

1 ENGROSSED HOUSE
2 BILL NO. 1863

By: Roberts of the House

3 and

4 Rader of the Senate

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

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

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

24 Section 1-6-107. A. The reports required by Section 1-2-101 of
this title and all other information acquired pursuant to the
Oklahoma Children's Code shall be confidential and may be disclosed
only as provided by this Code, applicable state or federal law,
regulation, or court order.

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

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

15 D. Any person or agency who knowingly permits, assists, or
16 encourages the release, disclosure, or use of confidential records
17 or information for any commercial, political, or unauthorized
18 purpose may be prosecuted for contempt of court or for a
19 misdemeanor, which shall, upon conviction, be punishable by up to
20 ~~six (6)~~ twelve (12) months in jail, by a fine of ~~Five Hundred~~
21 ~~Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), or by both such
22 fine and imprisonment.

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

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

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

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

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

12 2. Police officers or other law enforcement agents with a role
13 in, or experience or training in child abuse and neglect
14 investigation;

15 3. Medical personnel with experience in child abuse and neglect
16 identification;

17 4. Child protective services workers within the Department of
18 Human Services;

19 5. Multidisciplinary child abuse team coordinators, or Child
20 Advocacy Center personnel; and

21 6. The district attorney or assistant district attorney.

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

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

- 1 e. identify gaps in service or all untapped resources
2 within the community to improve the delivery of
3 services to the victim and family,
- 4 f. encourage the development of expertise through
5 training. Each team member and those conducting child
6 abuse investigations and interviews of child abuse
7 victims shall be trained in the multidisciplinary team
8 approach, conducting legally sound and age-appropriate
9 interviews, effective investigation techniques and
10 joint investigations as provided through the State
11 Department of Health, the Commission on Children and
12 Youth, or other resources, and
- 13 g. formalize a case review process that includes the use
14 of a secure database provided for in Section 3 of this
15 act and provide report program data as requested to
16 the Commission ~~for freestanding teams, and~~
- 17 ~~h. standardize investigative procedures for the handling~~
18 ~~of child abuse and neglect cases.~~

19 2. All investigations of child sexual abuse and child physical
20 abuse or neglect and interviews of child abuse or neglect victims
21 shall be carried out by appropriate personnel using the protocols
22 ~~and procedures~~ specified in this section.

23 3. If trained personnel are not available in a timely fashion
24 and, in the judgment of a law enforcement officer or the Department

1 of Human Services, there is reasonable cause to believe a delay in
2 investigation or interview of the child victim could place the child
3 in jeopardy of harm or threatened harm to ~~a~~ the child's health or
4 welfare, the investigation may proceed without full participation of
5 all personnel, provided all reasonable efforts have been made to
6 facilitate the use of a trained investigator or interviewer. This
7 authority applies only for as long as reasonable danger to the child
8 exists. ~~A reasonable effort to find and provide a trained~~
9 ~~investigator or interviewer shall be made~~ As soon as possible
10 thereafter, the joint investigation protocol shall be initiated.

11 4. Freestanding multidisciplinary child abuse teams shall be
12 approved by the Commission. The Commission shall ~~conduct~~ direct an
13 annual review of freestanding multidisciplinary teams to ensure that
14 the teams are functioning effectively, and staff shall conduct on-
15 site compliance reviews as necessary. Teams not meeting the minimal
16 standards as promulgated by the Commission shall be removed from the
17 list of functioning teams in the state.

18 D. 1. A multidisciplinary child abuse team may enter into an
19 agreement with the Child Death Review Board within the Oklahoma
20 Commission on Children and Youth and, in accordance with rules
21 promulgated by the Oklahoma Commission on Children and Youth,
22 conduct case reviews of deaths and near deaths of children within
23 the geographical area of that multidisciplinary child abuse team.

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

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

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

- 17 a. nonurban centers in districts with child populations
18 that are less than sixty thousand (60,000),
- 19 b. midlevel nonurban centers in districts with child
20 populations equal to or greater than sixty thousand
21 (60,000), but not including Oklahoma and Tulsa
22 Counties, and
- 23 c. urban centers in Oklahoma and Tulsa Counties.

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

- 5 a. choose a lead agency for the team,
- 6 b. intervene in reports involving child sexual abuse and
7 may intervene in child physical abuse or neglect,
- 8 c. promote the joint investigation of child abuse reports
9 between law enforcement and child welfare staff, and
- 10 d. formalize standardized investigative procedures for
11 the handling of child abuse and neglect cases.

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

16 H. Each member of the team shall be responsible for protecting
17 the confidentiality of the child and any information made available
18 to such person as a member of the team. The multidisciplinary team
19 and any information received by the team shall be exempt from the
20 requirements of Sections 301 through 314 of Title 25 of the Oklahoma
21 Statutes and Sections 24A.1 through 24A.31 of Title 51 of the
22 Oklahoma Statutes.

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

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

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

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

16 1. Facilitating case management;

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

20 3. Enabling Commission staff to conduct programmatic
21 evaluations; and

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

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

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

Passed the House of Representatives the 12th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2025.

Presiding Officer of the Senate