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February 11, 2013

AS AMENDED

SENATE BILL NO. 460

By: Griffin of the Senate

and

Nelson of the House

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[ child abuse - requiring Department of Human
Services to record and store incoming calls to
hotline - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

4. The Department shall develop a system to track the number of 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.

5. The Department shall record all incoming calls to the hotline and keep all recordings on file for a period of ninety (90) days.

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 2-117 of ~~this act~~ 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.

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

3 4. The reporting obligations under this section are individual,
4 and no employer, supervisor, or administrator shall interfere with
5 the reporting obligations of any employee or other person or in any
6 manner discriminate or retaliate against the employee or other
7 person who in good faith reports suspected child abuse or neglect,
8 or who provides testimony in any proceeding involving child abuse or
9 neglect. Any employer, supervisor, or administrator who discharges,
10 discriminates or retaliates against the employee or other person
11 shall be liable for damages, costs and attorney fees.

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

23 C. Any person who knowingly and willfully fails to promptly
24 report suspected child abuse or neglect or who interferes with the

1 prompt reporting of suspected child abuse or neglect may be reported
2 to local law enforcement for criminal investigation and, upon
3 conviction thereof, shall be guilty of a misdemeanor.

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

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

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

21 SECTION 2. This act shall become effective November 1, 2013.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 February 11, 2013 - DO PASS AS AMENDED
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