

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2259

By: Kerbs and Roberts (Sean) of
the House

and

Sharp of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; amending 10A O.S. 2011, Section 1-2-101, as last amended by Section 1, Chapter 62, O.S.L. 2016 (10A O.S. Supp. 2017, Section 1-2-101), which relates to child abuse or neglect reporting requirements pursuant to the Oklahoma Children's Code; changing time limitation for reporting cases of abuse or neglect; directing teachers to report cases of abuse or neglect to certain entities; providing exception for certain custody actions; 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 last amended by Section 1, Chapter 62, O.S.L. 2016 (10A O.S. Supp. 2017, 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.

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

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

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

- 9 a. the number of calls screened out,
- 10 b. the number of referrals assigned,
- 11 c. the number of calls received by persons unwilling to
12 disclose basic personal information including, but not
13 limited to, first and last name, and
- 14 d. the number of calls in which the allegations were
15 later found to be unsubstantiated or ruled out.

16 5. The Department shall electronically record each referral
17 received by the hotline and establish a secure means of retaining
18 the recordings for twelve (12) months. The recordings shall be
19 confidential and subject to disclosure only if a court orders the
20 disclosure of the referral. The Department shall redact any
21 information identifying the reporting party unless otherwise ordered
22 by the court.

23 B. 1. Every person having reason to believe that a child under
24 the age of eighteen (18) years is a victim of abuse or neglect shall

1 report the matter ~~promptly~~ immediately to the Department of Human
2 Services. Reports shall be made to the hotline provided for in
3 subsection A of this section. Any allegation of abuse or neglect
4 reported in any manner to a county office shall immediately be
5 referred to the hotline by the Department. Provided, however, that
6 in actions for custody by abandonment, provided for in Section 2-117
7 of Title 30 of the Oklahoma Statutes, there shall be no reporting
8 requirement.

9 2. a. Every teacher of any child under the age of eighteen
10 (18) years having reason to believe that a child under
11 the age of eighteen (18) years is a victim of abuse or
12 neglect shall report the matter immediately to the
13 Department of Human Services. Reports shall be made
14 to the hotline provided for in subsection A of this
15 section. Any allegation of abuse or neglect reported
16 in any manner to a county office shall immediately be
17 referred to the hotline by the Department. Provided,
18 however, that in actions for custody by abandonment,
19 provided for in Section 2-117 of Title 30 of the
20 Oklahoma Statutes, there shall be no reporting
21 requirement, and

22 b. every teacher of a student age eighteen (18) years or
23 older having reason to believe that a student age
24 eighteen (18) years or older is a victim of abuse or

1 neglect shall report the matter immediately to local
2 law enforcement.

3 3. 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.~~ 4. No privilege or contract shall relieve any person from
10 the requirement of reporting pursuant to this section.

11 ~~4.~~ 5. The reporting obligations under this section are
12 individual, and no employer, supervisor, administrator, governing
13 body or entity shall interfere with the reporting obligations of any
14 employee or other person or in any manner discriminate or retaliate
15 against the employee or other person who in good faith reports
16 suspected child abuse or neglect, or who provides testimony in any
17 proceeding involving child abuse or neglect. Any employer,
18 supervisor, administrator, governing body or entity who discharges,
19 discriminates or retaliates against the employee or other person
20 shall be liable for damages, costs and attorney fees. If a child
21 who is the subject of the report or other child is harmed by the
22 discharge, discrimination or retaliation described in this
23 paragraph, the party harmed may file an action to recover damages,
24 costs and attorney fees.

1 ~~5.~~ 6. Every physician, surgeon, or other health care
2 professional making a report of abuse or neglect as required by this
3 subsection or examining a child to determine the likelihood of abuse
4 or neglect and every hospital or related institution in which the
5 child was examined or treated shall provide, upon request, copies of
6 the results of the examination or copies of the examination on which
7 the report was based and any other clinical notes, x-rays,
8 photographs, and other previous or current records relevant to the
9 case to law enforcement officers conducting a criminal investigation
10 into the case and to employees of the Department of Human Services
11 conducting an investigation of alleged abuse or neglect in the case.

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

23 D. 1. Any person who knowingly and willfully makes a false
24 report pursuant to the provisions of this section or a report that

1 the person knows lacks factual foundation may be reported to local
2 law enforcement for criminal investigation and, upon conviction
3 thereof, shall be guilty of a misdemeanor.

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

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

16 SECTION 2. This act shall become effective November 1, 2018.

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