

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1863

By: Roberts

7 AS INTRODUCED

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

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

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

23 Section 1-6-107. A. The reports required by Section 1-2-101 of  
24 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~~

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,

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

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

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

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

1 | conduct case reviews of deaths and near deaths of children within  
2 | the geographical area of that multidisciplinary child abuse team.

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

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

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

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

1                   c. urban centers in Oklahoma and Tulsa Counties.

2       2. The multidisciplinary child abuse team used by the child

3 advocacy center for its accreditation shall meet the criteria

4 required by a national association of child advocacy centers and, in

5 addition, the team shall:

6                   a. choose a lead agency for the team,

7                   b. intervene in reports involving child sexual abuse and

8                   may intervene in child physical abuse or neglect,

9                   c. promote the joint investigation of child abuse reports

10                  between law enforcement and child welfare staff, and

11                  d. formalize standardized investigative procedures for

12                  the handling of child abuse and neglect cases.

13                  G. Multidisciplinary child abuse teams and child advocacy

14 centers shall have full access to any service or treatment plan and

15 any personal data known to the Department which is directly related

16 to the implementation of this section.

17                  H. Each member of the team shall be responsible for protecting

18 the confidentiality of the child and any information made available

19 to such person as a member of the team. The multidisciplinary team

20 and any information received by the team shall be exempt from the

21 requirements of Sections 301 through 314 of Title 25 of the Oklahoma

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

23 Oklahoma Statutes.

24

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.

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

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

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5           60-1-11686       CMA       01/15/25

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