

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1425

By: Walker

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7003-1.1, as last amended by Section 1,
9 Chapter 278, O.S.L. 2010, and as renumbered by
10 Section 213, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
11 2010, Section 1-2-102), which relates to assessment
12 and investigations of child abuse; modifying
13 investigation procedures; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7003-1.1, as
17 last amended by Section 1, Chapter 278, O.S.L. 2010, and as
18 renumbered by Section 213, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
19 2010, Section 1-2-102), is amended to read as follows:

20 Section 1-2-102. A. 1. Upon receipt of a report that a child
21 may be abused or neglected, the Department of Human Services shall
22 conduct a safety analysis.

23 2. The Department shall forward a report of its assessment or
24 investigation and findings to any district attorney's office which
may have jurisdiction to file a petition pursuant to Section 1-4-101
of this title.

1 B. 1. If, upon receipt of a report alleging abuse or neglect
2 or during the assessment or investigation, the Department determines
3 that:

4 a. the alleged perpetrator is someone other than a person
5 responsible for the child's health, safety, or
6 welfare, and

7 b. the alleged abuse or neglect of the child does not
8 appear to be attributable to failure on the part of a
9 person responsible for the child's health, safety, or
10 welfare to provide protection for the child,

11 the Department shall immediately make a referral, either verbally or
12 in writing, to the appropriate local law enforcement agency for the
13 purpose of conducting a possible criminal investigation.

14 2. After making the referral to the law enforcement agency, the
15 Department shall not be responsible for further investigation
16 unless:

17 a. the Department has reason to believe the alleged
18 perpetrator is a parent of another child, not the
19 subject of the criminal investigation, or is otherwise
20 a person responsible for the health, safety, or
21 welfare of another child,

22 b. notice is received from a law enforcement agency that
23 it has determined the alleged perpetrator is a parent
24 of or a person responsible for the health, safety, or

1 welfare of another child not the subject of the
2 criminal investigation, or

3 c. the appropriate law enforcement agency requests the
4 Department, in writing, to participate in the
5 investigation. If funds and personnel are available,
6 as determined by the Director of the Department or a
7 designee, the Department ~~may~~ shall assist law
8 enforcement in interviewing children alleged to be
9 victims of physical or sexual abuse.

10 C. 1. Any law enforcement agency receiving a referral as
11 provided in this section shall provide the Department with a copy of
12 the report of any investigation resulting from a referral from the
13 Department.

14 2. Whenever, in the course of any criminal investigation, a law
15 enforcement agency determines that there is cause to believe that a
16 child may be abused or neglected by reason of the acts, omissions,
17 or failures on the part of a person responsible for the health,
18 safety, or welfare of the child, the law enforcement agency shall
19 immediately contact the Department for the purpose of an
20 investigation.

21 SECTION 2. This act shall become effective November 1, 2011.

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