

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 2259

By: Kerbs and Roberts (Sean) of
the House

4 and

5 Sharp of the Senate

6
7
8 An Act relating to children; amending 10A O.S. 2011,
9 Section 1-2-101, as last amended by Section 1,
10 Chapter 62, O.S.L. 2016 (10A O.S. Supp. 2017, Section
11 1-2-101), which relates to child abuse or neglect
12 reporting requirements pursuant to the Oklahoma
13 Children's Code; specifying persons required to
14 report cases of abuse or neglect; providing time
15 limitation; and providing an effective date.

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18 AMENDMENT NO. 1. Page 2, lines 22 and 23, by deleting after the
19 stricken word "promptly" the following: "within
20 forty-eight (48) hours or less of the"

And by inserting in lieu thereof the words
"immediately upon"

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23 AMENDMENT NO. 2. Page 1, strike the title to read

24
"[children - child abuse or neglect reporting
requirements - effective date]"

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10 1-2-101), which relates to child abuse or neglect
11 reporting requirements pursuant to the Oklahoma
12 Children's Code; specifying persons required to
13 report cases of abuse or neglect; providing time
14 limitation; and providing an effective date.

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

16 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
17 last amended by Section 1, Chapter 62, O.S.L. 2016 (10A O.S. Supp.
18 2017, Section 1-2-101), is amended to read as follows:

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

22 2. The Department shall provide hotline-specific training
23 including, but not limited to, interviewing skills, customer service
24 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. The recordings shall be
15 confidential and subject to disclosure only if a court orders the
16 disclosure of the referral. The Department shall redact any
17 information identifying the reporting party unless otherwise ordered
18 by the court.

19 B. 1. Every teacher of any child under the age of eighteen
20 (18) years and any other person having reason to believe that a
21 child under the age of eighteen (18) years is a victim of abuse or
22 neglect shall report the matter promptly within forty-eight (48)
23 hours or less of the discovery of the abuse or neglect to the
24 Department of Human Services. Reports shall be made to the hotline

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

7 2. Every physician, surgeon, or other health care professional
8 including doctors of medicine, licensed osteopathic physicians,
9 residents and interns, or any other health care professional
10 attending the birth of a child who tests positive for alcohol or a
11 controlled dangerous substance shall promptly report the matter to
12 the Department.

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

15 4. The reporting obligations under this section are individual,
16 and no employer, supervisor, administrator, governing body or entity
17 shall interfere with the reporting obligations of any employee or
18 other person or in any manner discriminate or retaliate against the
19 employee or other person who in good faith reports suspected child
20 abuse or neglect, or who provides testimony in any proceeding
21 involving child abuse or neglect. Any employer, supervisor,
22 administrator, governing body or entity who discharges,
23 discriminates or retaliates against the employee or other person
24 shall be liable for damages, costs and attorney fees. If a child

1 who is the subject of the report or other child is harmed by the
2 discharge, discrimination or retaliation described in this
3 paragraph, the party harmed may file an action to recover damages,
4 costs and attorney fees.

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

16 C. Any person who knowingly and willfully fails to promptly
17 report suspected child abuse or neglect or who interferes with the
18 prompt reporting of suspected child abuse or neglect may be reported
19 to local law enforcement for criminal investigation and, upon
20 conviction thereof, shall be guilty of a misdemeanor. Any person
21 with prolonged knowledge of ongoing child abuse or neglect who
22 knowingly and willfully fails to promptly report such knowledge may
23 be reported to local law enforcement for criminal investigation and,
24 upon conviction thereof, shall be guilty of a felony. For the

1 purposes of this paragraph, "prolonged knowledge" shall mean
2 knowledge of at least six (6) months of child abuse or neglect.

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

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

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

20 SECTION 2. This act shall become effective November 1, 2018.

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1 Passed the House of Representatives the 12th day of March, 2018.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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8 _____
9 Presiding Officer of the Senate