

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1326

By: Biggs

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8 COMMITTEE SUBSTITUTE

9 An Act relating to children; amending 10A O.S. 2011,
10 Section 1-2-101, as amended by Section 1, Chapter
11 374, O.S.L. 2013 (10A O.S. Supp. 2014, Section 1-2-
12 101), which relates to child abuse and neglect
13 reports; requiring health care professionals and
14 school personnel to report suspected child abuse or
15 neglect to law enforcement; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
19 amended by Section 1, Chapter 374, O.S.L. 2013 (10A O.S. Supp. 2014,
20 Section 1-2-101), is amended to read as follows:

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

24 2. The Department shall provide hotline-specific training
including, but not limited to, interviewing skills, customer service

1 skills, narrative writing, necessary computer systems, making case
2 determinations, and identifying priority situations.

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

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

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

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

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

1 manner to a county office shall immediately be referred to the
2 hotline by the Department. Provided, however, that in actions for
3 custody by abandonment, provided for in Section 2-117 of Title 30 of
4 the Oklahoma Statutes, there shall be no reporting requirement.

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

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

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

22 5. Every physician, surgeon, or other health care professional
23 making a report of abuse or neglect as required by this subsection
24 or examining a child to determine the likelihood of abuse or neglect

1 and every hospital or related institution in which the child was
2 examined or treated shall provide, upon request, copies of the
3 results of the examination or copies of the examination on which the
4 report was based and any other clinical notes, x-rays, photographs,
5 and other previous or current records relevant to the case to law
6 enforcement officers conducting a criminal investigation into the
7 case and to employees of the Department of Human Services conducting
8 an investigation of alleged abuse or neglect in the case.

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

15 C. Any person who knowingly and willfully fails to promptly
16 report suspected child abuse or neglect or who interferes with the
17 prompt reporting of suspected child abuse or neglect may be reported
18 to local law enforcement for criminal investigation and, upon
19 conviction thereof, shall be guilty of a misdemeanor. Any person
20 with prolonged knowledge of ongoing child abuse or neglect who
21 knowingly and willfully fails to promptly report such knowledge may
22 be reported to local law enforcement for criminal investigation and,
23 upon conviction thereof, shall be guilty of a felony. For the
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1 purposes of this paragraph, "prolonged knowledge" shall mean
2 knowledge of at least six (6) months of child abuse or neglect.

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
23 dated 02/25/2015 - DO PASS, As Amended.
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