

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1182

By: David of the Senate

and

Nelson of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to child abuse investigations;
11 amending 10A O.S. 2011, Section 1-2-102, as last
12 amended by Section 2, Chapter 91, O.S.L. 2012 (10A
13 O.S. Supp. 2013, Section 1-2-102), which relates to
14 assessments and investigations; permitting the
15 Department of Human Services to contract with certain
16 medical and law enforcement personnel for certain
17 purposes; removing requirement to submit certain
18 request in writing; clarifying language; and
19 providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-102, as
last amended by Section 2, Chapter 91, O.S.L. 2012 (10A O.S. Supp.
2013, Section 1-2-102), is amended to read as follows:

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

1 2. The Department may employ or contract with active or retired
2 medical and law enforcement professionals who shall be strategically
3 placed throughout the state to:

4 a. provide investigation support and to assist
5 caseworkers with assessment decisions and intervention
6 activities,

7 b. serve as consultants to caseworkers in all aspects of
8 their duties, and

9 c. designate persons who shall act as liaisons within the
10 Department whose primary functions are to develop
11 relationships with local law enforcement agencies and
12 courts.

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

17 ~~3.~~ 4. Whenever the Department determines there is a child that
18 meets the definition of a "drug-endangered child", as defined in
19 Section 1-1-105 of this title, or a child has been diagnosed with
20 fetal alcohol syndrome, the Department shall conduct an
21 investigation of the allegations and shall not limit the evaluation
22 of the circumstances to an assessment.

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~~ assist 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 assist law enforcement in
8 interviewing children alleged to be victims of
9 physical or sexual abuse.

10 3. If, upon receipt of a report alleging abuse or neglect or
11 during the assessment or investigation, the Department determines
12 that the alleged abuse or neglect of the child involves a child in
13 the custody of the Office of Juvenile Affairs and such child was
14 placed in an Office of Juvenile Affairs secure juvenile facility at
15 the time of the alleged abuse or neglect, the Department shall
16 immediately make a referral, either verbally or in writing, to the
17 appropriate law enforcement agency for the purpose of conducting a
18 possible criminal investigation. After making the referral to the
19 law enforcement agency, the Department shall not be responsible for
20 further investigation.

21 C. 1. Any law enforcement agency receiving a referral as
22 provided in this section shall provide the Department with a copy of
23 the report of any investigation resulting from a referral from the
24 Department.

1 2. Whenever, in the course of any criminal investigation, a law
2 enforcement agency determines that there is cause to believe that a
3 child, other than a child in the custody of the Office of Juvenile
4 Affairs and placed in an Office of Juvenile Affairs secure juvenile
5 facility, may be abused or neglected by reason of the acts,
6 omissions, or failures on the part of a person responsible for the
7 health, safety, or welfare of the child, the law enforcement agency
8 shall immediately contact the Department for the purpose of an
9 investigation.

10 D. If, upon receipt of a report alleging abuse or neglect, the
11 Department determines that the family has been the subject of a
12 deprived petition, the Department shall conduct a thorough
13 investigation of the allegations and shall not limit the evaluation
14 of the circumstances to an assessment. In addition, if the family
15 has been the subject of three or more referrals, the Department
16 shall conduct a thorough investigation of the allegations and shall
17 not limit the evaluation of the circumstances to an assessment.

18 SECTION 2. This act shall become effective November 1, 2014.

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