person employed
9 by the Department of Human Services with sufficient experience or
10 training as determined by the Department in child abuse prevention
11 and identification;

12 17. "Department" means the Department of Human Services;

13 18. "Commission" means the Commission for Human Services; and

14 19. "Prevention and intervention-related services" means
15 community-based programs that serve children and families on a
16 voluntary and time-limited basis to help reduce the likelihood or
17 incidence of child abuse and neglect.

18 SECTION 7. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 23rd day of April, 2007.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2007.

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9 Presiding Officer of the Senate
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