

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4   HOUSE BILL 1033

                                  By: Cox

7                                   AS INTRODUCED

8                   An Act relating to children; amending 10A O.S. 2011,  
9                   Section 1-6-103, which relates to inspection of  
10                  certain court records without a court order;  
                  permitting inspection by attorney representing a  
11                  parent involved in a proceeding; and providing an  
                  effective date.

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

15           SECTION 1.        AMENDATORY        10A O.S. 2011, Section 1-6-103, is  
16   amended to read as follows:

17           Section 1-6-103.   A.   Juvenile court records and Department of  
18   Human Services agency records pertaining to a child may be inspected  
19   by, and their contents shall be disclosed~~7~~, without a court order to,  
20   the following persons upon showing of proper credentials and  
21   pursuant to their lawful duties:

22           1.   The court having the child currently before it in any  
23   proceeding pursuant to this title, any district court or tribal  
24   court to which such proceedings may be transferred, employees and

1 officers of the court in the performance of their duties, including  
2 but not limited to guardians ad litem appointed by the court, and  
3 court-appointed special advocates;

4 2. A district attorney, United States Attorney, or Attorney  
5 General of this or another state and the employees of such offices  
6 in the course of their official duties pursuant to this title or the  
7 prosecution of crimes against children, or upon their request in  
8 their official capacity as advisor in a grand jury proceeding;

9 3. The attorney representing a child who is the subject of a  
10 proceeding pursuant to the provisions of this title or other  
11 proceeding where child custody or visitation is at issue;

12 4. The attorney representing a parent of a child who is the  
13 subject of a proceeding pursuant to the provisions of this title or  
14 other proceeding where child custody or visitation is at issue;

15 5. Employees of juvenile bureaus in the course of their  
16 official duties pursuant to this title, and employees of the  
17 Department of Human Services in the course of their official duties;

18 ~~5.~~ 6. Employees of a law enforcement agency of this or another  
19 state or military enclave and employees of a child protective  
20 service of another state or military enclave in the course of their  
21 official duties pertaining to investigations of a report of known or  
22 suspected child abuse or neglect or crimes against children or for  
23 the purpose of determining whether to place a child in protective  
24 custody;

1       ~~6.~~ 7. The Oklahoma Commission on Children and Youth as provided  
2 by Sections 601.2 and 601.6 of Title 10 of the Oklahoma Statutes;

3       ~~7.~~ 8. The Office of Juvenile Affairs;

4       ~~8.~~ 9. A federally recognized Indian tribe in which the child  
5 who is the subject of the record is a member or is eligible to  
6 become a member of the tribe and is the biological child of a member  
7 of an Indian tribe pursuant to the provisions of the Federal Indian  
8 Child Welfare Act and the Oklahoma Indian Child Welfare Act;  
9 provided such Indian tribe, in the course of its official duties,  
10 is:

- 11           a. investigating a report of known or suspected child  
12           abuse or neglect or crimes against children or for the  
13           purpose of determining whether to place a child in  
14           protective custody,
- 15           b. providing services to or for the benefit of a child  
16           including, but not limited to, protective, emergency,  
17           social and medical services, or
- 18           c. the tribe, the tribal court or the tribal child  
19           welfare program has asserted jurisdiction or  
20           intervened in any case in which the child is the  
21           subject of the proceedings or is a party to the  
22           proceedings pursuant to the authority provided in the  
23           Oklahoma Indian Child Welfare Act.

1 The records that are to be provided to Indian tribes under this  
2 subsection shall include all case records, reports, and documents as  
3 defined in Section 1-6-101 of this title;

4 ~~9.~~ 10. The Governor or to any person the Governor designates,  
5 in writing;

6 ~~10.~~ 11. Any federal official of the United States Department of  
7 Health and Human Services;

8 ~~11.~~ 12. Any member of the Legislature approved in writing by  
9 the Speaker of the House of Representatives or the President Pro  
10 Tempore of the Senate;

11 ~~12.~~ 13. A foster parent, with regard to records concerning the  
12 social, medical, psychological, or educational needs of a child  
13 currently placed with that foster parent or of a child being  
14 considered for placement with that foster parent;

15 ~~13.~~ 14. An employee of any state or federal corrections or law  
16 enforcement agency in the performance of the official duties of the  
17 employee concerning presentence investigations or supervision of a  
18 parent of an alleged or adjudicated deprived child, or the legal  
19 guardian, custodian, or any other adult member of the child's home  
20 who is responsible for the health, safety, or welfare of the child;  
21 and

22 ~~14.~~ 15. An employee of a state agency of this or another state  
23 in the performance of the official duties of the employee concerning  
24 the establishment of paternity or the establishment or enforcement

1 of a child support order or other entitlement for the benefit of a  
2 child; provided, disclosure shall be limited to information directly  
3 related to the purpose of such disclosure.

4 B. In addition to the persons listed in subsection A of this  
5 section, juvenile court records may be inspected, and their contents  
6 shall be disclosed, without a court order to the following persons  
7 upon showing of proper credentials and pursuant to their lawful  
8 duties:

9 1. Employees of court-appointed special advocate programs, as  
10 defined in Section 1-1-105 of this title, in the course of their  
11 official duties pertaining to recruiting, screening, training,  
12 assigning cases, supervising, and supporting volunteers in their  
13 roles as guardian ad litem pursuant to Section 1-4-306 of this  
14 title;

15 2. Members of postadjudication review boards established  
16 pursuant to the provisions of Section 1116.2 of Title 10 of the  
17 Oklahoma Statutes, the Child Death Review Board, and  
18 multidisciplinary personnel. In addition to juvenile court records,  
19 members of such postadjudication review boards may inspect, without  
20 a court order, information that includes, but is not limited to:

- 21 a. psychological and medical records,
- 22 b. placement history and information, including the names  
23 and addresses of foster parents,
- 24 c. family assessments,

1 d. treatment or service plans, and

2 e. school records;

3 3. The Department of Human Services or other public or private  
4 agency or individual having court-ordered custody or physical  
5 custody pursuant to Department placement of the child who is the  
6 subject of the record;

7 4. The child who is the subject of the record and the parents,  
8 legal guardian, custodian, or foster parent of such child; and

9 5. A person authorized by the court to conduct bona fide  
10 research, provided such research may not publish the names or  
11 identities of parents, children, or other persons contained in the  
12 records.

13 C. In addition to the persons and entities named in subsection  
14 A of this section, Department of Human Services agency records may  
15 be inspected, and their contents shall be disclosed, without a court  
16 order to the following persons upon showing of proper credentials  
17 and pursuant to their lawful duties:

18 1. Postadjudicatory review boards, court-appointed special  
19 advocates, and members of the Child Death Review Board;

20 2. Any district court which has ordered a home study by the  
21 Department in an action for divorce, annulment, custody of a child,  
22 or appointment of a legal guardian of a child, or any subsequent  
23 proceeding in such actions; provided, however, the Department may  
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1 limit disclosure in the home study to summaries or to information  
2 directly related to the purpose of the disclosure;

3 3. Members of multidisciplinary teams or multidisciplinary  
4 personnel designated by the Department, investigating a report of  
5 known or suspected child abuse or neglect or providing services to a  
6 child or family which is the subject of the report;

7 4. A physician who has before him or her a child whom the  
8 physician reasonably suspects may be abused or neglected or any  
9 health care or mental health professionals involved in the  
10 evaluation or treatment of the child or the parents, legal guardian,  
11 foster parent, custodian, or other family members of the child;

12 5. Any public or private agency or person authorized by the  
13 Department to diagnose, or provide care, treatment, supervision, or  
14 other services to a child who is the subject of a report or record  
15 of child abuse or neglect; provided, the Department may limit such  
16 disclosure to summaries or to information directly necessary for the  
17 purpose of such disclosure;

18 6. Any person or agency for research purposes, if all of the  
19 following conditions are met:

20 a. the person or agency conducting the research is  
21 employed by the State of Oklahoma or is under contract  
22 with this state and is authorized by the Department to  
23 conduct the research, and

24

1           b.    the person or agency conducting the research ensures  
2                   that all documents containing identifying information  
3                   are maintained in secure locations and access to the  
4                   documents by unauthorized persons is prohibited; that  
5                   no identifying information is included in documents  
6                   generated from the research conducted; and that all  
7                   identifying information is deleted from documents used  
8                   in the research when the research is completed;

9           7.    The Oklahoma Health Care Authority; and

10          8.    A medical examiner when such person is determining the cause  
11 of death of a child.

12          D.    In accordance with the rules promulgated for such purpose  
13 pursuant to Section 620.6 of Title 10 of the Oklahoma Statutes,  
14 records listed in subsection A of Section 1-6-102 of this title may  
15 be inspected and their contents disclosed without a court order to  
16 participating agencies.

17          E.    The court may disclose to an employee of an out-of-state  
18 entity, licensed to perform adoption home studies in that state,  
19 whether the prospective adoptive parent has had parental rights to a  
20 child terminated in Oklahoma or whether the prospective adoptive  
21 parent has relinquished parental rights to a child in Oklahoma.

22          F.    Nothing in this section shall be construed as prohibiting  
23 the Department from disclosing such confidential information as may  
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1 be necessary to secure appropriate care, treatment, protection or  
2 supervision of a child alleged to be abused or neglected.

3 SECTION 2. This act shall become effective November 1, 2013.  
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/20/2013 - DO  
6 PASS.  
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