

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1565 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Collin Duel _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1565

By: Duel

7
8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to children; amending 10A O.S. 2021,
10 Sections 1-2-101 and 1-2-102, which relate to the
11 Oklahoma Children's Code; directing that certain
12 referral be immediately reported to law enforcement
13 agency; directing that the referral be in writing;
14 directing hotline supervisor to ensure report has
15 been made; directing the Department of Human Services
16 to maintain certain record; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-101, is
20 amended to read as follows:

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

24 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 6. Each referral received by the hotline alleging abuse or
22 neglect wherein the alleged perpetrator is someone other than a
23 person responsible for the child's health, safety, or welfare, shall
24 be immediately reported to the appropriate local law enforcement

1 agency, in writing, for the purpose of conducting a possible
2 criminal investigation. The hotline supervisor shall ensure that a
3 report has been made upon receipt of a referral. The Department
4 shall maintain a record of its transmission of each record to law
5 enforcement.

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

15 2. a. Every school employee having reason to believe that a
16 student under the age of eighteen (18) years is a
17 victim of abuse or neglect shall report the matter
18 immediately to the Department of Human Services and
19 local law enforcement. Reports to the Department
20 shall be made to the hotline provided for in
21 subsection A of this section. Any allegation of abuse
22 or neglect reported in any manner to a county office
23 shall immediately be referred to the hotline by the
24 Department. Provided, however, that in actions for

1 custody by abandonment, provided for in Section 2-117
2 of Title 30 of the Oklahoma Statutes, there shall be
3 no reporting requirement.

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

8 c. In reports required by subparagraph a or b of this
9 paragraph, local law enforcement shall keep
10 confidential and redact any information identifying
11 the reporting school employee unless otherwise ordered
12 by the court. A school employee with knowledge of a
13 report required by subparagraph a or b of this
14 paragraph shall not disclose information identifying
15 the reporting school employee unless otherwise ordered
16 by the court or as part of an investigation by local
17 law enforcement or the Department.

18 3. Every physician, surgeon, or other health care professional
19 including doctors of medicine, licensed osteopathic physicians,
20 residents and interns, or any other health care professional or
21 midwife involved in the prenatal care of expectant mothers or the
22 delivery or care of infants shall promptly report to the Department
23 instances in which an infant tests positive for alcohol or a
24 controlled dangerous substance. This shall include infants who are

1 diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol
2 Spectrum Disorder.

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

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

19 6. Every physician, surgeon, other health care professional or
20 midwife making a report of abuse or neglect as required by this
21 subsection or examining a child to determine the likelihood of abuse
22 or neglect and every hospital or related institution in which the
23 child was examined or treated shall provide, upon request, copies of
24 the results of the examination or copies of the examination on which

1 the report was based and any other clinical notes, x-rays,
2 photographs, and other previous or current records relevant to the
3 case to law enforcement officers conducting a criminal investigation
4 into the case and to employees of the Department of Human Services
5 conducting an investigation of alleged abuse or neglect in the case.

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

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

22 2. If a court determines that an accusation of child abuse or
23 neglect made during a child custody proceeding is false and the
24 person making the accusation knew it to be false at the time the

1 accusation was made, the court may impose a fine, not to exceed Five
2 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
3 in recovering the sanctions, against the person making the
4 accusation. The remedy provided by this paragraph is in addition to
5 paragraph 1 of this subsection or to any other remedy provided by
6 law.

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

10 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-2-102, is
11 amended to read as follows:

12 Section 1-2-102. A. 1. Upon receipt of a report that a child
13 may be abused, neglected or drug-endangered, the Department of Human
14 Services shall conduct a safety analysis.

15 2. The Department may employ or contract with active or retired
16 social work, medical and law enforcement professionals who shall be
17 strategically placed throughout the state to:

18 a. provide investigation support and to assist
19 caseworkers with assessment decisions and intervention
20 activities,

21 b. serve as consultants to caseworkers in all aspects of
22 their duties, and

23 c. designate persons who shall act as liaisons within the
24 Department whose primary functions are to develop

1 relationships with local law enforcement agencies and
2 courts.

3 3. The Department shall forward a report of its assessment or
4 investigation and findings to any district attorney's office which
5 may have jurisdiction to file a petition pursuant to Section 1-4-101
6 of this title.

7 4. The Department shall determine the military status of
8 parents whose children are subject to abuse or neglect. If the
9 Department determines that a parent or guardian is currently serving
10 on active duty in the United States military, the Department shall
11 notify a United States Department of Defense family advocacy program
12 that there is an investigation into the parent or guardian. The
13 Department shall forward a report of its assessment or investigation
14 and findings to the appropriate military law enforcement entity.

15 5. Whenever the Department determines there is a child that
16 meets the definition of a "drug-endangered child", as defined in
17 Section 1-1-105 of this title, or a child has been diagnosed with
18 fetal alcohol syndrome and the referral is accepted for
19 investigation, the Department shall conduct an investigation of the
20 allegations and shall not limit the evaluation of the circumstances
21 to an assessment.

22 6. Whenever the Department determines an infant has been
23 diagnosed with Neonatal Abstinence Syndrome or a Fetal Alcohol
24 Spectrum Disorder, but the referral is not accepted for

1 investigation, the Department shall develop a plan of safe care that
2 addresses both the infant and affected family member or caregiver.
3 The plan of safe care shall address, at a minimum, the health and
4 substance use treatment needs of the infant and affected family
5 member or caregiver.

6 B. 1. If, upon receipt of a report alleging abuse or neglect
7 or during the assessment or investigation, the Department determines
8 that:

9 a. the alleged perpetrator is someone other than a person
10 responsible for the child's health, safety, or
11 welfare, and

12 b. the alleged abuse or neglect of the child does not
13 appear to be attributable to failure on the part of a
14 person responsible for the child's health, safety, or
15 welfare to provide protection for the child,

16 the Department shall immediately make a referral, ~~either verbally or~~
17 in writing, to the appropriate local law enforcement agency for the
18 purpose of conducting a possible criminal investigation. The
19 Department shall maintain a record of its transmission of each
20 record to law enforcement.

21 2. After making the referral to the law enforcement agency, the
22 Department shall not be responsible for further investigation
23 unless:

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- 1 a. the Department has reason to believe the alleged
2 perpetrator is a parent of another child, not the
3 subject of the criminal investigation, or is otherwise
4 a person responsible for the health, safety, or
5 welfare of another child,
- 6 b. notice is received from a law enforcement agency that
7 it has determined the alleged perpetrator is a parent
8 of or a person responsible for the health, safety, or
9 welfare of another child not the subject of the
10 criminal investigation, or
- 11 c. the appropriate law enforcement agency requests the
12 Department to assist in the investigation. If funds
13 and personnel are available, as determined by the
14 Director of the Department or a designee, the
15 Department may assist law enforcement in interviewing
16 children alleged to be victims of physical or sexual
17 abuse.

18 3. If, upon receipt of a report alleging abuse or neglect or
19 during the assessment or investigation, the Department determines
20 that the alleged abuse or neglect of the child involves:

- 21 a. a child in the custody of the Office of Juvenile
22 Affairs, and
- 23 b. at the time of the alleged abuse or neglect, such
24 child was placed in a secure facility operated by the

1 Office of Juvenile Affairs, as defined by Section 2-1-
2 103 of this title,
3 the Department shall immediately make a referral, either verbally or
4 in writing, to the appropriate law enforcement agency for the
5 purpose of conducting a possible criminal investigation. After
6 making the referral to the law enforcement agency, the Department
7 shall not be responsible for further investigation.

8 C. 1. Any law enforcement agency receiving a referral as
9 provided in this section shall provide the Department with a copy of
10 the report of any investigation resulting from a referral from the
11 Department.

12 2. Whenever, in the course of any criminal investigation, a law
13 enforcement agency determines that there is cause to believe that a
14 child, other than a child in the custody of the Office of Juvenile
15 Affairs and placed in an Office of Juvenile Affairs secure juvenile
16 facility, may be abused or neglected by reason of the acts,
17 omissions, or failures on the part of a person responsible for the
18 health, safety, or welfare of the child, the law enforcement agency
19 shall immediately contact the Department for the purpose of an
20 investigation.

21 D. If, upon receipt of a report alleging abuse or neglect, the
22 Department determines that the family has been the subject of a
23 deprived petition, the Department shall conduct a thorough
24 investigation of the allegations and shall not limit the evaluation

1 of the circumstances to an assessment. In addition, if the family
2 has been the subject of three or more referrals, the Department
3 shall conduct a thorough investigation of the allegations and shall
4 not limit the evaluation of the circumstances to an assessment.

5 E. For the purposes of this section, "law enforcement" shall
6 include military law enforcement if the subject of an investigation
7 of abuse or neglect is currently serving in any branch of the United
8 States military.

9 F. The Department shall promulgate rules to implement the
10 provisions of this section.

11 SECTION 3. This act shall become effective November 1, 2025.

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13 60-1-12391 CMA 02/06/25

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