

1 STATE OF OKLAHOMA

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

3 SENATE BILL 478

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to multidisciplinary child abuse  
8 teams; amending 10 O.S. 2001, Section 7110, as last  
9 amended by Section 87, Chapter 233, O.S.L. 2009, and  
10 as renumbered by Section 294, Chapter 233, O.S.L.  
11 2009 (10A O.S. Supp. 2010, Section 1-9-102), which  
12 relates to multidisciplinary child abuse teams;  
13 clarifying language; and providing an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7110, as  
16 last amended by Section 87, Chapter 233, O.S.L. 2009, and as  
17 renumbered by Section 294, Chapter 233, O.S.L. 2009 (10A O.S. Supp.  
18 2010, Section 1-9-102), is amended to read as follows:

19 Section 1-9-102. A. 1. In coordination with the Child Abuse  
20 Training and Coordination Council, each district attorney shall  
21 develop a multidisciplinary child abuse team in each county of the  
22 district attorney or in a contiguous group of counties.

23 2. The lead agency for the multidisciplinary child abuse team  
24 shall be chosen by the members of the team. The team shall

1 intervene in reports involving child sexual abuse or child physical  
2 abuse or neglect.

3 B. The multidisciplinary child abuse team members shall  
4 include, but not be limited to:

5 1. Mental health professionals licensed pursuant to the laws of  
6 this state or licensed professional counselors;

7 2. Police officers or other law enforcement agents with a role  
8 in, or experience or training in child abuse and neglect  
9 investigation;

10 3. Medical personnel with experience in child abuse and neglect  
11 identification;

12 4. Child protective services workers within the Department of  
13 Human Services;

14 5. Multidisciplinary child abuse team coordinators, or Child  
15 Advocacy Center personnel; and

16 6. The district attorney or assistant district attorney.

17 C. 1. To the extent that resources are available to each of  
18 the various multidisciplinary child abuse teams throughout the  
19 state, the functions of the team shall include, but not be limited  
20 to, the following specific functions:

21 a. whenever feasible, law enforcement and child welfare  
22 staff shall conduct joint investigations in an effort  
23 to effectively respond to child abuse reports,

24

1           b.    develop a written protocol for investigating child  
2               sexual abuse and child physical abuse or neglect cases  
3               and for interviewing child victims.  The purpose of  
4               the protocol shall be to ensure coordination and  
5               cooperation between all agencies involved so as to  
6               increase the efficiency in handling such cases and to  
7               minimize the stress created for the allegedly abused  
8               child by the legal and investigatory process.  In  
9               addition, each team shall develop confidentiality  
10              statements and interagency agreements signed by member  
11              agencies that specify the cooperative effort of the  
12              member agencies to the team,

13           c.    freestanding multidisciplinary child abuse teams shall  
14               be approved by the Child Abuse Training and  
15               Coordination Council.  The Council shall conduct an  
16               annual review of freestanding multidisciplinary teams  
17               to ensure that the teams are functioning effectively.  
18               Teams not meeting the minimal standards as promulgated  
19               by the Council shall be removed from the list of  
20               functioning teams in the state,

21           d.    increase communication and collaboration among the  
22               professionals responsible for the reporting,  
23               investigation, prosecution and treatment of child  
24               abuse and neglect cases,

- 1 e. eliminate duplicative efforts in the investigation and  
2 the prosecution of child abuse and neglect cases,  
3 f. identify gaps in service or all untapped resources  
4 within the community to improve the delivery of  
5 services to the victim and family,  
6 g. encourage the development of expertise through  
7 training. Each team member and those conducting child  
8 abuse investigations and interviews of child abuse  
9 victims shall be trained in the multidisciplinary team  
10 approach, conducting legally sound and age-appropriate  
11 interviews, effective investigation techniques and  
12 joint investigations as provided through the Child  
13 Abuse Training and Coordination Council or other  
14 resources,  
15 h. formalize a case review process and provide data as  
16 requested to the Child Abuse Training and Coordination  
17 Council for freestanding teams, and  
18 i. standardize investigative procedures for the handling  
19 of child abuse and neglect cases.

20 2. All investigations of child sexual abuse and child physical  
21 abuse or neglect and interviews of child abuse or neglect victims  
22 shall be carried out by appropriate personnel using the protocols  
23 and procedures specified in this section.  
24

1 3. If trained personnel are not available in a timely fashion  
2 and, in the judgment of a law enforcement officer or the Department  
3 of Human Services, there is reasonable cause to believe a delay in  
4 investigation or interview of the child victim could place the child  
5 in jeopardy of harm or threatened harm to a child's health or  
6 welfare, the investigation may proceed without full participation of  
7 all personnel. This authority applies only for as long as  
8 reasonable danger to the child exists. A reasonable effort to find  
9 and provide a trained investigator or interviewer shall be made.

10 D. 1. A multidisciplinary child abuse team may enter into an  
11 agreement with the Child Death Review Board within the Oklahoma  
12 Commission on Children and Youth and, in accordance with rules  
13 promulgated by the Oklahoma Commission on Children and Youth,  
14 conduct case reviews of deaths and near deaths of children within  
15 the geographical area of that multidisciplinary child abuse team.

16 2. Any multidisciplinary child abuse team reviewing deaths and  
17 near deaths of children shall prepare and make available to the  
18 public, on an annual basis, a report containing a summary of the  
19 activities of the team relating to the review of the deaths and near  
20 deaths of children and a summary of the extent to which the state  
21 child protection system is coordinated with foster care and adoption  
22 programs and whether the state is efficiently discharging its child  
23 protection responsibilities. The report shall be completed no later  
24 than December 31 of each year.

1 E. Nothing in this section shall preclude the use of hospital  
2 team reviews for client-specific purposes and multidisciplinary  
3 teams, either of which were in existence prior to July 1, 1995;  
4 provided, however, such teams shall not be subject to the provisions  
5 of paragraph 1 of subsection A of this section.

6 F. 1. Child advocacy centers shall be classified, based on the  
7 child population of a district attorney's district, as follows:

8 a. nonurban centers in districts with child populations  
9 that are less than sixty thousand (60,000),

10 b. midlevel nonurban centers in districts with child  
11 populations equal to or greater than sixty thousand  
12 (60,000), but not including Oklahoma and Tulsa  
13 Counties, and

14 c. urban centers in Oklahoma and Tulsa Counties.

15 2. The multidisciplinary child abuse team used by the child  
16 advocacy center for its accreditation shall meet the criteria  
17 required by a national association of child advocacy centers and, in  
18 addition, the team shall:

19 a. choose a lead agency for the team,

20 b. intervene in reports involving child sexual abuse and  
21 may intervene in child physical abuse or neglect,

22 c. promote the joint investigation of child abuse reports  
23 between law enforcement and child welfare staff, and  
24

1           d.    formalize standardized investigative procedures for  
2                    the handling of child abuse and neglect cases.

3           G.    Multidisciplinary child abuse teams and child advocacy  
4 centers shall have full access to any service or treatment plan and  
5 any personal data known to the Department which is directly related  
6 to the implementation of this section.

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

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