

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 535

By: Griffin

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6 AS INTRODUCED

7 An Act relating to the Department of Human Services;
8 amending 10A O.S. 2011, Section 1-2-101, as amended
9 by Section 1, Chapter 374, O.S.L. 2013 (10A O.S.
10 Supp. 2014, Section 1-2-101), which relates to
11 certain hotline; requiring tracking of certain
12 information; extending certain recording requirement;
13 removing provisions relating to disclosure of
14 recordings; 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 amended by Section 1, Chapter 374, O.S.L. 2013 (10A O.S. Supp. 2014,
18 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, ~~and~~

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 ~~ninety (90) days~~ twelve (12) months. The
15 recordings shall be confidential and subject to disclosure only ~~in~~
16 ~~those cases in which criminal charges related to the referral have~~
17 ~~been filed and pursuant to the requirements of subsection E of~~
18 ~~Section 1-6-102 of this title. If the~~ if a court orders the
19 disclosure of the referral, ~~the~~ the. The Department shall redact any
20 information identifying the reporting party unless otherwise ordered
21 by the court.

22 B. 1. Every person having reason to believe that a child under
23 the age of eighteen (18) years is a victim of abuse or neglect shall
24 report the matter promptly to the Department of Human Services.

1 Reports shall be made to the hotline provided for in subsection A of
2 this section. Any allegation of abuse or neglect reported in any
3 manner to a county office shall immediately be referred to the
4 hotline by the Department. Provided, however, that in actions for
5 custody by abandonment, provided for in Section 2-117 of Title 30 of
6 the Oklahoma Statutes, there shall be 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, or administrator shall interfere with
17 the reporting obligations of any employee or other person or in any
18 manner discriminate or retaliate against the employee or other
19 person who in good faith reports suspected child abuse or neglect,
20 or who provides testimony in any proceeding involving child abuse or
21 neglect. Any employer, supervisor, or administrator who discharges,
22 discriminates or retaliates against the employee or other person
23 shall be liable for damages, costs and attorney fees.

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

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

23 D. 1. Any person who knowingly and willfully makes a false
24 report pursuant to the provisions of this section or a report that

1 the person knows lacks factual foundation may be reported to local
2 law enforcement for criminal investigation and, upon conviction
3 thereof, shall be guilty of a misdemeanor.

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

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

16 SECTION 2. This act shall become effective November 1, 2015.

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