

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1427

By: Loring

4
5
6 AS INTRODUCED

7 An Act relating to children; exempting
8 multidisciplinary child abuse teams from requirements
9 of open records; amending 10A O.S. 2011, Section 1-9-
10 102, as amended by Section 1, Chapter 229, O.S.L.
11 2013 (10A O.S. Supp. 2018, Section 1-9-102), which
12 relates to multidisciplinary child abuse teams;
13 exempting multidisciplinary child abuse teams from
14 open meetings and open records; amending 25 O.S.
15 2011, Section 304, which relates to open meetings;
16 modifying definition; providing for codification; and
17 providing an effective date.

18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 24A.32 of Title 51, unless there
is created a duplication in numbering, reads as follows:

Any reports produced or information received by the
multidisciplinary child abuse team established according to the
provisions in Section 1-9-102 of Title 10A of the Oklahoma Statutes
shall be confidential and may be kept confidential by the team.

1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-9-102, as
2 amended by Section 1, Chapter 229, O.S.L. 2013 (10A O.S. Supp. 2018,
3 Section 1-9-102), is amended to read as follows:

4 Section 1-9-102. A. 1. In coordination with the Oklahoma
5 Commission on Children and Youth, each district attorney shall
6 develop a multidisciplinary child abuse team in each county of the
7 district attorney or in a contiguous group of counties.

8 2. The lead agency for the team shall be chosen by the members
9 of the team. The team shall intervene in reports involving child
10 sexual abuse or child physical abuse or neglect.

11 B. The multidisciplinary child abuse team members shall
12 include, but not be limited to:

13 1. Mental health professionals licensed pursuant to the laws of
14 this state or licensed professional counselors;

15 2. Police officers or other law enforcement agents with a role
16 in, or experience or training in child abuse and neglect
17 investigation;

18 3. Medical personnel with experience in child abuse and neglect
19 identification;

20 4. Child protective services workers within the Department of
21 Human Services;

22 5. Multidisciplinary child abuse team coordinators, or Child
23 Advocacy Center personnel; and

24 6. The district attorney or assistant district attorney.

1 C. 1. To the extent that resources are available to each of
2 the various multidisciplinary child abuse teams throughout the
3 state, the functions of the team shall include, but not be limited
4 to, the following specific functions:

5 a. whenever feasible, law enforcement and child welfare
6 staff shall conduct joint investigations in an effort
7 to effectively respond to child abuse reports,

8 b. develop a written protocol for investigating child
9 sexual abuse and child physical abuse or neglect cases
10 and for interviewing child victims. The purpose of
11 the protocol shall be to ensure coordination and
12 cooperation between all agencies involved so as to
13 increase the efficiency in handling such cases and to
14 minimize the stress created for the allegedly abused
15 child by the legal and investigatory process. In
16 addition, each team shall develop confidentiality
17 statements and interagency agreements signed by member
18 agencies that specify the cooperative effort of the
19 member agencies to the team,

20 ~~c. freestanding multidisciplinary child abuse teams shall~~
21 ~~be approved by the Commission. The Commission shall~~
22 ~~conduct an annual review of freestanding~~
23 ~~multidisciplinary teams to ensure that the teams are~~
24 ~~functioning effectively. Teams not meeting the~~

1 ~~minimal standards as promulgated by the Commission~~
2 ~~shall be removed from the list of functioning teams in~~
3 ~~the state,~~

4 ~~d.~~ d. increase communication and collaboration among the
5 professionals responsible for the reporting,
6 investigation, prosecution and treatment of child
7 abuse and neglect cases,

8 ~~e.~~ d. eliminate duplicative efforts in the investigation and
9 the prosecution of child abuse and neglect cases,

10 ~~f.~~ e. identify gaps in service or all untapped resources
11 within the community to improve the delivery of
12 services to the victim and family,

13 ~~g.~~ f. encourage the development of expertise through
14 training. Each team member and those conducting child
15 abuse investigations and interviews of child abuse
16 victims shall be trained in the multidisciplinary team
17 approach, conducting legally sound and age-appropriate
18 interviews, effective investigation techniques and
19 joint investigations as provided through the State
20 Department of Health, the Commission on Children and
21 Youth, or other resources,

22 ~~h.~~ g. formalize a case review process and provide data as
23 requested to the Commission for freestanding teams,
24 and

1 ~~i.~~ h. standardize investigative procedures for the handling
2 of child abuse and neglect cases.

3 2. All investigations of child sexual abuse and child physical
4 abuse or neglect and interviews of child abuse or neglect victims
5 shall be carried out by appropriate personnel using the protocols
6 and procedures specified in this section.

7 3. If trained personnel are not available in a timely fashion
8 and, in the judgment of a law enforcement officer or the Department
9 of Human Services, there is reasonable cause to believe a delay in
10 investigation or interview of the child victim could place the child
11 in jeopardy of harm or threatened harm to a child's health or
12 welfare, the investigation may proceed without full participation of
13 all personnel. This authority applies only for as long as
14 reasonable danger to the child exists. A reasonable effort to find
15 and provide a trained investigator or interviewer shall be made.

16 4. Freestanding multidisciplinary child abuse teams shall be
17 approved by the Commission. The Commission shall conduct an annual
18 review of freestanding multidisciplinary teams to ensure that the
19 teams are functioning effectively. Teams not meeting the minimal
20 standards as promulgated by the Commission shall be removed from the
21 list of functioning teams in the state.

22 D. 1. A multidisciplinary child abuse team may enter into an
23 agreement with the Child Death Review Board within the Oklahoma
24 Commission on Children and Youth and, in accordance with rules

1 promulgated by the Oklahoma Commission on Children and Youth,
2 conduct case reviews of deaths and near deaths of children within
3 the geographical area of that multidisciplinary child abuse team.

4 2. Any multidisciplinary child abuse team reviewing deaths and
5 near deaths of children shall prepare and make available to the
6 public, on an annual basis, a report containing a summary of the
7 activities of the team relating to the review of the deaths and near
8 deaths of children and a summary of the extent to which the state
9 child protection system is ~~coordinated~~ coordinating with foster care
10 and adoption programs and whether the state is efficiently
11 discharging its child protection responsibilities. The report shall
12 be completed no later than December 31 of each year.

13 E. Nothing in this section shall preclude the use of hospital
14 team reviews for client-specific purposes and multidisciplinary
15 teams, either of which were in existence prior to July 1, 1995;
16 provided, however, such teams shall not be subject to the provisions
17 of paragraph 1 of subsection A of this section.

18 F. 1. Child advocacy centers shall be classified, based on the
19 child population of a district attorney's district, as follows:

- 20 a. nonurban centers in districts with child populations
21 that are less than sixty thousand (60,000),
- 22 b. midlevel nonurban centers in districts with child
23 populations equal to or greater than sixty thousand

24

1 (60,000), but not including Oklahoma and Tulsa
2 Counties, and

3 c. urban centers in Oklahoma and Tulsa Counties.

4 2. The multidisciplinary child abuse team used by the child
5 advocacy center for its accreditation shall meet the criteria
6 required by a national association of child advocacy centers and, in
7 addition, the team shall:

8 a. choose a lead agency for the team,

9 b. intervene in reports involving child sexual abuse and
10 may intervene in child physical abuse or neglect,

11 c. promote the joint investigation of child abuse reports
12 between law enforcement and child welfare staff, and

13 d. formalize standardized investigative procedures for
14 the handling of child abuse and neglect cases.

15 G. Multidisciplinary child abuse teams and child advocacy
16 centers shall have full access to any service or treatment plan and
17 any personal data known to the Department which is directly related
18 to the implementation of this section.

19 H. Each member of the team shall be responsible for protecting
20 the confidentiality of the child and any information made available
21 to such person as a member of the team. The multidisciplinary team
22 and any information received by the team shall be exempt from the
23 requirements of Sections 301 through 314 of Title 25 of the Oklahoma
24

1 Statutes and Sections 24A.1 through 24A.31 of Title 51 of the
2 Oklahoma Statutes.

3 SECTION 3. AMENDATORY 25 O.S. 2011, Section 304, is
4 amended to read as follows:

5 Section 304. As used in the Oklahoma Open Meeting Act:

6 1. "Public body" means the governing bodies of all
7 municipalities located within this state, boards of county
8 commissioners of the counties in this state, boards of public and
9 higher education in this state and all boards, bureaus, commissions,
10 agencies, trusteeships, authorities, councils, committees, public
11 trusts or any entity created by a public trust, including any
12 committee or subcommittee composed of any of the members of a public
13 trust or other legal entity receiving funds from the Rural Economic
14 Action Plan Fund as authorized by Section 2007 of Title 62 of the
15 Oklahoma Statutes, task forces or study groups in this state
16 supported in whole or in part by public funds or entrusted with the
17 expending of public funds, or administering public property, and
18 shall include all committees or subcommittees of any public body.
19 "Public body" shall not include the state judiciary, the Council on
20 Judicial Complaints when conducting, discussing, or deliberating any
21 matter relating to a complaint received or filed with the Council,
22 the Legislature, or administrative staffs of public bodies,
23 including, but not limited to, faculty meetings and athletic staff
24 meetings of institutions of higher education when those staffs are

1 not meeting with the public body, or entry-year assistance
2 committees. Furthermore, "public body" shall not include the
3 multidisciplinary ~~team~~ teams provided for in Section 1-9-102 of
4 Title 10A of the Oklahoma Statutes and subsection C of Section 1-
5 502.2 of Title 63 of the Oklahoma Statutes or any school board
6 meeting for the sole purpose of considering recommendations of a
7 multidisciplinary team and deciding the placement of any child who
8 is the subject of the recommendations. Furthermore, "public body"
9 shall not include meetings conducted by stewards designated by the
10 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
11 3A of the Oklahoma Statutes when the stewards are officiating at
12 races or otherwise enforcing rules of the Commission;

13 2. "Meeting" means the conduct of business of a public body by
14 a majority of its members being personally together or, as
15 authorized by Section 307.1 of this title, together pursuant to a
16 videoconference. "Meeting" shall not include informal gatherings of
17 a majority of the members of the public body when no business of the
18 public body is discussed;

19 3. "Regularly scheduled meeting" means a meeting at which the
20 regular business of the public body is conducted;

21 4. "Special meeting" means any meeting of a public body other
22 than a regularly scheduled meeting or emergency meeting;

23 5. "Emergency meeting" means any meeting called for the purpose
24 of dealing with an emergency. For purposes of the Oklahoma Open

1 Meeting Act, an emergency is defined as a situation involving injury
2 to persons or injury and damage to public or personal property or
3 immediate financial loss when the time requirements for public
4 notice of a special meeting would make such procedure impractical
5 and increase the likelihood of injury or damage or immediate
6 financial loss;

7 6. "Continued or reconvened meeting" means a meeting which is
8 assembled for the purpose of finishing business appearing on an
9 agenda of a previous meeting. For the purposes of the Oklahoma Open
10 Meeting Act, only matters on the agenda of the previous meeting at
11 which the announcement of the continuance is made may be discussed
12 at a continued or reconvened meeting; and

13 7. "Videoconference" means a conference among members of a
14 public body remote from one another who are linked by interactive
15 telecommunication devices permitting both visual and auditory
16 communication between and among members of the public body and
17 members of the public. During any videoconference, both the visual
18 and auditory communications functions of the device shall be
19 utilized. Whenever the term "teleconference" appears in any law in
20 relation to a meeting of a public body, it shall be deemed to mean a
21 videoconference as defined in this paragraph.

22 SECTION 4. This act shall become effective November 1, 2019.

23

24 57-1-5045 JBH 12/10/18