

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2259

By: Kerbs and Roberts (Sean) of
the House

and

Sharp of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to children; amending 10A O.S. 2011,
13 Section 1-2-101, as last amended by Section 1,
14 Chapter 62, O.S.L. 2016 (10A O.S. Supp. 2017, Section
15 1-2-101), which relates to child abuse or neglect
16 reporting requirements pursuant to the Oklahoma
17 Children's Code; specifying persons required to
18 report cases of abuse or neglect; providing time
19 limitation; and providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
21 last amended by Section 1, Chapter 62, O.S.L. 2016 (10A O.S. Supp.
22 2017, Section 1-2-101), is amended to read as follows:

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

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

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

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

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

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

3 B. 1. Every teacher of any child under the age of eighteen
4 (18) years and any other person having reason to believe that a
5 child under the age of eighteen (18) years is a victim of abuse or
6 neglect shall report the matter ~~promptly~~ within forty-eight (48)
7 hours or less of the discovery of the abuse or neglect to the
8 Department of Human Services. Reports shall be made to the hotline
9 provided for in subsection A of this section. Any allegation of
10 abuse or neglect reported in any manner to a county office shall
11 immediately be referred to the hotline by the Department. Provided,
12 however, that in actions for custody by abandonment, provided for in
13 Section 2-117 of Title 30 of the Oklahoma Statutes, there shall be
14 no reporting requirement.

15 2. Every physician, surgeon, or other health care professional
16 including doctors of medicine, licensed osteopathic physicians,
17 residents and interns, or any other health care professional
18 attending the birth of a child who tests positive for alcohol or a
19 controlled dangerous substance shall promptly report the matter to
20 the Department.

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

23 4. The reporting obligations under this section are individual,
24 and no employer, supervisor, administrator, governing body or entity

1 shall interfere with the reporting obligations of any employee or
2 other person or in any manner discriminate or retaliate against the
3 employee or other person who in good faith reports suspected child
4 abuse or neglect, or who provides testimony in any proceeding
5 involving child abuse or neglect. Any employer, supervisor,
6 administrator, governing body or entity who discharges,
7 discriminates or retaliates against the employee or other person
8 shall be liable for damages, costs and attorney fees. If a child
9 who is the subject of the report or other child is harmed by the
10 discharge, discrimination or retaliation described in this
11 paragraph, the party harmed may file an action to recover damages,
12 costs and attorney fees.

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

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1 C. Any person who knowingly and willfully fails to promptly
2 report suspected child abuse or neglect or who interferes with the
3 prompt reporting of suspected child abuse or neglect may be reported
4 to local law enforcement for criminal investigation and, upon
5 conviction thereof, shall be guilty of a misdemeanor. Any person
6 with prolonged knowledge of ongoing child abuse or neglect who
7 knowingly and willfully fails to promptly report such knowledge may
8 be reported to local law enforcement for criminal investigation and,
9 upon conviction thereof, shall be guilty of a felony. For the
10 purposes of this paragraph, "prolonged knowledge" shall mean
11 knowledge of at least six (6) months of child abuse or neglect.

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

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

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

6 SECTION 2. This act shall become effective November 1, 2018.
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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/05/2018 - DO PASS,
9 As Amended and Coauthored.
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