

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1224

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to child abuse; amending 10A O.S.
8 2011, Section 1-2-101, which relates to the reporting
9 of child abuse; providing for certain reimbursement;
10 and providing an effective date.

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

12 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, is
13 amended to read as follows:

14 Section 1-2-101. A. 1. The Department of Human Services shall
15 establish a statewide centralized hotline for the reporting of child
16 abuse or neglect to the Department.

17 2. The Department shall provide hotline-specific training
18 including, but not limited to, interviewing skills, customer service
19 skills, narrative writing, necessary computer systems, making case
20 determinations, and identifying priority situations.

21 3. The Department is authorized to contract with third parties
22 in order to train hotline workers.

23 4. The Department shall develop a system to track the number of
24 calls received, and of that number:

- a. the number of calls screened out,
- b. the number of referrals assigned, and
- c. the number of calls in which the allegations were later found to be unsubstantiated or ruled out.

B. 1. Every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services. Reports shall be made to the hotline provided for in subsection A of this section. Any allegation of abuse or neglect reported in any manner to a county office shall immediately be referred to the hotline by the Department. Provided, however, that in actions for custody by abandonment, provided for in Section ~~7 of this act~~ 2-117 of Title 30 of the Oklahoma Statutes, there shall be no reporting requirement.

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

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

4. The reporting obligations under this section are individual, and no employer, supervisor, or administrator shall interfere with

1 the reporting obligations of any employee or other person or in any
2 manner discriminate or retaliate against the employee or other
3 person who in good faith reports suspected child abuse or neglect,
4 or who provides testimony in any proceeding involving child abuse or
5 neglect. Any employer, supervisor, or administrator who discharges,
6 discriminates or retaliates against the employee or other person
7 shall be liable for damages, costs and attorney fees.

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

19 C. Any person who knowingly and willfully fails to promptly
20 report suspected child abuse or neglect or who interferes with the
21 prompt reporting of suspected child abuse or neglect may be reported
22 to local law enforcement for criminal investigation and, upon
23 conviction thereof, shall be guilty 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 to local
4 law enforcement for criminal investigation and, upon conviction
5 thereof, shall be guilty of a misdemeanor.

6 2. If a court determines that an accusation of child abuse or
7 neglect made during a child custody proceeding is false and the
8 person making the accusation knew it to be false at the time the
9 accusation was made, the court may impose against the person making
10 the accusation:

11 a. a fine, not to exceed Five Thousand Dollars
12 (\$5,000.00) ~~and,~~

13 b. reasonable attorney fees incurred in recovering the
14 sanctions, ~~against the person making the accusation~~
15 and

16 c. reimbursement for any services paid for by the accused
17 party from a guardian ad litem or a licensed mental
18 health professional, such as a psychiatrist,
19 psychologist, licensed clinical social worker,
20 licensed professional counselor, or licensed marital
21 and family therapist.

22 The remedy provided by this paragraph is in addition to
23 paragraph 1 of this subsection or to any other remedy provided by
24 law.

1 E. Nothing contained in this section shall be construed to
2 exempt or prohibit any person from reporting any suspected child
3 abuse or neglect pursuant to subsection B of this section.

4 SECTION 2. This act shall become effective November 1, 2012.

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