

**TITLE 135. OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND
ADMINISTRATION**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams

135:10-25-1 [NEW]

135:10-21-2 [NEW]

135:10-25-3 [NEW]

135:10-25-4 [NEW]

135:10-25-5 [NEW]

135:10-25-6 [NEW]

135:10-25-7 [NEW]

135:10-25-8 [NEW]

AUTHORITY:

Oklahoma Commission on Children and Youth; 10 O.S. § 601.4(9); 10 O.S. § 1150.2(A)(5)

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n/a

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ANALYSIS:

The new rules provide the procedure by which the Oklahoma Commission on Children and Youth will coordinate with district attorneys in establishing freestanding multi-disciplinary child abuse teams pursuant to 10A O.S.Supp.2013 § 1-9-102.

CONTACT PERSONS:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. SECTION 308.1(A) WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2014.

**TITLE 135. OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND
ADMINISTRATION
SUBCHAPTER 25. FREESTANDING MULTIDISCIPLINARY CHILD ABUSE TEAMS**

135:10-25-1. Origin and authority

The legislature gave the Oklahoma Commission on Children and Youth responsibilities for coordinating with each district attorney in the development of freestanding multidisciplinary child abuse teams in each county of the district attorney or in a contiguous group of counties pursuant to 10A O.S. Supp. 2013, Section 1-9-102 (A)(1).

The Oklahoma Commission on Children and Youth shall have the authority:

- (1) To approve freestanding multidisciplinary child abuse teams;
- (2) To evaluate freestanding multidisciplinary child abuse teams by conducting annual on-site reviews of freestanding multidisciplinary child abuse teams;
- (3) To designate a freestanding multidisciplinary child abuse team as functioning, provisionally functioning, or non-functioning in accordance with freestanding multidisciplinary child abuse team minimal standards;
- (4) To remove freestanding multidisciplinary child abuse team from the list of functioning freestanding multidisciplinary child abuse teams when non-compliant with minimal standards.

135-10-25-2. Duties and responsibilities

The Oklahoma Commission on Children and Youth shall designate staff to perform the following duties:

- (1) Provide technical assistance and consultation to district attorneys in the development and coordination of freestanding multidisciplinary child abuse teams;
- (2) Issue a listing of Functioning and Provisionally Functioning Freestanding Multidisciplinary Child Abuse Teams based on compliance with minimum standards;
- (3) To make recommendations for removal of Non-Functioning Freestanding Multidisciplinary Child Abuse Team to the Commission based on non-compliance with minimum standards;

- (4) To facilitate and support the training of Freestanding Multidisciplinary Child Abuse Teams

135-10-25-3. Approval of freestanding multidisciplinary child abuse team

(a) **Definitions.** The following words and terms, when used in the Subchapters, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) **“Annual survey”** means a written document submitted to the Commission summarizing the activities of the team as related to child protection investigations and services with the data elements and format proscribed by the Commission.
- (2) **“Annual Site Review”** means the annual on-site review of multidisciplinary team records that assist the Commission in determining the functioning of the freestanding multidisciplinary team.
- (3) **“Commission”** means the Oklahoma Commission on Children and Youth
- (4) **“Confidentiality statement”** means the written document signed by the multidisciplinary team members assuring that all proceedings conducted during team meetings and child protective investigations will be kept confidential according to clearly defined limits, state law, and respective agency policy and procedure.
- (5) **“Community Needs Assessment”** means conducting a process that results in a written document that identifies available services, service gaps, untapped resources and community based priorities for improvement or development of services to the victim and family according to the format and schedule of the Commission.
- (6) **“Child Abuse Multidisciplinary Account”** means a continuing fund established by the Oklahoma Legislature for the purpose of providing operating funds to provisionally functioning and functioning multidisciplinary teams.
- (7) **“Child Advocacy Center”** means a child friendly, safe and neutral location in which law enforcement and child protective services may conduct and observe forensic interviews with children who are alleged victims of crimes and where non-offending family members may receive support, crisis intervention, and referrals for mental health and medical treatment.
- (8) **“Multidisciplinary Child Abuse Team”** means a Multidisciplinary Child Abuse team utilized by a Child Advocacy Center to meet National Accreditation Standards.
- (9) **“Data Collection”** means multidisciplinary teams shall maintain data on every case reviewed by the multidisciplinary team in the format proscribed by the Commission.
- (10) **“Expertise”** means individual team members’ obtaining training and experience in a particular aspect of the multidisciplinary team approach, conducting legally sound and age appropriate interviews, effective investigation techniques, or knowledge about how to conduct joint investigations.
- (11) **“Freestanding multidisciplinary team”** means a team not used by a child advocacy center for its accreditation.
- (12) **“Functioning Freestanding Multidisciplinary Child Abuse Team”** means a freestanding multidisciplinary team that has met minimal standards promulgated by the Commission.

- (13) “Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team” means a team that has met the minimal freestanding multidisciplinary team standards for a new team.
- (14) “Non-Functional Freestanding Multidisciplinary Child Abuse Team” means a team that has not met the minimal standards promulgated by the Commission.
- (15) “Joint Investigations” means law enforcement and child welfare staff collaborative investigation with written protocols to decrease duplicative efforts and to ensure a thorough process.
- (16) “Interagency agreement(s)” means the written document(s) signed by the multidisciplinary team member agencies that specify the cooperative effort of the member agencies to the team and delineates roles and responsibilities.
- (17) “Initial Freestanding Multidisciplinary Child Abuse Team Training” means training conducted during the early formation of the team where individual team members are oriented to the multidisciplinary child abuse team approach.
- (18) “Multidisciplinary Child Abuse Team” means a group of individuals of differing disciplines working together collaboratively on a common purpose.
- (19) “Protocol” means specific methods and procedures used to conduct child protection investigations and interviews.
- (20) “Standards” means the criteria used to determine functionality of a multidisciplinary team.

(b) Types of Freestanding Multidisciplinary Child Abuse Team.

- (1) Functioning Freestanding Multidisciplinary Child Abuse Team. A Freestanding Multidisciplinary Child Abuse Team shall be included on the list of Freestanding Multidisciplinary Child Abuse Teams when documentation that supports compliance with minimal standards for a functioning freestanding multidisciplinary child abuse team.
- (2) Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team. A Provisionally Functioning Freestanding Multidisciplinary Child Abuse Team shall be included on the list of Functioning Freestanding Multidisciplinary Child Abuse Team when documentation supports compliance with minimal standards for a provisionally functioning Freestanding Multidisciplinary Child Abuse Team.
- (3) Non-Functioning Freestanding Multidisciplinary Child Abuse Team. A Non-Functioning Freestanding Multidisciplinary Child Abuse Team shall be removed from the list of Functioning Freestanding Multidisciplinary Child Abuse Team when documentation does not support compliance with minimal standards for a functioning or provisionally functioning Freestanding Multidisciplinary Child Abuse Team.

(c) Annual On-Site Review.

- (1) Annual On-Site Visit. Commission staff annually shall conduct one on-site compliance visit to each Freestanding Multidisciplinary Child Abuse Team to document compliance with minimal Freestanding Multidisciplinary Child Abuse Team standards.
- (2) During each on-site compliance visit Commission staff shall request a completed Annual Survey document and review Freestanding Multidisciplinary Child

Abuse Team: interagency agreement, confidentiality statements, member sign-in sheets, joint-investigation and interview protocol, case review documentation, training records, financial accountability policies, and other documents to ascertain compliance with minimal standards.

- (d) **Forms.** Commission staff shall use standardized on-site review forms available for public inspection.
- (e) **Reports.** Commission staff shall annually issue a Freestanding Multidisciplinary Child Abuse Team Summary Report.

135-10-25-4. Services provided by a freestanding multidisciplinary child abuse team

A freestanding multidisciplinary child abuse team conducts joint investigations in an effort to effectively respond to a report of alleged child abuse.

135-10-25-5. Eligibility standards for a functioning freestanding multidisciplinary child abuse team

A freestanding multidisciplinary child abuse team shall adhere to the following minimal standards to be designated as a functioning freestanding multidisciplinary child abuse team:

- (1) A freestanding multidisciplinary child abuse team shall annually review the Interagency Agreement signed by members of the team.
- (2) A freestanding multidisciplinary child abuse team shall utilize a Confidentiality Statement approved by the Commission;
- (3) A freestanding multidisciplinary child abuse team shall conduct joint investigations whenever feasible involving law enforcement and child welfare in an effort to respond to child abuse reports;
- (4) A freestanding multidisciplinary child abuse team shall have written investigation and interview protocols for investigating child maltreatment approved by the Commission;
- (5) A freestanding multidisciplinary child abuse team shall utilize a case review process approved by the Commission;
- (6) A freestanding multidisciplinary child abuse team shall annually complete the Annual Survey document and submit to the Commission in a format and schedule proscribed by the Commission;
- (7) A freestanding multidisciplinary child abuse team members shall participate in on-going professional development training;
- (8) A freestanding multidisciplinary child abuse team shall have a written Financial Accountability policy that includes but is not limited to: process for development of annual team budget, signature requirements for checks issued, quarterly expenditure report, cash receipts, cash disbursements, reconciliation, purchasing, and payroll;
- (9) A freestanding multidisciplinary child abuse team shall develop individual and team expertise;
- (10) Whenever feasible the Commission and freestanding multidisciplinary child abuse team will conduct a Community Needs Assessment to identify available services, service gaps, untapped resources, and priorities for development or improvement of services to the victim and family according to schedule established by the Commission.

135-10-25-6. Eligibility standards for a provisionally functioning freestanding multidisciplinary child abuse team

A freestanding multidisciplinary child abuse team will adhere to the following minimal standards to be designated as a provisionally functioning freestanding multidisciplinary child abuse team:

- (1) A freestanding multidisciplinary child abuse team shall demonstrate through documentation that the team has met at least once a month for six consecutive months; at least four of the six meetings shall be for case reviews of alleged child abuse;
- (2) A freestanding multidisciplinary child abuse team shall have written joint investigation protocol, interagency agreement, and confidentiality statements;
- (3) A freestanding multidisciplinary child abuse team will have a letter of support from their District Attorney or Assistant District Attorney; and
- (4) A freestanding multidisciplinary child abuse team will have participated in the initial freestanding multidisciplinary child abuse team training

135-10-25-7. Non-compliance with freestanding multidisciplinary child abuse team minimal standards

Documentation of non-compliance.

- (1) The Commission staff shall document clearly and concisely on the annual on-site compliance report area(s) of concern, non-compliance, and recommendation with the Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney;
- (2) Commission staff shall request the Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney's signature on the annual on-site compliance report, explaining that the signature indicates acknowledgement of information recorded during the visit;
- (3) The Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney shall be given a copy of the completed report.

135-10-25-8. Process for removal of a non-functioning freestanding multidisciplinary child abuse team from the list of freestanding functioning multidisciplinary child abuse teams.

(a) Process for removal.

- (1) Commission staff shall submit a recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team as to the Commission Director or the Commission Director designee within (30) days of the annual on-site review.
- (2) Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney shall submit all responses to the recommendation for removal to the Commission Director or Commission Director designee within (10) days of receipt of the notice.
- (3) The Commission Director or designee shall be the final decision maker regarding the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.
- (4) The Commission Director or Commission Director Designee will make the final decision within (30) days of the recommendation for removal of a Freestanding Multidisciplinary Child Abuse Team from the listing of Freestanding Multidisciplinary Child Abuse Teams.

- (5) Commission staff will send a finding letter within (45) days of the recommendation to remove a Freestanding Multidisciplinary Child Abuse Team from the list of Freestanding Multidisciplinary Child Abuse Teams.
- (6) Freestanding Multidisciplinary Child Abuse Team Coordinator or District Attorney may appeal the final decision of removal to the Commission.
- (b) **Complaint Procedure** Complaints received by the Commission concerning Freestanding Multidisciplinary Child Abuse Team case reviews shall be referred to the Oklahoma Commission on Children and Youth, Office of Juvenile System Oversight.
- (c) **Public Inspection of Freestanding Multidisciplinary Child Abuse Team Records.**
 - (1) **Legal Basis.** The Oklahoma Commission on Children and Youth is subject to the Oklahoma Open Records Act Section 24A.1 et.seq. of Title 51 of the review unless they are required by law to be kept confidential.
 - (2) **Freestanding Multidisciplinary Child Abuse Team Records.** All Oklahoma Commission on Children and Youth Freestanding Multidisciplinary Child Abuse Team records required to establish the level of functioning of a Freestanding Multidisciplinary Child Abuse Team are considered public records shall be open and available for public inspection during reasonable hours.
 - (3) **Location of Freestanding Multidisciplinary Child Abuse Team Records.** Freestanding Multidisciplinary Child Abuse Team records shall be located at the Oklahoma Commission on Children and Youth office and shall be inspected at that location. The Oklahoma Commission on Children and Youth is located at 1111 North Lee Avenue, Suite 500, and Oklahoma City, Oklahoma, 73118.
 - (4) **Preparation of Freestanding Multidisciplinary Child Abuse Team Records for inspection.** Commission staff shall review the entire record and shall remove confidential information.
 - (5) **Release of confidential Freestanding Multidisciplinary Child Abuse Team information.** Confidential information shall only be released as provided by statute.

NAME OF AGENCY:

Oklahoma Commission on Children and Youth

TYPE OF DOCUMENT:

PERMANENT final adoption

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-606-4913.

A handwritten signature in black ink, appearing to read 'Michael Walsh', written over a horizontal line.

Michael Walsh

7/8/2014

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to Chapter 10, Programs, Boards and Councils: Operations and Administration, which were considered finally adopted by the Oklahoma Commission on Children and Youth on June 19, 2014, under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 *et seq.*

I, undersigned, do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.

A handwritten signature in black ink, appearing to read 'M Walsh', written over a horizontal line.

Michael Walsh
Executive Assistant
Oklahoma Commission on Children and Youth
7/8/2014

