

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB 3135
Version:	Conference Committee Substitute
Request Number:	10573
Author:	Speaker Steele et al
Date:	5/24/2012
Impact:	Costs between \$438,055-\$891,596-DHS Possible loss of federal funds

Research Analysis

The 2nd CCS for HB 3135 provides that the Department of Human Services is not prohibited from providing records to a federally recognized Indian tribe for any individual who has applied for foster care or adoptive placement or guardianship through the tribe and requires the tribe to maintain confidentiality of the record.

The measure requires DHS to conduct a child abuse or neglect investigation upon receiving a report of the death or near death of a child resulting from suspected abuse or neglect and produce a report within 45 days. If the department has reasonable cause to believe that a child death or near death is the result of abuse or neglect, the department must notify the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the initial findings of the investigation. Requires DHS to release certain information within five business days of the death or near death of a child and directs that additional information be released upon a determination by the department that a child's death or near death was caused by abuse or neglect. If a child death or near death occurs while the child is in the custody of DHS, and the person responsible for the custodial care of the child was the alleged perpetrator, the department is to release certain specified information pertinent to that incident.

Prepared By: Marcia Goff

Fiscal Analysis

According to DHS personnel, requiring DHS to conduct an investigation regarding a person who meets the definition of a person responsible for a child will increase the workload and resources needed. Seven FTEs are requested at a cost of \$438,055 and additional funds are requested for additional investigations.

Further, disclosure of confidential information in violation of Title IV-E, IV-B, HIPPA and the Child Abuse Prevention and Training Act may result in a delay or decrease in federal funds.

Prepared By: Andrea Kearney

Other Considerations

DHS personnel provide that the outcome or findings of any investigation when the PRFC does not meet the definition as defined in 10A O.S. Subsection 1-1-105 and has no prosecutorial remedy in criminal or civil court. Further, DHS personnel provide that the definition of PRFC is misaligned with the agency's mission and will cause the agency to act outside its scope of authority.

