

1 **SENATE FLOOR VERSION**

2 April 6, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1326

6 By: Biggs, Murdock and Perryman
7 of the House

8 and

9 Loveless of the Senate

10 **[children - child abuse and neglect reports -
11 Department of Human Services - effective date]**

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

13 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
14 amended by Section 1, Chapter 374, O.S.L. 2013 (10A O.S. Supp. 2014,
15 Section 1-2-101), is amended to read as follows:

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

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

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

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

- 3 a. the number of calls screened out,
- 4 b. the number of referrals assigned, and
- 5 c. the number of calls in which the allegations were
6 later found to be unsubstantiated or ruled out.

7 5. The Department shall electronically record each referral
8 received by the hotline and establish a secure means of retaining
9 the recordings for ninety (90) days. The recordings shall be
10 confidential and subject to disclosure only in those cases in which
11 criminal charges related to the referral have been filed and
12 pursuant to the requirements of subsection E of Section 1-6-102 of
13 this title. If the court orders the disclosure of the referral, the
14 Department shall redact any information identifying the reporting
15 party unless otherwise ordered by the court.

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

1 2. 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
4 attending the birth of a child who tests positive for alcohol or a
5 controlled dangerous substance shall promptly report the matter to
6 the Department.

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

9 4. The reporting obligations under this section are individual,
10 and no employer, supervisor, or administrator shall interfere with
11 the reporting obligations of any employee or other person or in any
12 manner discriminate or retaliate against the employee or other
13 person who in good faith reports suspected child abuse or neglect,
14 or who provides testimony in any proceeding involving child abuse or
15 neglect. Any employer, supervisor, or administrator who discharges,
16 discriminates or retaliates against the employee or other person
17 shall be liable for damages, costs and attorney fees.

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

1 and other previous or current records relevant to the case to law
2 enforcement officers conducting a criminal investigation into the
3 case and to employees of the Department of Human Services conducting
4 an investigation of alleged abuse or neglect in the case.

5 6. In addition to reporting suspected child abuse or neglect to
6 the Department pursuant to paragraph 1 of this subsection, every
7 physician, surgeon or other health care professional, and every
8 teacher, administrator or other school personnel shall also promptly
9 report suspected child abuse or neglect to the law enforcement
10 agency with jurisdiction over the report. When law enforcement is
11 notified of suspected child abuse or neglect pursuant to this
12 paragraph, law enforcement shall contact and coordinate with the
13 Department of Human Services in the investigation.

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, 2015.

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
20 April 6, 2015 - DO PASS AS AMENDED

21
22
23
24