

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1469

By: Bush

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5
6 AS INTRODUCED

7 An Act relating to children and juvenile code;
8 amending 10A O.S. 2011, Section 1-2-101, as last
9 amended by Section 1, Chapter 62, O.S.L. 2016 (10A
10 O.S. Supp. 2016, Section 1-2-101), which relates to
11 reports of abuse or neglect; increasing penalties for
12 failing to promptly report incidents and making false
13 reports; and providing an effective date.

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

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

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

21 2. The Department shall provide hotline-specific training
22 including, but not limited to, interviewing skills, customer service
23 skills, narrative writing, necessary computer systems, making case
24 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 person having reason to believe that a child under
20 the age of eighteen (18) years is a victim of abuse or neglect shall
21 report the matter promptly to the Department of Human Services.
22 Reports shall be made to the hotline provided for in subsection A of
23 this section. Any allegation of abuse or neglect reported in any
24 manner to a county office shall immediately be referred to the

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

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

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

12 4. 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 5. Every physician, surgeon, or other health care professional
4 making a report of abuse or neglect as required by this subsection
5 or examining a child to determine the likelihood of abuse or neglect
6 and every hospital or related institution in which the child was
7 examined or treated shall provide, upon request, copies of the
8 results of the examination or copies of the examination on which the
9 report was based and any other clinical notes, x-rays, photographs,
10 and other previous or current records relevant to the case to law
11 enforcement officers conducting a criminal investigation into the
12 case and to employees of the Department of Human Services conducting
13 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~~ felony. Any
19 person with prolonged knowledge of ongoing child abuse or neglect
20 who knowingly and willfully fails to promptly report such knowledge
21 may be reported to local law enforcement for criminal investigation
22 and, 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~~ felony.

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, 2017.

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20 56-1-6117 GRS 12/27/16
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