

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2259

By: Roberts (Sean)

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; specifying persons required to report cases of abuse or neglect; providing time limitation; 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.

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,

9 c. the number of calls received by persons unwilling to
10 disclose basic personal information including, but not
11 limited to, first and last name, and

12 d. the number of calls in which the allegations were
13 later found to be unsubstantiated or ruled out.

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

21 B. 1. Every teacher of any child under the age of eighteen
22 (18) years and any other person having reason to believe that a
23 child under the age of eighteen (18) years is a victim of abuse or
24 neglect shall report the matter ~~promptly~~ within forty-eight (48)

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

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

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

17 4. The reporting obligations under this section are individual,
18 and no employer, supervisor, administrator, governing body or entity
19 shall interfere with the reporting obligations of any employee or
20 other person or in any manner discriminate or retaliate against the
21 employee or other person who in good faith reports suspected child
22 abuse or neglect, or who provides testimony in any proceeding
23 involving child abuse or neglect. Any employer, supervisor,
24 administrator, governing body or entity who discharges,

1 discriminates or retaliates against the employee or other person
2 shall be liable for damages, costs and attorney fees. If a child
3 who is the subject of the report or other child is harmed by the
4 discharge, discrimination or retaliation described in this
5 paragraph, the party harmed may file an action to recover damages,
6 costs and attorney fees.

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

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

1 be reported to local law enforcement for criminal investigation and,
2 upon conviction thereof, shall be guilty of a felony. For the
3 purposes of this paragraph, "prolonged knowledge" shall mean
4 knowledge of at least six (6) months of child abuse or neglect.

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

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

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

22 SECTION 2. This act shall become effective November 1, 2018.
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24 56-2-10104 SD 03/02/18