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M. Susan Savage  
Secretary of State

Brad Henry  
Governor

April 30, 2009

Clarence W. Cooper II  
1939 NW 12th  
Oklahoma City, Ok 73106

**FILED**

**APR 30 2009**

OKLAHOMA SECRETARY  
OF STATE

Dear Mr. Cooper:

This will acknowledge receipt of petition for filing which has been designated as:

**State Question Number 749**  
**Initiative Petition Number 393**

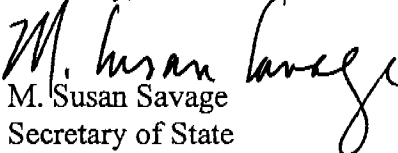
filed this 30 day of April, 2009 at 9:55 a.m.

Pursuant to Title 34 O.S. 2001, Section 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition. Should your due date fall on a weekend or holiday or a day that this office is closed for business, pursuant to Title 25 O.S. 2001, Section 82.1 (C.), the due date for this petition will fall on the next succeeding business day that this office is open for business.

Please be aware that once you file your petition signature pamphlets with this office, we are bound by law to charge for copies. To avoid this charge you may wish to make copies of your signature pages for future references before filing with this office.

If our office may be of further assistance, please do not hesitate to contact the Executive Legislative Division at (405) 522-4564.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/kj

State Question No. 749

Initiative Petition No. 393

**WARNING**

**IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HE IS NOT A LEGAL VOTER.**

**INITIATIVE PETITION**

**FILED**

**APR 30 2009**

**OKLAHOMA SECRETARY  
OF STATE**

To the Honorable Brad Henry,  
Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment(s), provisions, and requests for establishment of language of law, within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes, shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election (or such earlier special election as may be called by the Governor), to be held on the 2nd day of November, 2010, and each for himself / herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma, and my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from April 30<sup>th</sup>, 2009. The question we herewith submit to our fellow voters is:

Shall the following proposed amendments, ratifications, renumbering, requests for establishment of language of law and provisions, within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes, be approved?

**BALLOT TITLE**

**This measure establishes, amends, ratifies, renumbers, and / or creates provisions within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes. The measure, herein, calls for legislative action(s) and / or languages which will provide a clear definition of the "Best Interests of the Child", where there is not, currently, a clear set of criteria which establish the "Best Interests of the Child" in this state. This measure, additionally, calls to establish or amend Oklahoma Statutes in such a language as will subject any individual, State agency, affiliate organization, legal, medical, and mental health professional to criminal and / or civil penalties when unnecessary separation of child and family, wrongful termination of parental – rights, fraudulent activities, or other defined actions / infractions are proven. Furthermore, the measure removes and replaces the "Clear and Convincing Evidence" rule in Juvenile Court proceedings, and establishes a language of law which promotes the importance of Familial bond.**

**This measure seeks to "overhaul" the current OKDHS systems, re-engage and empower the citizens (both children and adults), of this state, and foster the ideal of community unity, sanctity of family, family union, unalienable civil and constitutional rights (for both parents and their children), while continuing to more properly protect the lives and interests of authentically – abused and / or neglected children.**

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL - NO

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING AMENDMENTS, LANGUAGE OF LAW REQUESTS, RENUMERATIONS, AND / OR PROVISIONS BE APPROVED:**

**WHEREAS** many have perceived that the PARENTS, CHILDREN, and OTHER CITIZENS OF THE STATE OF OKLAHOMA have suffered egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutory, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment through false and wrongful child abuse, sexual abuse and / or child neglect allegations brought about as a result of:

1. Malicious acts including, but not limited to: individuals who harass or duress a family through excessive and false child abuse and / or neglect reports; organized crime practices within the judicial, child protection, mental health and social work systems; and / or lack of appropriate protection of children who require intervention from either abuse and / or neglect within their families of origin, or abuse and / or neglect while under the care and supervision of foster – families and OKDHS.
2. Arrogant, corrupt, under - qualified, vindictive, and / or malicious State agency personnel, individuals working as Counselors, psychiatrists, psychologists, social workers, legal and medical practitioners who consistently violate unalienable civil, statutory, and constitutional liberties under color – of - law;
3. Counselors, psychiatrists, psychologists, legal and medical practitioners, State agency personnel, and individuals who engage in *fraudulent practices* through the use(s) of diagnostic tests which are manipulated to *produce false positives* in evaluations and child abuse, sexual abuse, and / or child neglect investigations; and
4. Judicial, Prosecutorial, Attorney Ad Litem, Public Defender, and Attorney misconduct in child abuse, sexual abuse, child neglect cases, and other family law proceedings.

**We, the below signed CITIZENS OF OKLAHOMA, petition to remedy these egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutory, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment caused by false child abuse allegations , elements perceived as State - abetted extortion, and child exploitation by any and all means including but not limited to as follows:**

1. Establish, under all applicable Oklahoma Statutes, the following criteria - based “definition of the best interests of the child”: For purposes of conducting child abuse, neglect, or molestation allegation investigations, in addition to child custody or adoption decision making, the “best interests of the child” shall mean “the least detrimental alternative objectively determined to have the lowest rates of per capita occurrence with regard to the following criterions and standards”:
  - (1) deaths;
  - (2) administrative inefficiency;
  - (3) deprivation of affection;
  - (4) deprivation of constitutional and legal rights;
  - (5) disruption of cultural continuity;
  - (6) disruption of custody;
  - (7) disruption of extended family relationships;
  - (8) disruption of parental emotional relationship;
  - (9) disruption of parental relationships;
  - (10) disruption of religious affiliations;
  - (11) disruption of social affiliations;
  - (12) disruption of sustained intellectual development;
  - (13) disruption of sustained healthy physical development;
  - (14) disruption of sustained emotional development;
  - (15) disruption of visitation;
  - (16) economic exploitation;
  - (17) emotional abuse;
  - (18) emotional exploitation;

- (19) exploitation for criminal purposes;
- (20) false negative conclusions;
- (21) false positive conclusions;
- (22) fraud;
- (23) inaccurate records;
- (24) institutional abuse;
- (25) institutionalized abuse;
- (26) human experimentation;
- (27) legal/judicial exploitation;
- (28) nosocomial abuse;
- (29) organized criminal activity;
- (30) parental abuse of legal processes;
- (31) parental alienation;
- (32) physical abuse;
- (33) political exploitation;
- (34) science fraud;
- (35) unnecessary medication; and
- (36) use of the child as any form of leverage in disputes.

And that any individual, State agency and / or affiliate organization shall be subject to criminal and / or civil penalties for any deviation (intentional or unintentional) from this article.

- I. Establish a provision, which will equally hold all parties, involved in children's proceedings, accountable and subjected to criminal and / or civil penalties, for any action which violates a person's unalienable constitutional, civil, or statutory rights, and / or violates any of the criteria set forth in Article 1, sec. 1-36 (Definition of the Best Interests of the Child) of this initiative petition, and / or the Bill of Rights for the Preservation of Families, without regard to social, financial, professional, or official position.
  
2. Establish criminal penalties for any individual, State agency, and / or affiliate organization who directly or indirectly encroaches upon a parent's, child's, or guardian's, unalienable constitutional right to exercise visitation; **except where detriment to the best interests of either party can be proven, beyond reasonable doubt, in a court - of - law.**
  
3. Protect children from exploitation, abuse, experimentation, and unnecessary medication and treatment by establishing the following language of law:
  - I. **Criminal and / or civil penalties for any fraudulent practices of mental health, physical health, forensics, legal, social work practitioners, individual(s), and / or any State agencies; where the care and treatment of a child is to be determined and / or is being provided.**
  
4. Provide for the emotional and financial recovery of any parent and / or family who can establish that an allegation of abuse, neglect, or molestation, which subsequently lead to the unnecessary separation of that family, was false. Establish, under Oklahoma Statute, provisioning which ensures that this resource shall be available for a retro - active period of not more than ten (10) years, beginning January 1, 2009.
  - I. Establish and maintain a "victim's Fund", which will provide funding for therapeutic and other family services in addition to reparatory payments, for families who are proven to have been "unnecessarily separated" and, as a direct result, have been irreparably damaged with respect to the temporal, mental, and moral welfare of the parent(s) and child(ren).

5. Establish the following language under all applicable Oklahoma Statutes:

- I. **“A child’s needs are best met by his/her own parent(s) except when otherwise determined by consideration of all criterions and standards as set forth in Section 1, sub – sections 1 through 36, of this initiative, and due process in a court – of - law.”**
- II. All citizens shall be equally protected from abuse of individual, State agency and / or government power by criminalizing any acts which harass, molest, demoralize, alienate, or otherwise unnecessarily separate a family.

6. Amend all applicable Oklahoma Statutes as follows:

- I. Remove all “Prima Facie” privileges, currently exercised by any State agency; Judicial, Law Enforcement Officer, attorney, and / or any affiliated individuals or organizations; so that “Prima Facie” will no longer be recognized as an exercisable rule in any Family Court and / or Juvenile Deprived proceedings.
- II. Any item submitted to a court – of – law as “evidence” (including, but not limited to, sworn affidavits, amended affidavits, Statements of “Reasonable Efforts”, etc.) shall be submitted with credible supporting material(s) under penalty of perjury; and shall not be accepted for consideration of the court – of – law without said supporting material(s).

7. Amend all applicable Oklahoma Statutes to remove the “Clear and Convincing Evidence” (preponderance of evidence in adjudicatory proceedings) rule(s), where all matters of Juvenile and / or Family Court Proceedings are concerned, and replace with the following:

**“Findings of fact and conclusion of law, Beyond Reasonable Doubt, as supported by physical evidence (including, but not limited to: Medical, Psychological, Psychiatric, and Forensic Investigative sworn reports or affidavits which are certified and filed with the County Court Clerk’s office of the prevailing jurisdiction)”.**

I. Provide additional provisioning, under this amendment, as follows:

- a) Require that any Medical, Psychological, Psychiatric, Interrogative, State agency, and / or Forensic investigations be carried out by a properly – credentialed, experienced and thoroughly - trained Law Enforcement “Investigator” or “Detective”, who is **NOT** contracted by OKDHS or any of its affiliate organizations; with an OKDHS presence providing consult in a Social Services capacity only, and that any such investigative reports or findings acquired otherwise are to be deemed “inadmissible” in any Juvenile and / or Family Court proceeding(s), including, but not limited to, appellate proceedings.
- b) Upon receipt of an abuse and / or neglect report, an OKDHS – Child Welfare Specialist shall respond to the report in question; and perform an “Assessment” only. During or after an “Assessment”, should the OKDHS – Child Welfare Specialist determine that an “Investigation” is necessary, the OKDHS – Child Welfare Specialist shall immediately engage a “Child Abuse Response Team” “Investigator”; who shall serve in a capacity as defined under 74 O.S. § 150.38.
- c) In the event that the “Child Abuse Response Team” “Investigator(s)” determine(s), during or after the investigation, that probable cause for the determination of “imminent danger” exists, an Emergency Custody Order shall be filed, by the District Attorney’s Office, to the judicial authority of the prevailing jurisdiction requesting a warrant for the child(ren)’s removal.
- d) If the findings, of the “Child Abuse Response Team” “Investigator(s)”, indicate that “imminent danger” does not exist; the OKDHS – Child Welfare Specialist shall immediately pursue Social Services intervention methods which do NOT include the separation of the family. Except in such cases where “Assessment” and / or “Investigation” indicates that the report(s) / allegation(s) are “unfounded – services not needed”.

- e) Any child – abuse and / or neglect investigation which is documented as “unfounded – services not needed”, or “founded” but has been “closed”, shall not be admissible as “evidence” against any parent or child during any juvenile – deprived or family court proceeding; and that any such action which is contrary to the above shall be deemed as grounds for immediate “motion for mistrial”, and that the juvenile – deprived or family court proceeding shall be halted, and the hearing dismissed, without prejudice, by the presiding judicial authority.
  
- II. Families have a right to receive an objective “Assessment” of abuse and / or neglect allegations; and to not be irreparably traumatized, by separation of family members, when social services can be provided within the family’s home or place of sanctuary, in such situations where “imminent danger” has been determined to not exist; but providing social services to the family are determined, by and through such “Assessments”, to be of a greater benefit to the family..
  
- III. Every effort shall be made to prevent the separation of families, except where sufficient evidence of “imminent danger” exists, during or after an investigation.
  
- IV. “Imminent Risk” shall be fully revoked from Oklahoma Statute, and replaced with a thoroughly - detailed definition of “Imminent Danger” which shall be adopted through cooperative community and legislative process, and strictly observed by every individual, State agency and / or affiliate organization.
  
- 8. Establish, under all applicable Oklahoma Statutes, language of law which strictly prohibits “incentive – based” funding, “grant – payments”, or “bonus - payouts” for any State agency and / or affiliated organization; especially where such “incentives” are “metrics – dependant”, or would encourage any individual(s), State agency(ies) and / or affiliate organization(s), Medical, Psychiatric, Psychological, Legal, Law Enforcement, or Social Work professional(s) to engage in any fraudulent activity(ies) prior to, during, or after any child abuse / neglect investigations, Juvenile and / or Family Court proceedings.
  
- 9. Establish the following language under all applicable Oklahoma Statutes:
  - I. “Permanency” shall, first and foremost, be defined as “reunification of child(ren) and family”; with “adoptive”, “guardianship”, or “permanent Foster care” placement to only be considered as a “no other recourse” alternative.
  
  - II. “No other recourse” shall be defined as the “verifiable exhaustion of all possible avenues of treatment in pursuit of the “Permanency” goal of reunification of the child(ren) and family”.
  
  - III. Any attempts to accelerate the termination of parental rights, and / or the “Foster Adopt” placement of a child / sibling group before termination of parental rights proceedings begin, shall be absolutely blocked. Except where the parent / guardian willfully relinquishes his / her / their parental – rights, not withstanding any situation where parent and / or child indicates that a parent, child, or sibling group have been coerced or were under duress at the time of relinquishment.
  
- 10. Establish, under Oklahoma Statute, the following language:
  - I. Any child, who has been separated from his / her family, shall possess the incontestable right to challenge the separation, termination and / or relinquishment of their “familial bond” at any time.
  
  - II. “Parental Rights” are to be incontestably recognized as an element of “familial bond”.
  
  - III. Children, who have been separated from their families, have the incontestable right to receive a “challenge of ruling / action” hearing within 20 days of their request(s) for such action; that every child shall be thoroughly informed of this incontestable right; and there be no statute of limitations placed upon any child who acts under this article.

11. Renumber and ratify the following language into O.S. 10 (Oklahoma Children's Code):

**O.S. 21, §,844: "Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling."**

**and attach the following sub - section to the aforementioned language:**

- I. During the course of treatment for any reunification plan, no State agency, individual, or affiliate organization shall penalize the parent(s) for the use of ordinary force as a means of discipline; but shall encourage and educate the parent(s) in alternative methods of discipline. So as to reinforce the ideals of "Parental Authority", "Stability of family and community", and positive direction and upbringing of the child(ren)

**Name and Address of Proponent(s):**

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(Here follow twenty (20) numbered lines for signatures.)