

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 688

By: Griffin and David of the
Senate

6 and

7 Nelson, Nollan, Ritze and
8 Kern of the House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to child abuse; amending 10A O.S.
12 2011, Section 1-9-102, as amended by Section 1 of
13 Enrolled House Bill No. 1467 of the 1st Session of
14 the 54th Oklahoma Legislature, which relates to
15 multidisciplinary teams; requiring the Department of
16 Human Services to develop electronic means of
17 reporting certain information; directing promulgation
18 of rules; and providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-9-102, as
21 amended by Section 1 of Enrolled House Bill No. 1467 of the 1st
22 Session of the 54th Oklahoma Legislature, is amended to read as
23 follows:

24 Section 1-9-102. A. 1. In coordination with the Oklahoma
Commission on Children and Youth, each district attorney shall

1 develop a multidisciplinary child abuse team in each county of the
2 district attorney or in a contiguous group of counties.

3 2. The lead agency for the team shall be chosen by the members
4 of the team. The team shall intervene in reports involving child
5 sexual abuse or child physical abuse or neglect.

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

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

10 2. Police officers or other law enforcement agents with a role
11 in, or experience or training in child abuse and neglect
12 investigation;

13 3. Medical personnel with experience in child abuse and neglect
14 identification;

15 4. Child protective services workers within the Department of
16 Human Services;

17 5. Multidisciplinary child abuse team coordinators, or Child
18 Advocacy Center personnel; and

19 6. The district attorney or assistant district attorney.

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

24

- 1 a. whenever feasible, law enforcement and child welfare
2 staff shall conduct joint investigations in an effort
3 to effectively respond to child abuse reports,
- 4 b. develop a written protocol for investigating child
5 sexual abuse and child physical abuse or neglect cases
6 and for interviewing child victims. The purpose of
7 the protocol shall be to ensure coordination and
8 cooperation between all agencies involved so as to
9 increase the efficiency in handling such cases and to
10 minimize the stress created for the allegedly abused
11 child by the legal and investigatory process. In
12 addition, each team shall develop confidentiality
13 statements and interagency agreements signed by member
14 agencies that specify the cooperative effort of the
15 member agencies to the team,
- 16 c. freestanding multidisciplinary child abuse teams shall
17 be approved by the Commission. The Commission shall
18 conduct an annual review of freestanding
19 multidisciplinary teams to ensure that the teams are
20 functioning effectively. Teams not meeting the
21 minimal standards as promulgated by the Commission
22 shall be removed from the list of functioning teams in
23 the state,
- 24

- 1 d. increase communication and collaboration among the
2 professionals responsible for the reporting,
3 investigation, prosecution and treatment of child
4 abuse and neglect cases,
- 5 e. eliminate duplicative efforts in the investigation and
6 the prosecution of child abuse and neglect cases,
- 7 f. identify gaps in service or all untapped resources
8 within the community to improve the delivery of
9 services to the victim and family,
- 10 g. encourage the development of expertise through
11 training. Each team member and those conducting child
12 abuse investigations and interviews of child abuse
13 victims shall be trained in the multidisciplinary team
14 approach, conducting legally sound and age-appropriate
15 interviews, effective investigation techniques and
16 joint investigations as provided through the State
17 Department of Health, the Commission on Children and
18 Youth, or other resources,
- 19 h. formalize a case review process and provide data as
20 requested to the Commission for freestanding teams,
21 and
- 22 i. standardize investigative procedures for the handling
23 of child abuse and neglect cases.
24

1 2. All investigations of child sexual abuse and child physical
2 abuse or neglect and interviews of child abuse or neglect victims
3 shall be carried out by appropriate personnel using the protocols
4 and procedures specified in this section.

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

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

20 2. Any multidisciplinary child abuse team reviewing deaths and
21 near deaths of children shall prepare and make available to the
22 public, on an annual basis, a report containing a summary of the
23 activities of the team relating to the review of the deaths and near
24 deaths of children and a summary of the extent to which the state

1 child protection system is coordinated with foster care and adoption
2 programs and whether the state is efficiently discharging its child
3 protection responsibilities. The report shall be completed no later
4 than December 31 of each year.

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

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

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

14 b. midlevel nonurban centers in districts with child
15 populations equal to or greater than sixty thousand
16 (60,000), but not including Oklahoma and Tulsa
17 Counties, and

18 c. urban centers in Oklahoma and Tulsa Counties.

19 2. The multidisciplinary child abuse team used by the child
20 advocacy center for its accreditation shall meet the criteria
21 required by a national association of child advocacy centers and, in
22 addition, the team shall:

23 a. choose a lead agency for the team,
24

- 1 b. intervene in reports involving child sexual abuse and
2 may intervene in child physical abuse or neglect,
3 c. promote the joint investigation of child abuse reports
4 between law enforcement and child welfare staff, and
5 d. formalize standardized investigative procedures for
6 the handling of child abuse and neglect cases.

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

11 H. The Department shall develop an electronic form to be
12 completed and submitted by persons with knowledge of child abuse and
13 neglect, such as teachers, therapists, and other professionals whose
14 duties involve a child known to have been identified in the
15 Statewide Automated Child Welfare Information System. The
16 Department shall have a dedicated email address and shall either
17 initiate an assessment or investigation based upon the information
18 in the form or add the information to existing case files if no
19 further action is required.

20 I. The Department of Human Services shall promulgate rules to
21 implement the provisions of this act.

22 SECTION 2. This act shall become effective November 1, 2013.

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