

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 642

By: Rogers

AS INTRODUCED

An Act relating to the Oklahoma Children's Code; amending 10A O.S. 2021, Section 1-2-106, which relates to notice to person being investigated; requiring the Director of the Department of Human Services to establish certain procedures; modifying applicability of certain provision; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-106, is amended to read as follows:

Section 1-2-106. A. At the initial time of contact with a person responsible for the health, safety, or welfare of a child who is the subject of an investigation pursuant to the Oklahoma Children's Code, the Department of Human Services shall advise the person of the specific complaint or allegation made against the person. If the Department is unable to locate the person, as soon as possible after initiating the investigation of the person, the Department shall provide to the person a brief and easily understood

1 written description of the investigation process. Notice shall
2 include:

3 1. A statement that the investigation is being undertaken by
4 the Department pursuant to the requirements of the Oklahoma
5 Children's Code in response to a report of child abuse or neglect;

6 2. A statement that the identity of the person who reported the
7 incident of abuse is confidential and may not even be known to the
8 Department since the report could have been made anonymously;

9 3. A statement that the investigation is required by law to be
10 conducted in order to enable the Department to identify incidents of
11 abuse or neglect in order to provide protective or preventive social
12 services to families who are in need of such services;

13 4. A statement that, upon completion of the investigation, a
14 letter will be sent from the Department which will inform the
15 person:

16 a. that the Department has found insufficient evidence of
17 abuse or neglect, or

18 b. that there appears to be probable cause to suspect the
19 existence of child abuse or neglect in the judgment of
20 the Department;

21 5. An explanation of the procedures of the Department for
22 conducting an investigation of alleged child abuse or neglect,
23 including:

- a. a description of the circumstances under which the Department would seek to remove the child from the home through the judicial system, and
- b. an explanation that the law requires the Department to refer all reports of child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

6. The procedures to follow if there is a complaint regarding the actions of the Department or, as provided by subsection B of this section, to request a review of the findings made by the Department during or at the conclusion of the investigation;

7. The right of the person to review records filed with the court in the event an action is filed;

8. The right of the person to seek legal counsel;

9. References to the statutory and regulatory provisions governing child abuse and neglect and how the person may obtain copies of those provisions;

10. The process the person may use to acquire visitation with the child if the child is removed from the home; and

11. A statement that a failure to appear for court proceedings may result in the termination of the person's parental rights to the child.

B. The Director of the Department shall establish procedures by which a person who is the subject of an investigation pursuant to

1 the Oklahoma Children's Code may review the investigative findings
2 made by the Department regarding the person and may appeal such
3 findings to the Director or his or her designee.

4 SECTION 2. This act shall become effective November 1, 2023.

5
6 59-1-531 TEK 1/18/2023 9:56:08 AM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25