

1 ENGROSSED SENATE
2 BILL NO. 1370

By: Simpson of the Senate

3 and

4 Ownbey of the House

5
6 An Act relating to child abuse and neglect; amending
7 10A O.S. 2011, Section 1-2-102, as last amended by
8 Section 1, Chapter 363, O.S.L. 2014 (10A O.S. Supp.
9 2015, Section 1-2-102), which relates to
10 investigations; requiring Department of Human
11 Services to determine certain information; directing
12 Department to issue certain notices in certain
13 circumstances; directing reports to certain entities;
14 providing definition; directing promulgation of
15 rules; and providing an effective date.

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

17 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-102, as
18 last amended by Section 1, Chapter 363, O.S.L. 2014 (10A O.S. Supp.
19 2015, Section 1-2-102), is amended to read as follows:

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

23 2. The Department may employ or contract with active or retired
24 social work, medical and law enforcement professionals who shall be
strategically placed throughout the state to:

- a. provide investigation support and to assist caseworkers with assessment decisions and intervention activities,
- b. serve as consultants to caseworkers in all aspects of their duties, and
- c. designate persons who shall act as liaisons within the Department whose primary functions are to develop relationships with local law enforcement agencies and courts.

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

4. The Department shall determine the military status of parents whose children are subject to abuse or neglect. If the Department determines that a parent or guardian is currently serving on active duty in the United States military, the Department shall notify a United States Department of Defense family advocacy program that there is an investigation into the parent or guardian. The Department shall forward a report of its assessment or investigation and findings to the appropriate military law enforcement entity.

5. Whenever the Department determines there is a child that meets the definition of a "drug-endangered child", as defined in Section 1-1-105 of this title, or a child has been diagnosed with

1 fetal alcohol syndrome, the Department shall conduct an
2 investigation of the allegations and shall not limit the evaluation
3 of the circumstances to an assessment.

4 B. 1. If, upon receipt of a report alleging abuse or neglect
5 or during the assessment or investigation, the Department determines
6 that:

7 a. the alleged perpetrator is someone other than a person
8 responsible for the child's health, safety, or
9 welfare, and

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

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

17 2. After making the referral to the law enforcement agency, the
18 Department shall not be responsible for further investigation
19 unless:

20 a. the Department has reason to believe the alleged
21 perpetrator is a parent of another child, not the
22 subject of the criminal investigation, or is otherwise
23 a person responsible for the health, safety, or
24 welfare of another child,

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

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

13 3. If, upon receipt of a report alleging abuse or neglect or
14 during the assessment or investigation, the Department determines
15 that the alleged abuse or neglect of the child involves:

16 a. a child in the custody of the Office of Juvenile
17 Affairs, and

18 b. at the time of the alleged abuse or neglect, such
19 child was placed in a secure facility operated by the
20 Office of Juvenile Affairs, as defined by Section 2-1-
21 103 of Title 10A of the Oklahoma Statutes,

22 the Department shall immediately make a referral, either verbally or
23 in writing, to the appropriate law enforcement agency for the
24 purpose of conducting a possible criminal investigation. After

1 making the referral to the law enforcement agency, the Department
2 shall not be responsible for further investigation.

3 C. 1. Any law enforcement agency receiving a referral as
4 provided in this section shall provide the Department with a copy of
5 the report of any investigation resulting from a referral from the
6 Department.

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

16 D. If, upon receipt of a report alleging abuse or neglect, the
17 Department determines that the family has been the subject of a
18 deprived petition, the Department shall conduct a thorough
19 investigation of the allegations and shall not limit the evaluation
20 of the circumstances to an assessment. In addition, if the family
21 has been the subject of three (3) or more referrals, the Department
22 shall conduct a thorough investigation of the allegations and shall
23 not limit the evaluation of the circumstances to an assessment.

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1 E. For the purposes of this section, "law enforcement" shall
2 include military law enforcement if the subject of an investigation
3 of abuse or neglect is currently serving in any branch of the United
4 States military.

5 F. The Department shall promulgate rules to implement the
6 provisions of this section.

7 SECTION 2. This act shall become effective November 1, 2016.

8 Passed the Senate the 1st day of March, 2016.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2016.

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Presiding Officer of the House
of Representatives

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