

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1900

By: Griffin

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6 AS INTRODUCED

7 An Act relating to the Office of Juvenile Affairs;  
8 amending 10A O.S. 2011, Section 1-2-102, as amended  
9 by Section 2, Chapter 91, O.S.L. 2012 (10A O.S. Supp.  
10 2013, Section 1-2-102), which relates to assessments  
and investigations; requiring referrals to law  
enforcement agencies for abuse of certain children;  
and providing an effective date.

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

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

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

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

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

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

10           a. the alleged perpetrator is someone other than a person  
11           responsible for the child's health, safety, or  
12           welfare, and

13           b. the alleged abuse or neglect of the child does not  
14           appear to be attributable to failure on the part of a  
15           person responsible for the child's health, safety, or  
16           welfare to provide protection for the child,

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

20           2. After making the referral to the law enforcement agency, the  
21 Department shall not be responsible for further investigation  
22 unless:

23           a. the Department has reason to believe the alleged  
24           perpetrator is a parent of another child, not the

1 subject of the criminal investigation, or is otherwise  
2 a person responsible for the health, safety, or  
3 welfare of another child,

4 b. notice is received from a law enforcement agency that  
5 it has determined the alleged perpetrator is a parent  
6 of or a person responsible for the health, safety, or  
7 welfare of another child not the subject of the  
8 criminal investigation, or

9 c. the appropriate law enforcement agency requests the  
10 Department, in writing, to participate in the  
11 investigation. If funds and personnel are available,  
12 as determined by the Director of the Department or a  
13 designee, the Department may assist law enforcement in  
14 interviewing children alleged to be victims of  
15 physical or sexual abuse.

16 3. If, upon receipt of a report alleging abuse or neglect or  
17 during the assessment or investigation, the Department determines  
18 that the alleged abuse or neglect of the child involves ~~a child in~~  
19 ~~the custody of the Office of Juvenile Affairs and such child was~~  
20 ~~placed in an Office of Juvenile Affairs secure juvenile facility at~~  
21 ~~the time of the alleged abuse or neglect:~~

22 a. a child in the custody of the Office of Juvenile  
23 Affairs, and

1           b. at the time of the alleged abuse or neglect, such  
2           child was placed in a secure facility operated by the  
3           Office of Juvenile Affairs, as defined by Section 2-1-  
4           103 of Title 10A of the Oklahoma Statutes,

5 the Department shall immediately make a referral, either verbally or  
6 in writing, to the appropriate law enforcement agency for the  
7 purpose of conducting a possible criminal investigation. After  
8 making the referral to the law enforcement agency, the Department  
9 shall not be responsible for further investigation.

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, other than a child in the custody of the Office of Juvenile  
17 Affairs and placed in an Office of Juvenile Affairs secure juvenile  
18 facility, may be abused or neglected by reason of the acts,  
19 omissions, or failures on the part of a person responsible for the  
20 health, safety, or welfare of the child, the law enforcement agency  
21 shall immediately contact the Department for the purpose of an  
22 investigation.

23           D. If, upon receipt of a report alleging abuse or neglect, the  
24 Department determines that the family has been the subject of a

1 deprived petition, the Department shall conduct a thorough  
2 investigation of the allegations and shall not limit the evaluation  
3 of the circumstances to an assessment. In addition, if the family  
4 has been the subject of three (3) or more referrals, the Department  
5 shall conduct a thorough investigation of the allegations and shall  
6 not limit the evaluation of the circumstances to an assessment.

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

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