

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1178

By: Sharp

AS INTRODUCED

An Act relating to child abuse; amending 10A O.S. 2011, Section 1-2-101, as last amended by Section 1, Chapter 415, O.S.L. 2019 (10A O.S. Supp. 2019, Section 1-2-101), which relates to reporting of child abuse; directing local authorities to certain referrals; 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 415, O.S.L. 2019 (10A O.S. Supp. 2019, 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,
- 7 c. the number of calls received by persons unwilling to
8 disclose basic personal information including, but not
9 limited to, first and last name, and
- 10 d. the number of calls in which the allegations were
11 later found to be unsubstantiated or ruled out.

12 5. The Department shall electronically record each referral
13 received by the hotline and establish a secure means of retaining
14 the recordings for twelve (12) months. After the receipt of each
15 referral, the hotline shall immediately forward the referral to the
16 appropriate law enforcement agency, as designated by the local
17 District Attorney. The recordings shall be confidential and subject
18 to disclosure only if a court orders the disclosure of the referral.
19 The Department shall redact any information identifying the
20 reporting party unless otherwise ordered by the court.

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

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

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

19 b. Every school employee having reason to believe that a
20 student age eighteen (18) years or older is a victim
21 of abuse or neglect shall report the matter
22 immediately to local law enforcement.

23 c. In reports required by subparagraph a or b of this
24 paragraph, local law enforcement shall keep

1 confidential and redact any information identifying
2 the reporting school employee unless otherwise ordered
3 by the court. A school employee with knowledge of a
4 report required by subparagraph a or b of this
5 paragraph shall not disclose information identifying
6 the reporting school employee unless otherwise ordered
7 by the court or as part of an investigation by local
8 law enforcement or the Department.

9 3. 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 or
12 midwife involved in the prenatal care of expectant mothers or the
13 delivery or care of infants shall promptly report to the Department
14 instances in which an infant tests positive for alcohol or a
15 controlled dangerous substance. This shall include infants who are
16 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol
17 Spectrum Disorder.

18 4. No privilege or contract shall relieve any person from the
19 requirement of reporting pursuant to this section.

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

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

21 C. Any person who knowingly and willfully fails to promptly
22 report suspected child abuse or neglect or who interferes with the
23 prompt reporting of suspected child abuse or neglect may be reported
24 to local law enforcement for criminal investigation and, upon

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

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

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

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

SECTION 2. This act shall become effective November 1, 2020.

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