

1 ENGROSSED HOUSE
2 BILL NO. 1738

By: Peters, Sherrer, Tibbs,
Brown, Luttrell and Kouplen
of the House

3
4 and

Stanislawski of the Senate

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8 An Act relating to children; amending 10 O.S. 2001,
9 Section 7103, which relates to the reporting of abuse
10 or neglect; expanding scope of persons required to
report abuse and release records to law enforcement;
and providing an effective date.

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

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7103, is
15 amended to read as follows:

16 Section 7103 A. 1. Every:

- 17 a. physician, ~~or~~ surgeon, or other health care
18 professional including doctors of medicine and
19 dentistry, licensed osteopathic physicians, residents
20 and interns, examining, attending or treating a child
21 under the age of eighteen (18) years,
22 b. registered nurse examining, attending or treating such
23 a child in the absence of a physician or surgeon,
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1 c. teacher of any child under the age of eighteen (18)
2 years, and

3 d. other person

4 having reason to believe that a child under the age of eighteen (18)
5 years is a victim of abuse or neglect, shall report the matter
6 promptly to the Department of Human Services. Such reports may be
7 made by telephone, in writing, personally or by any other method
8 prescribed by the Department. Any report of abuse or neglect made
9 pursuant to this section shall be made in good faith.

10 2. Every physician, ~~or~~ surgeon, or other health care
11 professional including doctors of medicine, licensed osteopathic
12 physicians, residents and interns, or any other health care
13 professional attending the birth of a child who tests positive for
14 alcohol or a controlled dangerous substance shall promptly report
15 the matter to the Department of Human Services.

16 3. No privilege or contract shall relieve any person from the
17 requirement of reporting pursuant to this section.

18 4. The reporting obligations under this section are individual,
19 and no employer, supervisor, or administrator shall impede or
20 inhibit the reporting obligations of any employee or other person.
21 No employer, supervisor or administrator of any employee or other
22 person required to provide information pursuant to this section
23 shall discharge, or in any manner discriminate or retaliate against,
24 the employee or other person who in good faith provides such child

1 abuse reports or information, testifies, or is about to testify in
2 any proceeding involving child abuse or neglect; provided, that the
3 person did not perpetrate or inflict such abuse or neglect. Any
4 employer, supervisor, or administrator who discharges, discriminates
5 or retaliates against the employee or other person shall be liable
6 for damages, costs and attorney fees. Internal procedures to
7 facilitate child abuse or neglect reporting and inform employers,
8 supervisors, and administrators of reported suspected child abuse or
9 neglect may be established provided that they are not inconsistent
10 with the provisions of this section and that such procedures shall
11 not relieve the employee or such other person from the individual
12 reporting obligations required by this section.

13 5. Every physician, ~~or~~ surgeon, or other health care
14 professional making a report of abuse or neglect as required by this
15 subsection or examining a child to determine the likelihood of abuse
16 or neglect and every hospital or related institution in which the
17 child was examined or treated shall provide copies of the results of
18 the examination or copies of the examination on which the report was
19 based and any other clinical notes, x-rays, photographs, and other
20 previous or current records relevant to the case to law enforcement
21 officers conducting a criminal investigation into the case and to
22 employees of the Department of Human Services conducting an
23 investigation of alleged abuse or neglect in the case.

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1 B. If the report is not made in writing in the first instance,
2 it shall be reduced to writing by the Department of Human Services,
3 in accordance with rules promulgated by the Commission for Human
4 Services, as soon as may be after it is initially made by telephone
5 or otherwise and shall contain the following information:

6 1. The names and addresses of the child and the child's parents
7 or other persons responsible for the child's health, safety, or
8 welfare;

9 2. The child's age;

10 3. The nature and extent of the abuse or neglect, including any
11 evidence of previous injuries;

12 4. If the child has tested positive for alcohol or a controlled
13 dangerous substance; and

14 5. Any other information that the maker of the report believes
15 might be helpful in establishing the cause of the injuries and the
16 identity of the person or persons responsible therefor if such
17 information or any part thereof is known to the person making the
18 report.

19 C. Any person who knowingly and willfully fails to promptly
20 report any incident as provided in this section may be reported by
21 the Department of Human Services to local law enforcement for
22 criminal investigation and, upon conviction thereof, shall be guilty
23 of a misdemeanor.

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1 D. 1. Any person who knowingly and willfully makes a false
2 report pursuant to the provisions of this section or a report that
3 the person knows lacks factual foundation may be reported by the
4 Department of Human Services to local law enforcement for criminal
5 investigation and, upon conviction thereof, shall be guilty of a
6 misdemeanor.

7 2. If a court determines that an accusation of child abuse or
8 neglect made during a child custody proceeding is false and the
9 person making the accusation knew it to be false at the time the
10 accusation was made, the court may impose a fine, not to exceed Five
11 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
12 in recovering the sanctions, against the person making the
13 accusation. The remedy provided by this paragraph is in addition to
14 paragraph 1 of this subsection or to any other remedy provided by
15 law.

16 E. 1. Nothing in this section shall be construed to mean a
17 child is abused or neglected for the sole reason the parent, legal
18 guardian or person having custody or control of a child, in good
19 faith, selects and depends upon spiritual means alone through
20 prayer, in accordance with the tenets and practice of a recognized
21 church or religious denomination, for the treatment or cure of
22 disease or remedial care of such child.

23 2. Nothing contained in this subsection shall prevent a court
24 from immediately assuming custody of a child, pursuant to the

