

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1863

6 By: Roberts

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9 COMMITTEE SUBSTITUTE

10 An Act relating to children; amending 10A O.S. 2021,
11 Sections 1-6-107 and 1-9-102, which relate to the
12 Oklahoma Children's Code; modifying fine amount and
13 imprisonment duration; directing the
14 multidisciplinary child abuse team to review cases;
15 modifying team functions; directing the team to use a
16 secure database and report data; directing certain
17 protocol to be initiated; directing the Oklahoma
18 Commission on Children and Youth to create and
19 maintain certain database; providing data the
20 database shall collect; providing requirements
21 related to data; providing purpose; directing the
22 Commission to promulgate rules; providing for
23 codification; and providing an effective date.

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

25 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-6-107, is
26 amended to read as follows:

27 Section 1-6-107. A. The reports required by Section 1-2-101 of
28 this title and all other information acquired pursuant to the

1 Oklahoma Children's Code shall be confidential and may be disclosed
2 only as provided by this Code, applicable state or federal law,
3 regulation, or court order.

4 B. The confidential records and information that are authorized
5 to be disclosed pursuant to this Chapter shall remain confidential
6 and the use of such information shall be limited to the purposes for
7 which disclosure is authorized. Persons or agencies obtaining
8 records pursuant to this Chapter are prohibited from disclosing the
9 contents of such records to another person or agency unless
10 specifically authorized to do so by law or by the terms of a court
11 order.

12 C. The disclosure of any confidential records or information
13 made by the Department of Human Services pursuant to law or court
14 order shall not be deemed a waiver of confidentiality or privilege,
15 and any recipient of such records or information shall protect them
16 against unauthorized disclosure and maintain them confidentially and
17 in compliance with state and federal law.

18 D. Any person or agency who knowingly permits, assists, or
19 encourages the release, disclosure, or use of confidential records
20 or information for any commercial, political, or unauthorized
21 purpose may be prosecuted for contempt of court or for a
22 misdemeanor, which shall, upon conviction, be punishable by up to
23 ~~six (6)~~ twelve (12) months in jail, by a fine of ~~Five Hundred~~

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1 ~~Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), or by both such
2 fine and imprisonment.

3 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-9-102, is
4 amended to read as follows:

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

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

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

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

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

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

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

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

1 6. The district attorney or assistant district attorney.

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

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

9 b. develop a written protocol for ~~investigating~~ the joint
10 investigation of child sexual abuse and child physical
11 abuse or neglect cases by law enforcement and child
12 welfare staff and for professionals interviewing child
13 victims. The purpose of the protocol shall be to
14 ensure coordination and cooperation between all
15 agencies involved so as to increase the efficiency in
16 handling such cases and to minimize the stress created
17 for the allegedly abused child by the legal and
18 investigatory process. In addition, each team shall
19 develop confidentiality statements and interagency
20 agreements signed by member agencies that specify the
21 cooperative effort of the member agencies to the team,
22 c. increase communication and collaboration among the
23 professionals responsible for the reporting,

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1 investigation, prosecution and treatment of child
2 abuse and neglect cases,

3 d. eliminate duplicative efforts in the investigation and
4 the prosecution of child abuse and neglect cases,

5 e. identify gaps in service or all untapped resources
6 within the community to improve the delivery of
7 services to the victim and family,

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

17 g. formalize a case review process that includes the use
18 of a secure database provided for in Section 3 of this
19 act and ~~provide~~ report program data as requested to
20 the Commission ~~for freestanding teams, and~~

21 ~~h. standardize investigative procedures for the handling~~
22 ~~of child abuse and neglect cases.~~

23 2. All investigations of child sexual abuse and child physical
24 abuse or neglect and interviews of child abuse or neglect victims

1 shall be carried out by appropriate personnel using the protocols
2 ~~and procedures~~ specified in this section.

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

15 4. Freestanding multidisciplinary child abuse teams shall be
16 approved by the Commission. The Commission shall ~~conduct~~ direct an
17 annual review of freestanding multidisciplinary teams to ensure that
18 the teams are functioning effectively, and staff shall conduct on-
19 site compliance reviews as necessary. 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 coordinating with foster care and
10 adoption programs and whether the state is efficiently discharging
11 its child protection responsibilities. The report shall be
12 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

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

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-9-102a of Title 10A, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The Oklahoma Commission on Children and Youth shall provide
7 for the creation and maintenance of a secure database to be utilized
8 by freestanding multidisciplinary child abuse teams during case
9 review.

10 B. The database shall collect case information and shall
11 maintain strict security of all information. The database and its
12 use shall be subject to the confidential records requirements
13 established pursuant to Sections 1-6-102 and 1-6-107 of this title
14 and penalties for violations established pursuant to Section 1-6-107
15 of this title.

16 C. The purpose of the database shall include, but not be
17 limited to:

18 1. Facilitating case management;

19 2. Providing for appropriate and uniform collection and
20 reporting of case information by all freestanding multidisciplinary
21 child abuse teams;

22 3. Enabling Commission staff to conduct programmatic
23 evaluations; and

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4. Identifying trends to make recommendations for improving the children and youth service system.

D. The Commission shall promulgate rules necessary to implement the provisions of this section.

SECTION 4. This act shall become effective November 1, 2025.

60-1-12957 JM 02/26/25