

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 790

6 By: Leftwich

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001,
9 Section 7102, as last amended by Section 4, Chapter
10 258, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7102),
11 which relates to child abuse and neglect; modifying
12 definition; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7102, as
15 last amended by Section 4, Chapter 258, O.S.L. 2006 (10 O.S. Supp.
16 2006, Section 7102), is amended to read as follows:

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

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

23 a. in any necessary removal of a child from the home,
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- 1 b. in placements of a child required pursuant to the
2 Oklahoma Child Abuse Reporting and Prevention Act, and
3 c. in any administrative or judicial proceeding held
4 pursuant to the provisions of the Oklahoma Child Abuse
5 Reporting and Prevention Act,

6 that the best interests of the child shall be of paramount
7 consideration.

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

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

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

- 15 a. nonaccidental physical or mental injury,
16 b. sexual abuse,
17 c. sexual exploitation,
18 d. neglect,
19 e. failure or omission to provide protection from harm or
20 threatened harm, or
21 f. abandonment;

22 3. "Neglect" means failure or omission to provide:

- 23 a. adequate food, clothing, shelter, medical care, ~~and~~ or
24 supervision,

1 b. special care made necessary by the physical or mental
2 condition of the child, or

3 c. abandonment;

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

9 5. "Person responsible for a child's health, safety or welfare"
10 includes a parent; a legal guardian; a custodian; a foster parent; a
11 person eighteen (18) years of age or older with whom the child's
12 parent cohabitates or any other adult residing in the home of the
13 child; an agent or employee of a public or private residential home,
14 institution, facility or day treatment program as defined in Section
15 175.20 of this title; or an owner, operator, or employee of a child
16 care facility as defined by Section 402 of this title;

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

21 7. "Sexual exploitation" includes, but is not limited to,
22 allowing, permitting, or encouraging a child to engage in
23 prostitution, as defined by law, by a person responsible for the
24 child's health, safety or welfare or allowing, permitting,

1 encouraging, or engaging in the lewd, obscene, or pornographic
2 photographing, filming, or depicting of a child in those acts as
3 defined by the state law, by a person responsible for the child's
4 health, safety or welfare;

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

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

- 14 a. nonurban centers in districts with child populations
15 that are less than sixty thousand (60,000),
- 16 b. mid-level nonurban centers in districts with child
17 populations equal to or greater than sixty thousand
18 (60,000), but not including Oklahoma and Tulsa
19 Counties, and
- 20 c. urban centers in Oklahoma and Tulsa Counties.

21 10. "Assessment" means a systematic process utilized by the
22 Department of Human Services to respond to reports of alleged child
23 abuse or neglect which, according to priority guidelines established
24 by the Department, do not constitute a serious and immediate threat

1 to the child's health, safety or welfare. The assessment includes,
2 but is not limited to, the following elements:

- 3 a. an evaluation of the child's safety, and
- 4 b. a determination regarding the family's need for
5 services;

6 11. "Investigation" means an approach utilized by the
7 Department to respond to reports of alleged child abuse or neglect
8 which, according to priority guidelines established by the
9 Department, constitute a serious and immediate threat to the child's
10 health or safety. An investigation includes, but is not limited to,
11 the following elements:

- 12 a. an evaluation of the child's safety or welfare,
- 13 b. a determination whether or not child abuse or neglect
14 occurred, and
- 15 c. a determination regarding the family's need for
16 prevention and intervention-related services;

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

20 13. "Services recommended determination" means a report in
21 which a child protective services worker, after an investigation,
22 determines the allegations to be unfounded or for which there is
23 insufficient evidence to fully determine whether child abuse or
24 neglect has occurred, but one in which the Department determines

1 that the child and the child's family could benefit from receiving
2 prevention and intervention-related services;

3 14. "Confirmed report - services recommended" 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 recommends prevention and intervention-related services for the
8 parents or persons responsible for the care of the child or
9 children, but for which initial court intervention is not required;

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

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

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

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

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

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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