

ENROLLED SENATE  
BILL NO. 787

By: Rice of the Senate

and

Steele, Peterson (Pam),  
Kern and Billy of the  
House

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-227, 1-227.1, 1-227.2, 1-227.3, 1-227.4, as amended by Section 18, Chapter 348, O.S.L. 2005, 1-227.6, 1-227.7 and 1-227.9, as last amended by Section 8, Chapter 258, O.S.L. 2006, (63 O.S. Supp. 2006, Sections 1-227.4 and 1-227.9), which relate to the Office of Child Abuse Prevention; updating statutory reference; deleting certain definitions; deleting certain duties of the Office of Child Abuse Prevention; authorizing the State Board of Health to promulgate certain rules; modifying certain deadline; modifying requirements of the state plan of the Oklahoma Commission on Children and Youth; modifying composition of child abuse prevention task force; modifying requirements for specified state plan; modifying allocation of certain funds; deleting language specifying priorities for certain proposals for grants; deleting requirement for certain task forces to review specified proposals; deleting obsolete language; modifying duties of the Director of the Office of Child Abuse Prevention; deleting requirement of the Department to provide staff support in certain circumstance; repealing 63 O.S. 2001, Section 1-227.5, which relates to district child abuse prevention task forces; providing an effective date; 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, is amended to read as follows:

Section 1-227. A. ~~This section, Sections 1-227.1 1-227 through 1-227.8 1-227.9 of this title and Section 6 of this act shall be known and may be cited as the "Child Abuse Prevention Act".~~

B. The Legislature hereby declares that the increasing incidence of child abuse and its attendant human and financial cost to the citizens of Oklahoma requires that the prevention of child abuse and neglect be identified as a priority within the children, youth and family service system of this state. It is the intent of the Legislature that:

1. A comprehensive approach for the prevention of child abuse and neglect be developed for the state, and that this planned, comprehensive approach be used as a basis for funding of programs and services for the prevention of child abuse and neglect statewide; and

2. Multidisciplinary and discipline-specific training on child abuse and neglect and domestic violence be made available to professionals in Oklahoma with responsibilities affecting children, youth, and families, including but not limited to: district attorneys, judges, lawyers, public defenders, medical personnel, law enforcement officers, school personnel, child welfare workers, youth service agencies, mental health workers, and Court Appointed Special Advocates (CASA). Said training shall be ongoing and shall accommodate professionals who require extensive knowledge and those who require only general knowledge.

C. For the purpose of establishing a comprehensive statewide approach towards the prevention of child abuse and neglect there is hereby created the Office of Child Abuse Prevention within the State Department of Health.

SECTION 2. 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~~ 7102 of Title ~~21~~ 10 of the Oklahoma Statutes but as limited by Section 844 of Title 21 of the Oklahoma Statutes. 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.~~ 9. "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.~~ 10. "Commission" means the Oklahoma Commission on Children and Youth; and

~~13.~~ 11. "Child Abuse Prevention Fund" means the revolving fund established pursuant to Section 1-227.8 of this title.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-227.2, is amended to read as follows:

Section 1-227.2 A. The Office of Child Abuse Prevention is hereby authorized and directed to:

1. Prepare and implement a comprehensive state plan for the planning and coordination of child abuse prevention programs and services and for the establishment, development and funding of such programs and services, and to revise and update said plan pursuant to the provisions of Section 1-227.3 of this title;

~~2. Designate child abuse and neglect prevention planning districts and establish guidelines for the establishment of district child abuse prevention task forces which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process and coordinate the preparation and implementation of the district child abuse prevention plans provided for in Section 1-227.5 of this title. The districts shall be contiguous with existing guidance service districts as designated by the State Board of Health;~~

~~3.~~ Monitor, evaluate and review the development and quality of services and programs for the prevention of child abuse and neglect, publish and distribute an annual report of its findings on or before January 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to the chief administrative officer of each agency affected by the report. The report shall include:

- a. activities of the Office,
- b. a summary detailing the demographic characteristics of families served including, but not limited to, the following:
  - (1) age and marital status of parent(s),
  - (2) number and age of children living in the household,
  - (3) household composition of families served,
  - (4) number of families accepted into the program by grantee site and average length of time enrolled,
  - (5) number of families not accepted into the program and the reason ~~therefore~~ therefor, and
  - (6) ~~referrals made on behalf of families not accepted into the program, and~~
  - ~~(7) average actual expenditures per family during the most recent state fiscal year,~~
- c. recommendations for the further development and improvement of services and programs for the prevention of child abuse and neglect, and
- d. budget and program needs; and

~~4.~~ 3. Conduct or otherwise provide for or make available continuing professional education and training in the area of child abuse prevention; ~~and~~

~~5. Assist the Training Council in the performance of its duties as requested by the Training Council and authorized by the Commissioner, including but not limited to providing by contract for the services of a consultant to assist the Training Council.~~

B. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Board Department of Health is authorized to:

1. Accept appropriations, gifts, loans and grants from the state and federal government and from other sources, public or private;

2. Enter into agreements or contracts for the establishment and development of:

- a. programs and services for the prevention of child abuse and neglect,
- b. training programs for the prevention of child abuse and neglect, and
- c. multidisciplinary and discipline specific training programs for professionals with responsibilities affecting children, youth and families; and

3. Secure necessary statistical, technical, administrative and operational services by interagency agreement or contract, ~~and~~

~~4. Promulgate rules as necessary to implement the duties and responsibilities assigned to the Office of Child Abuse Prevention.~~

C. For the purpose of implementing the provisions of the Child Abuse Prevention Act, the State Board of Health is authorized to promulgate rules and regulations as necessary to implement the duties and responsibilities assigned to the Office of Child Abuse Prevention.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-227.3, is amended to read as follows:

Section 1-227.3 A. The Oklahoma Commission on Children and Youth shall review and approve the comprehensive state plan and any subsequent revisions of said plan, prior to the submission of the plan as provided in this section.

B. On or before ~~January 1, 1986~~ July 1, 2007, the Oklahoma Commission on Children and Youth shall deliver the comprehensive state plan for the prevention of child abuse and neglect to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The plan shall include but not be limited to:

~~1. The components, on a statewide basis, required for district plans pursuant to the provisions of the Child Abuse Prevention Act;~~

~~2. A summary of each district plan and an analysis of variations of service and program needs based upon population or geographic areas;~~

~~3. Specific proposals for the implementation of the comprehensive state plan which would promote the efficient use of staff, funds and other resources on the state level and improve the coordination and integration of state goals, activities and funds for the prevention of child abuse and neglect, particularly with regard to primary and secondary prevention of child abuse and neglect; and~~

~~4. 2. Specific proposals detailing the interagency provision of services to all populations at risk of committing child abuse. Services, especially those directed at high-risk populations including, but not limited to, those populations in which parental drug and/or alcohol abuse, mental illness and domestic abuse are an issue, shall be specifically addressed.~~

C. The Office of Child Abuse Prevention and the Oklahoma Commission on Children and Youth shall at least ~~biennially~~ annually review the state plan and make any necessary revisions based on changing needs and program evaluation results not less than every five (5) years. Any such revisions shall be delivered to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than ~~January 1 of even-numbered years~~ July 1 of each year.

D. The Office of Child Abuse Prevention shall provide adequate opportunity for appropriate private and public agencies and organizations and private citizens and consumers to participate at the local level in the development of the state plan.

SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-227.4, as amended by Section 18, Chapter 348, O.S.L. 2005 (63 O.S. Supp. 2006, 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 of whom shall be representatives~~ One representative of the child welfare services division 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 the child guidance services of the State Department of Health;

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

5. ~~Two 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 and one with expertise in the treatment of substance abuse;

6. One representative of the Office of the Attorney General with expertise in the area of domestic abuse;

7. ~~One of whom shall be a representative of the Office of the Chief Medical Examiner~~ representative of the Oklahoma Commission on Children and Youth's Community Partnership Board;

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

9. ~~One of whom shall be a~~ representative of the judiciary, the legal profession, or law enforcement; ~~and~~

10. ~~Five of whom shall be persons having~~ Two representatives who have 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 delivery of child abuse prevention services and who do not receive funds from the Child Abuse Prevention Fund as provided in Section 1-227.8 of this title; one of whom shall have experience providing child abuse prevention services pursuant to Section 7004-1.7 of Title 10 of the Oklahoma Statutes;~~

11. One representative of the Oklahoma Partnership for School Readiness Board;

12. Three parents participating in a child abuse prevention program, one of whom shall have participated in a program for high-risk families pursuant to Section 7004-1.7 of Title 10 of the Oklahoma Statutes; and

13. One representative of the faith community.

B. Each member of the interagency child abuse prevention task force is authorized to have one designee.

C. The Office of Child Abuse Prevention 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 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 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 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.

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 State 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.

5. Once the grants or contracts have been awarded by the Commissioner, the Office of Child Abuse Prevention, along with the

interagency child abuse prevention task force, shall annually review the performance of the awardees and determine if funding should be continued.

SECTION 6. 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 State 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~~ across the state 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; and~~

2. ~~After July 1, 1985, 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 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 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. 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.

SECTION 7. AMENDATORY 63 O.S. 2001, Section 1-227.7, is amended to read as follows:

Section 1-227.7 ~~A.~~ The State Board of Health shall direct the State Commissioner of Health to employ, appoint or otherwise designate a Director for the Office of Child Abuse Prevention. The Director shall:

1. ~~Prepare~~ Assure that the annual report ~~required pursuant to the provisions of paragraph 3 of subsection A of~~ is prepared as required by Section 1-227.2 of this title ~~and the annual budget of the Office of Child Abuse Prevention for the approval of the Board;~~ and

2. Formulate and recommend rules and regulations pertaining to the implementation of the provisions of the Child Abuse Prevention Act, ~~Sections 1-227 to 1-227.7 of this title,~~ for approval or rejection by the Board; and

3. As authorized, act as agent for the Board in the performance of its duties pertaining to the implementation of the provisions of the Child Abuse Prevention Act.

~~B. The guidance centers and services of the State Department of Health shall provide staff support and services to the Office of Child Abuse Prevention and to the district task forces. The Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Department of Education and the Oklahoma Commission on Children and Youth shall participate and fully cooperate in the development and implementation of the state plan at both the state and local level.~~

SECTION 8. AMENDATORY 63 O.S. 2001, Section 1-227.9, as last amended by Section 8, Chapter 258, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-227.9), is amended to read as follows:

Section 1-227.9 A. There is hereby created the Child Abuse Training and Coordination Council.

B. The Oklahoma Commission on Children and Youth shall appoint a Child Abuse Training and Coordination Council which shall be composed of twenty-two (22) members, as follows:

1. One member shall be a representative of child welfare services within the Department of Human Services;

2. One member shall be a representative of juvenile services within the Office of Juvenile Affairs;

3. One member shall be a representative of maternal and child health services within the State Department of Health;

4. One member shall be a representative of the State Department of Health;

5. One member shall be a representative of the State Department of Education;

6. One member shall be a representative of the Department of Mental Health and Substance Abuse Services;

7. One member shall be a representative of a statewide medical association and shall be a member of a state chapter of a national academy of pediatrics;

8. One member shall be a representative of the judiciary;
9. One member shall be a representative of a statewide association of osteopathic physicians and shall be a pediatric osteopathic physician;
10. One member shall be a representative of a statewide coalition on domestic violence and sexual assault;
11. One member shall be a representative of the District Attorneys Council;
12. One member shall be a representative of the Council on Law Enforcement Education and Training;
13. One member shall be a representative of the Department of Corrections;
14. One member shall be a representative of Court Appointed Special Advocates;
15. One member shall be a representative of the Oklahoma Bar Association;
16. One member shall be a representative of a statewide association of psychologists;
17. One member shall be a representative of a local chapter of a national association of social workers;
18. One member shall be a representative of a statewide association of youth services agencies;
19. One member shall be a representative of an Indian child welfare association;
20. One member shall be a representative of an advisory task force on child abuse and neglect;
21. One member shall be a representative of a postadjudication review board program; and

22. One member shall be a representative of nationally accredited child advocacy centers nominated to the Oklahoma Commission for Children and Youth. Eligible nominees may be anyone selected by a majority of the members of the nationally accredited child advocacy centers located in Oklahoma.

C. Each member of the Child Abuse Training and Coordination Council is authorized to have one designee.

D. The appointed members shall be persons having expertise in the dynamics, identification and treatment of child abuse and neglect and child sexual abuse.

~~D.~~ E. The Child Abuse Training and Coordination Council shall:

1. Establish objective criteria and guidelines for multidisciplinary and, as appropriate for each discipline, discipline-specific training on child abuse and neglect for professionals with responsibilities affecting children, youth and families;

2. Review curricula and make recommendations to state agencies and professional organizations and associations regarding available curricula and curricula having high standards of professional merit;

3. Review curricula regarding child abuse and neglect used in law enforcement officer training by the Oklahoma Council on Law Enforcement Education and Training (CLEET) and make recommendations regarding the curricula to CLEET;

4. Cooperate with and assist professional organizations and associations in the development and implementation of ongoing training programs and strategies to encourage professionals to participate in such training programs;

5. Make reports and recommendations regarding the continued development and improvement of such training programs to the State Commissioner of Health, the Oklahoma Commission on Children and Youth, and each affected agency, organization and association;

6. Prepare and issue a model protocol for multidisciplinary teams regarding the investigation and prosecution of child sexual abuse, child physical abuse and neglect cases;

7. Review and approve protocols prepared by the local multidisciplinary teams;

8. Advise multidisciplinary teams on team development;

9. Collect data on the operation and cases reviewed by the multidisciplinary teams;

10. Issue annual reports; and

11. Annually approve the list of functioning multidisciplinary teams in the state.

SECTION 9. REPEALER 63 O.S. 2001, Section 1-227.5, is hereby repealed.

SECTION 10. This act shall become effective July 1, 2007.

SECTION 11. 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.

Passed the Senate the 9th day of May, 2007.

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Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2007.

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Presiding Officer of the House  
of Representatives