

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1326

By: Biggs

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10A O.S. 2011, Section 1-2-101, as amended by Section 1, Chapter 374, O.S.L. 2013 (10A O.S. Supp. 2014, Section 1-2-101), which relates to child abuse and neglect reports; requiring health care professionals and school personnel to report suspected child abuse or neglect to law enforcement; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as amended by Section 1, Chapter 374, O.S.L. 2013 (10A O.S. Supp. 2014, 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.

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

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

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

9 5. The Department shall electronically record each referral
10 received by the hotline and establish a secure means of retaining
11 the recordings for ninety (90) days. The recordings shall be
12 confidential and subject to disclosure only in those cases in which
13 criminal charges related to the referral have been filed and
14 pursuant to the requirements of subsection E of Section 1-6-102 of
15 this title. If the court orders the disclosure of the referral, the
16 Department shall redact any information identifying the reporting
17 party unless otherwise ordered by the court.

18 B. 1. Every person having reason to believe that a child under
19 the age of eighteen (18) years is a victim of abuse or neglect shall
20 report the matter promptly to the Department of Human Services.
21 Reports shall be made to the hotline provided for in subsection A of
22 this section. Any allegation of abuse or neglect reported in any
23 manner to a county office shall immediately be referred to the
24 hotline by the Department. Provided, however, that in actions for

1 custody by abandonment, provided for in Section 2-117 of Title 30 of
2 the Oklahoma Statutes, there shall be no reporting requirement.

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

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

11 4. The reporting obligations under this section are individual,
12 and no employer, supervisor, or administrator shall interfere with
13 the reporting obligations of any employee or other person or in any
14 manner discriminate or retaliate against the employee or other
15 person who in good faith reports suspected child abuse or neglect,
16 or who provides testimony in any proceeding involving child abuse or
17 neglect. Any employer, supervisor, or administrator who discharges,
18 discriminates or retaliates against the employee or other person
19 shall be liable for damages, costs and attorney fees.

20 5. Every physician, surgeon, or other health care professional
21 making a report of abuse or neglect as required by this subsection
22 or examining a child to determine the likelihood of abuse or neglect
23 and every hospital or related institution in which the child was
24 examined or treated shall provide, upon request, copies of the

1 results of the examination or copies of the examination on which the
2 report was based and any other clinical notes, x-rays, photographs,
3 and other previous or current records relevant to the case to law
4 enforcement officers conducting a criminal investigation into the
5 case and to employees of the Department of Human Services conducting
6 an investigation of alleged abuse or neglect in the case.

7 6. In addition to reporting suspected child abuse or neglect to
8 the Department pursuant to paragraph 1 of this subsection, every
9 physician, surgeon or other health care professional, and every
10 teacher, administrator or other school personnel shall also promptly
11 report suspected child abuse or neglect to the law enforcement
12 agency with jurisdiction over the report.

13 C. Any person who knowingly and willfully fails to promptly
14 report suspected child abuse or neglect or who interferes with the
15 prompt reporting of suspected child abuse or neglect may be reported
16 to local law enforcement for criminal investigation and, upon
17 conviction thereof, shall be guilty of a misdemeanor. Any person
18 with prolonged knowledge of ongoing child abuse or neglect who
19 knowingly and willfully fails to promptly report such knowledge may
20 be reported to local law enforcement for criminal investigation and,
21 upon conviction thereof, shall be guilty of a felony. For the
22 purposes of this paragraph, "prolonged knowledge" shall mean
23 knowledge of at least six (6) months of child abuse or neglect.
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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 a fine, not to exceed Five
10 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
11 in recovering the sanctions, against the person making the
12 accusation. The remedy provided by this paragraph is in addition to
13 paragraph 1 of this subsection or to any other remedy provided by
14 law.

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

18 SECTION 2. This act shall become effective November 1, 2015.
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