

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1673

By: Prieto

AS INTRODUCED

An Act relating to child abuse or neglect; amending 10A O.S. 2021, Section 1-2-101, which relates to statewide centralized hotline for reporting child abuse or neglect; prohibiting anonymous reports of suspected child abuse or neglect; requiring retention of recordings under certain circumstances; requiring redaction of information under certain circumstances; requiring request and storage of certain information; requiring certain information be provided to certain persons; and providing an effective date.

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

SECTION 1. AMENDATORY 10A O.S. 2021, 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 suspected child abuse or neglect to the Department. Anonymous reports of suspected child abuse shall not be accepted.

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, unless the referral results  
15 in an investigation by the Department, in which case the recording  
16 shall be retained as part of the case file. The recordings shall be  
17 confidential and subject to disclosure only if a court orders the  
18 disclosure of the referral. ~~The~~ When making a disclosure, the  
19 Department shall redact any information identifying the reporting  
20 party unless otherwise ordered by the court.

21 6. Any person receiving reports of suspected child abuse or  
22 neglect pursuant to this section shall request and store, at a  
23 minimum:  
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- 1           a. the specific facts that led to the reasonable  
2           suspicion of child abuse or neglect and the source or  
3           sources of such information; and  
4           b. the person's name, telephone number, and home address.  
5           If the person making the referral refuses to provide  
6           such information, the person receiving the report  
7           shall inform the caller that an anonymous report  
8           cannot be filed, but that a report of possible child  
9           abuse or neglect where a child is at serious risk of  
10           imminent harm may be made by calling an emergency  
11           telephone number such as 9-1-1.

12           B. 1. Every person having reason to believe that a child under  
13 the age of eighteen (18) years is a victim of abuse or neglect shall  
14 report the matter immediately to the Department of Human Services.  
15 Reports shall be made to the hotline provided for in subsection A of  
16 this section. Any allegation of abuse or neglect reported in any  
17 manner to a county office shall immediately be referred to the  
18 hotline by the Department. Provided, however, that in actions for  
19 custody by abandonment, provided for in Section 2-117 of Title 30 of  
20 the Oklahoma Statutes, there shall be no reporting requirement.

- 21           2. a. Every school employee having reason to believe that a  
22           student under the age of eighteen (18) years is a  
23           victim of abuse or neglect shall report the matter  
24           immediately to the Department of Human Services and

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

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

14 c. In reports required by subparagraph a or b of this  
15 paragraph, local law enforcement shall keep  
16 confidential and, when making a disclosure, shall  
17 redact any information identifying the reporting  
18 school employee unless otherwise ordered by the court.  
19 A school employee with knowledge of a report required  
20 by subparagraph a or b of this paragraph shall not  
21 disclose information identifying the reporting school  
22 employee unless otherwise ordered by the court or as  
23 part of an investigation by local law enforcement or  
24 the Department.

1           3. Every physician, surgeon, or other health care professional  
2 including doctors of medicine, licensed osteopathic physicians,  
3 residents and interns, or any other health care professional or  
4 midwife involved in the prenatal care of expectant mothers or the  
5 delivery or care of infants shall promptly report to the Department  
6 instances in which an infant tests positive for alcohol or a  
7 controlled dangerous substance. This shall include infants who are  
8 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol  
9 Spectrum Disorder.

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

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

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

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2024.

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